

Southern Area Licensing Sub Committee

**MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING
HELD ON 2 OCTOBER 2023 AT THE PUMP ROOM - THE OLD FIRE STATION
ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.**

**IN RESPECT OF AN APPLICATION FOR A PREMISES LICENSE – FOR HOLE
FARM, BRICK KILN LANE, ALDERBURY SP5 3EL MAE BY READ FARMING LTD**

Present:

Cllr Trevor Carbin, Cllr Peter Hutton and Cllr Robert Yuill

Also Present:

Applicant/Applicant's Representatives

Mr Peter Read

Ms Georgina Stewart

Those who made Relevant Representations

Cllr Elaine Hartford – Alderbury Parish Council, Representation 1

Wiltshire Council Officers

Lisa Alexander – Senior Democratic Services Officer

Mike Edgar – Senior Solicitor

Katherine Edge – Public Protection Licensing

20 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

21 **Apologies for Absence/Substitutions**

There were no apologies.

22 **Procedure for the Meeting**

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications”.

23 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency.

24 Declarations of Interest

There were no interests declared.

25 Licensing Application

Application for a Premises Licence – in respect of Hole Farm, Brick Kiln Lane, Alderbury SP5 3EL made by Read Farming Ltd

Licensing Officer’s Submission

The Sub Committee gave consideration to a report (circulated with the agenda) in which determination was sought for an application for a premises license, presented by Katherine Edge (Public Protection Officer – Licensing) for which 1 relevant representation had been received. The application was for the following licensable activities:

Licensable Activities	Days	Timings
Provision of regulated entertainment Recorded music and Live Music Similar to any music or dance Indoors and outdoors	12:00hrs – 22:00hrs 11:00hrs – 23:00hrs 11:00hrs – 00:00hrs	Sunday Monday – Wednesday Thursday – Saturday
Sale by retail of alcohol ON and OFF Sales	11:00hrs – 23:00hrs 11:00hrs – 00:00hrs	Sunday – Wednesday Thursday – Saturday

		News Year's Eve from 11:00hrs to 01:00hrs on New Year's Day
Late Night Refreshment Indoors and outdoors	23:00hrs – 00:00hrs	Thursday - Saturday

It was noted by the Sub Committee that there were four options available to them:

- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application

The following parties attended the hearing and took part in it:

On behalf of the Applicant

- Mr Peter Read
- Ms Georgina Stewart (Partner of Applicant)

Relevant Representations:

- Alderbury Parish Council in objection to the application

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting.

The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant/s (add names) spoke in support of the application, highlighting the following points:

- The Applicant had believed the Application to be fine and had been led to believe that the Parish Council meeting to consider the Planning Application had already been passed and that he was not required to attend. Once it was realised that he had missed the meeting, the

Applicant made contact with the clerk immediately and offered an invite for the Parish Council to visit the site. Following this conversation, the Applicant had heard nothing more from the Parish Council.

- The Applicant was a farmer by family tradition and a Premises Licence holder for over 30 years, having previously run a leisure complex in the Basingstoke area.
- On moving to the site, the Applicant and his family had started to offer stay vacations, with an array of Sheppard huts and holiday lets.
- There was a large barn on the site which was very dilapidated. The Applicant had planning permission for the barn to become an events barn and he had been running it as a wedding barn for a few years.
- Events would include weddings and celebrations of life, but there was no intention to cater for 18 or 21 year birthday parties.
- The Applicant had agreed a set caterer for all of the events.
- Application was for a basic license until 12 midnight
- The local pub had a license until 01:00hrs, with another local pub also having music until 01:00hrs.
- The Applicant noted that flexibility was crucial to the style of business they aimed to run, with weddings being booked during the week not just on weekends.
- The Applicant and his young family lived on the farm, with his children attending the Alerbury school.

Sub Committee Member's questions

In response to the Members questions to the Applicant, the following points of clarification were given:

- There had been no TENS applications on the site.
- The Applicant confirmed that the term 'and other events' on the Application form was used to cover events such as charity events, Black tie and jazz bands etc – not a ticketed disco. It was confirmed that they would not be holding a music festival.
- The aim was to offer events that included food, which was why they had recruited a catering company.
- Guests staying at the cottages on the site often visited nearby family, so the Applicant wished to offer family events.
- There would be no large-scale public ticket events.
- There was no intention to hold any events which would impact on the animals on the farm.
- Sale of alcohol on/off was aimed at guests of the cottages etc, who may wish to take a bottle of alcohol back to their accommodation to enjoy. There was no intention to sell alcohol to people coming on to the farm from outside.
- The farm was 140 acres in total.
- Holiday lets have been held over last few years – there have been no events on the farm previously.

