

Agenda Item No: 4

Report No: 72/17

Report Title: Application for a Premises Licence. Fourfields Farm, Court Dumbrells Road, Ditchling

Report To: Licensing Sub Committee

Date: 8 May 2017

Ward(s) Affected: Ditchling and Westmeston

Report By: Ian Fitzpatrick, Director of Service Delivery

Contact Officer(s)-

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1 Purpose of Report

- 1.1** To consider representations made against the Premises Licence application submitted under the Licensing Act 2003

2 The Application

- 2.2 Applicant:** Grassington Rangers Ltd, Fourfields Farm, Dumbrells Court Road, Ditchling, East Sussex BN6 8GT

- 3 Type of application:** Application for a Premises Licence to be Granted under the Licensing Act 2003 **Appendix 1**

- 4 Premises :** Fourfields Farm, Dumbrells Court Road, Ditchling, East Sussex BN6 8GT

5 Licensable activities:

- 5.1** On Tuesday 18th April the applicant made contact with the Licensing Officer and has withdrawn both the live music and recorded music elements to their application. The applicant has confirmed that their application now relates to the sale of alcohol and the exhibition of films.

- 5.1** Sale of alcohol for consumption on and off the premises Monday through to Sunday from 10am to 11pm

- 5.2** Exhibition of Films indoors and outdoors Monday through to Sunday 10am to 11pm

6. Steps to promote the Licensing Objectives

6.1 The applicant has offered the following to promote the four licensing objectives.

6.2 General

6.2.1 The reason for this application is to provide a mobile food and drink unit to service customers using our camping facilities and ad-hoc visitors to the farm.

6.2.2. We are proposing to extend the use of our facilities to incorporate private functions and other larger events in the future.

6.2.3 For any events involving more than 500 people, an event plan will be submitted to the responsible authorities 3 months prior to the event taking place.

6.2.4 Staff will be equipped with adequate training to deal and manage risks associated with licensed premises.

6.2.5 Training will be updated regularly/when necessary.

6.2.6 Staff will have a good knowledge of the licensing law and have it in writing before they can serve alcohol.

6.2.7 Training/advice records which state the name, date and signature or both the trainee and trainer will be kept. These records will be made available for inspection by the licensing authority and/or police.

6.2.8 The documentation relating to training should extend back to a period of three years.

6.3 The prevention of crime and disorder

6.3.1 Staff members will record full details of any incidents in a log book. Details required will include names of persons involved, a brief description, time, date, the actions taken and the outcome of the situation. The logbook will be available on the premises always and will be available to licensing officers and/or police when required.

6.3.2 The premises supervisor or a competent member of staff shall manage the site to ensure no rowdy, noisy or offensive behaviour.

6.4 Public safety

6.4.1 Regular risk assessments are undertaken and written records will be kept.

6.4.2 First aid kits will be kept at the premises and will be maintained with sufficient stock that is in date.

6.5 The prevention of public nuisance

6.5.1 A draft Noise Management Plan (NMP) will be submitted to Lewes District Council Environmental Health no later than 3 months prior to any events involving more than 500 people.

6.5.2 Music will not be played at a level that will be unreasonably disturbing to nearby properties.

6.5.3 Prominent notices shall be displayed close to the main exit and at various positions around the site reminding customers to respect neighbouring properties and to keep noise levels to a minimum.

6.6 The protection of children from harm

6.6.1 A written refusals register will be kept at the premises for inspection by the police or local authority. All entries will include the date, the type of drink refused, the time, the name or description of the customer, the reason for refusal and the name of the staff member who refused the sale.

6.6.2 Adequate training will be issued to staff to prevent underage sales. Training will be recorded, signed and dated by both the trainer and trainee. The documentation relating to training should extend back to a period of three years. These records will be made available for inspection by the licensing authority and the police.

6.6.3 A proof of age scheme will be carried out and advertised within the premises. The premises will adopt a 'Challenge 25' procedure. Accepted forms of photographic identification (ID) are passport, drivers licence or a PASS approved proof of age card.

6.7 If granted, the above (6.2.3 to 6.6.3) will be included on the premises licence as conditions, along with the mandatory conditions, and any conditions the Sub Committee may impose following relevant representations.

7. Background Information

7.1 Grassington Rangers Ltd is the company which manages Fourfields Farm and two other farms – Grassington Farm in North Chailey and Springles Farm in Barcombe. All 3 farms are run by family members.

7.2 Fourfields Farm is a family run organic free range egg farm with camping facilities between May and August currently operated under their 28 day allowance without planning permission.

7.3 Fourfields Farm covers an area of approximately 90 acres within which is the 4 bedroom family farmhouse.

7.4 An application for planning permission was submitted on 7th March 2017 for a proposed campsite for 30 tent pitches for use between April – September each year. The erection of 20 log cabins for camping 11 months of the year, erection of farm shop/cafe, erection of 4 washroom and toilet blocks, creation of a car park, formation of a new access and track, use of a parcel of land by the outdoors project and a proposed soft landscaping scheme. Plans submitted for this planning application can be seen in **Appendix 2**

7.5 This application is currently 'in progress' and no date has yet been set for a decision to be made. The Planning Officer dealing with this application at

the SDNPA has confirmed to the Licensing Officer that this Premises Licence application does not conflict, and will not affect the current Planning application.

