

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING SUB-COMMITTEE B** held on 14 November 2016 at 11.00 am

Present Councillors

K Busch, Mrs F J Colthorpe and L D Taylor

Apologies Councillor(s)

D R Coren

Also Present Officer(s):

Simon Johnson (Legal Services Manager), Simon Newcombe (Public Health and Professional Services Manager), Jacqueline Taylor (Licensing Officer) and Julia Stuckey (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr D R Coren who was substituted by Cllr K I Busch.

2 CHAIRMAN - ELECTION

RESOLVED that Cllr Mrs F J Colthorpe be elected Chairman of the Sub Committee for the meeting.

Cllr Mrs Colthorpe then took the Chair.

3 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR HIGHER EGGBEER FARM, CHERITON BISHOP, EX6 6JQ

Consideration was given to a report * from the Director of Corporate Affairs and Business Transformation containing relevant information in relation to an application that had been received for a new Premises Licence at Higher Eggbeer Farm, Cheriton Bishop.

The Members and Officers introduced themselves.

Also in attendance, Mr Scott-Lawson, the applicant and Ms L Scarsbrook, objector, introduced themselves.

Members of the Sub Committee declared no interests in respect of the application.

The Sub Committee agreed that the hearing be held in public.

The Licensing Officer outlined the contents of the report highlighting to Members what had been applied for and who had been consulted. She explained that the property was predominantly used for weddings and live music sessions were also held. Licensable activities applied for were plays, films, live music, recorded music, the performance of dance, late night refreshment and the supply of alcohol. The

application included an application for live music to be played until 2330 and for recorded music to be played until 1.30am.

The Licensing Officer explained that the applicant had applied for a total of 17 Temporary Event Notices in the last year and that a total of 2 complaints had been received, regarding noise from the premises. Letters had been sent to the applicant and the complainants had received diary sheets to complete but none had been submitted and no further complaints had been received.

Environmental Health had made a representation on the application on 4 October 2016. The officer recommended that a noise condition be attached to the premises licence and this was attached to the report as Annex 3. The applicant had responded to the Licensing team on 4 October 2016 to agree to the condition being attached to the licence. As a result of this agreement, the Environmental Health Team had no further representation to make.

The Licensing Officer informed the Sub Committee that a number of representations had been received and that details of these were contained within the report. A number of the representations were in support of the application although in some cases this was due to economic reasons which were not part of the Licensing objective so should not be considered.

There was one representation from Ms L Scarsbrook, which raised concerns regarding public nuisance from guests leaving the premises late at night and from dust created by the number of vehicles using the access road. Mrs Scarsbrook had provided additional information showing her property in relation to the entrance of Higher Eggbear Farm and the applicant had also provided some further information both of which had been circulated in advance of the meeting.

The Licensing Officer concluded by highlighting the Licensing guidance within the report and the options available to the Sub Committee.

Mr Scott-Lawson gave an overview of how his business had evolved over the previous 4 years. He explained that he had taken over the farm, which had been within his family for a number of years, following a career as a super yacht captain. The business started out as a bed and breakfast premises but this did not cover costs and had then diversified to running weddings. The premises were very old and not suitable for modern day farming methods. The barn that was used for the weddings was 400 years old and was unchanged. In the first year of operating weddings he had let the property from Friday to Monday and had not put a curfew in place. However having received complaints from the neighbours he had immediately changed the contract that he held with customers to stop live music at 11pm and recorded music at 1am. Unfortunately one customer had the original contract so had been allowed to run over these hours and he had received complaints on that occasion. There were no further old contracts and no further complaints. The applicant still intended to stop music at 11pm and 1am but had applied for a further 30 minutes on those times just to allow for any overrun, which could happen with weddings. He did not intend to use the buffer unless there were exceptional circumstances. The applicant stated that his business was now bringing in thousands of pounds to the local economy, that he was running live music sessions in the week which local people were attending and that he employed three part time staff. He had not received any complaints regarding traffic or noise even though there had

been some large weddings held in August when the ground had been dry. He was sorry that his neighbour had suffered and had he realised this he would have attempted to do something to stop it. The applicant had apologised to Ms Scarsbrook as soon as he realised. The applicant explained that 60% of his business came from London and those people were used to late curfews. He considered that a later finish time helped to disperse the guests on a gradual basis and that with an earlier finish they would all leave at once. Other neighbours had not reported any disturbance. The applicant had produced a video clip of a car using the access road, to demonstrate the amount of dust that was on the public highway, an area that was outside of his control. The applicant pointed out that previously, when guests provided their own free bar his hours of operation had not been restricted. His reason for applying for a licence was to allow him to run a bar to increase his income.

Mr Scott-Lawson was asked if he had changed the way he ran his business following the complaints he had received. The applicant confirmed that as soon as he heard of the complaints he changed the contract with his customers. He regularly drove to areas around his land to check for noise when an event was taking place and he supplied his own amplification equipment to ensure that the correct levels could be set. He had not put any measures in place regarding the dust issue because he had not been aware of it.

The applicant was asked what measures he had put in place to ensure that he could adhere to the noise restrictions put in place by Environmental Health. Mr Scott-Lawson stated that he was working with an engineer that had the necessary equipment and that he had found from previous experience the importance of ensuring that the band finished by 11.00pm. He explained that the contract would state timings and that he was on the premises every time an event was held. He stated that he was always last to bed and that one of the reasons for ensuring an earlier finish was his need for sleep.

When questioned about dust and speed on the approach road the applicant stated that he would be happy to take advice on how the impact of this could be lessened.

Ms Scarsbrook was asked if she had anything she would like to say. She asked the Licensing Officer for clarification that a licence was not required if there was a free bar. The officer confirmed this to be the case.

Mrs Scarsbrook explained that the road adjoining her property was in regular use by large farm tractors and equipment which used it for access and for turning. She felt that traffic speed restrictions would help lower the dust levels as there had been times when she had been unable to sit outside due to the dust. Mrs Scarsbrook said that she considered noise before 12 to be acceptable but was not happy being disturbed in the early hours of the morning. She said that cars often stopped near her property and people shouted to each other.

Discussion took place regarding the pros and cons of tarmacing the road, which would reduce dust but increase speed.

Mr Scott-Lawson was asked if he had anything to add. The applicant stated that he considered the noise disturbance to be lessened by a later finish time as guests

tended to start to drift off when the band finished at 1100pm and the remaining guests would leave at the end time.

The Public Health Manager reminded Members that when looking at the lane they should only consider areas that were part of the licensable area and that they should not consider land that was not in the possession of the applicant. He further informed the Sub Committee that in his experience the use of signage in such situations could be effective if management were in support and reinforcement was provided within contracts and information packs.

The Sub Committee retired to consider their decision.

It was **RESOLVED** that the Premises Licence for Higher Eggbeer Farm, Cheriton Bishop be granted with the noise condition as contained in Annex 3 of the report, as applied for.

The Sub Committee requested that, as offered by the applicant in the hearing, the Management Plan be strengthened to include measures to make potential guests aware, through the contract and other relevant paperwork that consideration should be given to neighbours and livestock. Suggestions included the erection of appropriate signage.

The reason given for this decision was:

Members were satisfied that the noise condition imposed by Environmental Health would prevent disturbance to neighbours.

Note: - Report previously circulated and attached to Minutes.

(The meeting ended at 1.53 am)

CHAIRMAN