Questions from those who made a relevant representation

In response to questions to the Applicant from those that had made a relevant representation, the following points of clarification were given:

- The Parish Council did not individually invite people to attend meetings, however it was confirmed that they had not said the Applicant did not need to attend.
- The Parish Council had previously supported the holiday lets. When councillor had viewed the barn previously there was no mention of a wedding venue.
- The concern around the Events section and the on/off sale aspects of the application form, had now been explained.

Responsible Authorities' submissions

There were no representatives of Responsible Authorities present.

Submissions from those who made relevant representations

Representation 1

- The Parish Council was not as concerned with the sale of alcohol on the site, the main concern was related to associated noise, which would travel. Recently, noise from a party on another site had travelled through the village and was all over social media.
- We don't mind one off events, however the application was for a blanket cover, there was nothing to prevent the Applicant from having an event every day.
- The Parish Council wished to safeguard the older residents in Alderbury.
- The ability to have noise in or out of the building was a concern.

Sub Committee Members' questions

In response to the Member's questions relating to the statement of those that made relevant representations, the following points of clarification were given:

- There were conditions accepted by the Applicant as detailed in the report relating to noise, which would require doors and windows to be closed at 23:00hrs and for a Noise Management Plan to be produced.
- The PC has the right to call in any licensing app – should there be issues.

Questions from the Applicant:

In response to questions from the Applicant to those that made relevant representations, the following points of clarification were given:

- The Applicant had agreed the outside music would be limited to 11pm

- The Applicant and family lived on the farm so were aware how quiet it was in that area. The Longford estate had held a couple of parties recently until 04:00hrs. Those types of events were not helpful to other businesses wishing to apply for license.
- The planning application for the barn when it first went in, had stated it was for events.
- Appreciate the concerns for the older residents however, the nearest place to the farm was on the hill and was also a farm with its residents outside farming until all hours.

Closing submissions from those who made relevant representations

In their closing submission, the those that made a relevant representation in objection to the application highlighted the following:

Representative 1

- The Parish Council was not able to withdraw its objection as decisions had to be taken at a public meeting.
- The Parish Council believed that the barn had been implied to be an area for use by the holiday makers to go and enjoy themselves.

Applicant's closing submission

- The Applicant was sorry to have missed the opportunity to attend the Parish Council meeting where the application was discussed.
- The Applicant and his family were very much a part of the community and understood the concerns expressed, however felt that there were no grounds to believe the licensing objectives would not be upheld.

Points of Clarification Requested by the Sub Committee

No points of clarification of the final submissions were requested by the Sub Committee.

The Sub Committee then adjourned at 10:30hrs and retired with the Senior Solicitor and the Senior Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11:00hrs.

Or The Senior Solicitor advised that he gave no significant legal advice to the Sub Committee.

It was;

Resolved:

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises License in respect of Hole Farm, Brick Kiln Lane, Alderbury SP5 3EL be **GRANTED** for the licensable activities as applied for and set out below:

Licensable Activities	Days	Timings
Provision of regulated entertainment Recorded music and Live Music Similar to any music or dance Indoors and outdoors	12:00hrs – 22:00hrs 11:00hrs – 23:00hrs 11:00hrs – 00:00hrs	Sunday – Monday – Wednesday Thursday – Saturday
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And subject to the conditions as applied for, including the 2 previously agreed additional conditions, which are:

- 1. After 11pm, any amplified music must take place inside the building and all doors and windows must be kept closed except for access and egress.**
- 2. Noise Management Plan to be raised and agreed by the licensing authority at least 28 days prior to hosting the first event with regulated entertainment. Noise from regulated entertainment shall be managed strictly in accordance with the agreed plan.**

Reasons

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The Sub Committee noted the concerns raised by the Parish Council at the hearing concerning noise and the sale of alcohol.

The anticipated public noise nuisance was associated with loud large scale music events, which the Applicant had confirmed there was no intention of holding at the site. In addition the additional two conditions would ensure that any noise from within the barn would be contained after 23:00hrs, due to the doors and windows being kept closed except for access and egress.

The requirement of a Noise Management Plan would further ensure that noise from regulated entertainment would be managed strictly in accordance with the agreed plan.

The Sub Committee heard no evidence that the Applicants would fail to promote the licensing objectives and included an emphasised the importance of communication with the Parish Council and residents as good practice.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

The Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who made representations were informed that they may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the written notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

The meeting closed at 11:15hrs

- 26 **Appendix 1 - Application**
- 27 **Appendix 2 - Relevant Representation**
- 28 **Appendix 3 - Location Map**
- 29 **Appendix 4 - Live Music Act 2012**

(Duration of meeting: 10.00 - 11.15 am)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.Alexander@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk