

Southern Area Licensing Sub Committee

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 3 JULY 2019 AT THE ENTERPRISE NETWORK (OLD FIRE STATION), SALT LANE, SALISBURY, SP1 IN RESPECT OF A VARIATION HEARING - CHOLDERTON RARE BREEDS FARM BEACON HOUSE, AMESBURY ROAD, WILTSHIRE, SP4 0EW.

Present:

Cllr Trevor Carbin, Cllr Mike Hewitt and Cllr Leo Randall

Also Present:

Lisa Moore – Democratic Services Officer
Sarah Marshall – Senior Solicitor – Wiltshire Council
Esther Bisgrove – Solicitor - Wiltshire Council (Observer)
Hannah Hould – Licensing Officer Wiltshire Council
Chloe Hanson – Police Licensing Swindon
Sophie McConnell – License Holder
Sue Gibbins – Events Manager - Cholderton
Karen Lewis – Accounts Manager – Cholderton

1 Election of Chairman

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

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were none.

3 Procedure for the Meeting

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” (Pages 1 – 6 of the Agenda refers).

4 Chairman's Announcements

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

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Sophie McConnell of Cholderton Rare Breeds Farm for a Variation to the Premises Licence at Cholderton Rare Breeds Farm, Beacon House, Amesbury Road, Cholderton, Wiltshire, SP4 0EW

The Licensing Officer, Hannah Hould introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

On 8th June an application for a Variation was received and accepted as a valid application. Details of the Variation applied for were:

1. To vary the plans attached to the premises licence so as to extend the licensed area to cover the farm and vineyards in its entirety and to include a storage area; where alcohol will be appropriated to the contract in the case of internet sales.
2. To allow live music, recorded music and performance of dance to be held outdoors up to 15 times a year, as per the hours currently on the licence for indoor regulated entertainment. The licensing authority will be notified in writing 14 days prior to the event. Neighbours who reside on Amesbury Road will be notified in writing 14 days prior to the event.
3. To include additional conditions on the premises licence.

The Report was supported by Appendices 1 to 4 as follows:

Appendix 1 - Variation application form

Appendix 1a – Noise Management Plan

Appendix 2 – Current Premises License Appendix 3 – Location Plan Appendix 4 – Relevant Representations

There had been no objections from the Responsible Authorities.

Standard conditions are to be applied to internet sales.

Five relevant representations had been received from interested parties during the consultation period.

The License has been held by Miss McConnell since 15 April 2014.

The last recorded noise complaint was received in July 2017 which related to an event authorised by means of a Temporary Event Notice.

Those that made representations had mentioned noise disturbance, however had not made a noise complaint.

In accordance with the procedure detailed in the agenda, the Applicant, and those who had made a Relevant Representation were given the opportunity to address the Sub Committee. Those who had made a relevant Representation did not attend the Sub Committee.

Key points raised by Sophie McConnell (Licence Holder), Sue Gibbins (Events Coordinator) and Karen Lewis (Accounts Manager) of Cholderton Rare Breeds Farm were:

- The Vineyard was installed a few years ago to diversify the business. This in turn meant they now wished to extend the current licence. They have used Temporary Event Notices (TENs) until now but they wished to have some more events per year.
- One of the representations refers to firework displays, yet they have never had any fireworks. Since 2010 Ms McConnell has dealt with all complaints and they have never had a noise complaint. There have also never been any issues associated with drink driving.
- They recently held a family festival and invited the neighbours free of charge so they could see the type of events held. We have security as a precaution to give customers the peace of mind that the events are safe.
- They have seen no issues as a direct result of any event that has been ever held.
- They do not want to become a regular event holder for festivals with drum and bass or anything like that as they only want to plan one festival a year.
- Their events are ticketed, so they know how many people will come in advance. They also have higher priced tickets on the door to encourage people to buy in advance.
- They monitor the sound levels and have a device which is moved from the stage, to the perimeters and down the road to monitor the sound levels around the site.
- Their last event finished just before 23:00, and at 21:00 they went indoors, to lower the sound.
- They also use SIA badge security which also includes handbag checks of guests coming in. They also walk down the road and deliver letters to residents.

Councillors Questions

- Are there plans for fireworks?

Applicant's response: We have no interest in the fireworks at our events.

- With regards to outside music, how can you ensure the volume and noise will not travel?

- Applicant's response : The sound checks we do with the meter at various points through the evening. We make sure its miles below where it needs to be. If I walk down the road and its too loud I walk back and tell them to turn it down. We want to live with our neighbours in harmony.

The outside music may be more like an acoustic guitar or some jazz from a docking station. The kind of vibe for a vineyard tour. With only one festival a year.

- There was an event at Hudsons field over the weekend, I am 4.5 miles away, when the wind changes you could hear it. Are you able to adapt quickly if the situations change?
- Applicant's response : Yes we meet anyone coming to play at an event, and brief them that we monitor the sound levels and will ask for them to turn it down if too loud.
- You say a recent event was a roaring success, why do you need the variation?
- Applicant's response : Our car park has a limited capacity and would only be able to accommodate a set level. The TENs admit up to 499. With full staff and youth hostel there can be up to 100 people, so that limits us to 399 tickets. We want to have a lovely full field with a warm atmosphere.

To address some of the points from the representations, we fence off the areas we do not allow people to enter, during the events, such as the woodlands and animal areas. We were open to the public during the day, the farm closes for day visitors and within 15 minutes we opened at 6pm for the evening.

The band arrived at 4pm and were not there all day setting up. We want to welcome families and children.

- How did you come to the number of 15 events?
- Applicant's response : We had to distinguish as to what we actually want to do. I would say one festival event per year would be enough, due to the amount of preparation required. The rest would be outdoor vineyard tours, supper clubs and wine tastings. We would be happy to negotiate the numbers of events and reduce the 15 requested to ½ the amount. At the moment our current licence includes a field nearest to the neighbours, so we could hold festivals there if we currently wanted to. I would like to suggest that we could exclude that from the licensed area and move to the main farm. I was going to suggest that as a half way compromise. I have the plan here and I can mark on the plan the boundary.
- In your Noise Management Plan, you intended to keep everything away from the neighbours as you could, but your licensed area is right up to the neighbours, so that would be a reasonable compromise?

- Applicant's response : We would be happy to change the licensed area. A plan of the proposed new licensed area was shown to the Panel and Officers. A copy of that plan was submitted as new information.

Ms Hould noted that as part of the deregulations a premises can have an event with a live band as long as it has less than 499 people. Therefore, some events would fall outside of the licensing remit.

- The internet sales, was that just your own wine?

Applicant's response Yes we work with a vineyard in Portsmouth they process our grapes and send back the wine in bottles. We had 3000 bottles last year and felt we could sell those from our farm shop and café. We don't have a winery on site.

Closing submissions

Applicant:

We would always welcome the neighbours to come and speak to us we have the upmost respect for them. The business has been established as a farm attraction. Some of the people living nearby have bought their houses after the farm was there.

We are trying to keep the family business going by diversifying to other areas such as the vineyard.

We strive to have a family feel to all of our events.

We have met with Myra on the Parish Council, she advised that the neighbours had complained about an event, however it had turned out that the incident arose from the Stonehenge festival outpour of people coming on to or near the farm.

There was no attendance at the Sub-committee of those who made relevant representations.

The Sub Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Senior Solicitor for the Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 10.40am

The Hearing reconvened at 11.15.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

No relevant legal advice was given to the sub committee.

Resolved:

The Southern Area Licensing Sub-Committee resolved to grant in part the Variation Application as applied with the following amendments and conditions:

1. To allow the performance of live music (1200 hrs to 2300 hrs Monday to Sunday), recorded music and dance indoors and outdoors 1000 hrs to 2300 hrs Monday to Sunday) for specific events subject to a maximum of 8 events per year, with the licensing authority and neighbours who reside on Amesbury Road being notified in writing 14 days prior to the event and a hotline number to be provided to such neighbours and the local authority 14 days prior to the event.
2. To vary the licensed area as per the plan submitted by the Applicant to the hearing and which will be attached to the Decision notice.
3. To include conditions i. to xiii. as set out in the variation application form on the premises licence, in respect of online sales of alcohol.

Reasons:

In reaching its decision the Sub-Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18) and the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub-Committee considered the written evidence presented in the agenda, together with the oral evidence given at the hearing from the Applicant, and the Applicant' representatives. There was no attendance by those persons who had made relevant representations.

The Sub-Committee was mindful of the concerns expressed in the written representations from the interested parties, as detailed in the agenda and also noted that there had been no objections from the Responsible Authorities.

The Sub-Committee also noted the proposal of the License holder to reduce the Licensable area as an effort to restrict any events to the parts of the site furthest away from nearby residential properties, in an effort to reduce concern raised about the noise disturbance.

- 7 **Appendix 1 - Variation application form**
- 8 **Appendix 1a - Noise Management Plan**
- 9 **Appendix 2 - Current premises license and plans**

- 10 **Appendix 3 - Local Plan**
- 11 **Appendix 4 - Relevant Representations**

(Duration of meeting: 10.00 - 11.30 am)

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