- 7.6** Current access to the farm is via Dumbrells Court Road shown on the attached aerial view **Appendix 3**
- 7.7** Nearby licensed premises includes Court Gardens Farm who are licensed for alcohol sales for consumption on and off the premises Monday to Sunday 9am to 11pm. The location of this premises to Fourfields Farm can be seen at **Appendix 3**
- 8.** The application has been advertised in line with The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4.

9. Representation received from Responsible Authorities:

<u>Police:</u>	Response received – no objections
<u>Environmental Health:</u>	Response received – no objections
<u>Fire Officer:</u>	Response received – no objections
<u>ESCC – Child Protection:</u>	No comment.
<u>Trading Standards:</u>	No comment.
<u>Health & Safety:</u>	No comment.
<u>Planning:</u>	No comment.
<u>Public Health.</u>	No comment.

- 9.1** Copies of Police, Environmental Health and ESFRS Responses can be see in **Appendix 4, Appendix 5 & Appendix 6**

10. Representation received from others

- 10.1** There have been 48 letters and emails of objection received making representation regarding this application from members of the public. These have been submitted on the grounds that this application will undermine the licensing objectives of public nuisance, crime and disorder, public safety, and the protection of children from harm. **Appendix 7**

11. Mediation

- 11.1** On the basis of the representations received and the opinions expressed, it is considered unlikely that this application will be successfully mediated before the Sub Committee Hearing.

12. Licensing Committee Considerations

- 12.1** In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives
- The representations presented by all the parties
- The Home Office Guidance issued under Section 182 of the Licensing Act 2003
- The Lewes District Council Statement of Licensing Policy
- Any other relevant legislation

13. Licensing Policy Considerations:

13.1 Lewes District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. It covers the licensable activities for retail sale of alcohol and regulated entertainment which are the subject of this application **Appendix 8**

13.2 The aims of the Policy are to secure the safety and amenity of residential communities, help to ensure a sustainable environment, and to provide regulation of the cultural/entertainment industry and to promote the four Licensing Objectives of the Act. Namely:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

13.3 The three guiding principles (set out in Paragraph 4 of the Licensing Policy) adopted by the Council as the Licensing Authority serve as a general guide to the Council when it carries out its licensing functions.

13.4 In each case that arises following representations the Policy states the Council will:

- Consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities of the business involved and the rights of local residents to peace and quiet.
- Examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation.
- Consider restricting the hours of trading only in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.

14 National Guidance:

14.1 Relevant sections relating to the Home Office Guidance issued under section 182 of the Licensing Act are attached.

14.2 These sections cover:

- Hearings **Appendix 9**
- The Licensing Objectives **Appendix 10**

- Conditions **Appendix 11**

15. Other Relevant Legislation

- 15.1** The Licensing Sub Committee should be mindful of requirements and responsibilities placed on them by other legislation. These include, but are not limited to, having due regard to the Equality Act 2010 and the Human Rights Act 1998.
- 15.2** Further, the Sub-Committee should note section 11A of the National Parks and Access to the Countryside Act 1949 and the duty to have regard to the purposes of which National Parks are designated.

16. Entertainment De-regulation

Various de-regulation legislation has been introduced over the past 4 years affecting the Licensing Act 2003.

No licence is now required for live or recorded music where it takes place on premises which are authorised by a premises licence and the following requirements are fulfilled:

Premises are open for the purposes of being used for the sale of alcohol for consumption on the premises.

The playing of live or recorded music takes place after 8am and before 11pm

The playing of live and recorded music is to an audience of no more than 500 people.

17. Temporary Event Notices

These are intended as a light touch process for the carrying on of licensable activities and do not have to be authorised by the licensing authority on application.

Only the Police and Environmental Health can object.

The number of times a TEN may be given for any particular premises is 15 in a calendar year.

The duration of an event authorised by a TEN is 168 hours (seven days)

The maximum number of people attending at any one time is 499

18. Options

When considering this application for a Premises Licence, the following options are available to the Sub Committee:

- Decide to grant the licence in the same terms as it was applied for.
- Decide that it is necessary to refuse to issue the licence.
- Decide to grant the licence, but to modify the conditions.
- Exclude from the scope of the licence a licensable activity.

19. Rights of Appeal

19.1 Under Section 181 and Schedule 5 of the Act, there is a right of appeal to the Magistrates' Court in respect of applications for new licences. This right of appeal is open to both the applicant and to any person who has made relevant representation.

20. Recommendation

20.1 Members are requested to determine the application made by Grassington Rangers for a new premises licence. Members are requested to give reasons for their determination.

21. Financial Appraisal

There are no financial implications arising from the recommendations in this report.

22. Legal Implications

This Report has been checked by the Council's Legal Section. (Ref. IKEN 6232-mw)

23. Appendices

- 1 Application for a Premises Licence and associated plan
- 2 Plans submitted for Planning Permission
- 3 Plan showing current access to Fourfields Farm and other licensed premises
- 4 Police response to consultation
- 5 Environmental Health response to consultation
- 6 ESFRS response to consultation
- 7 Letters and Emails of objection
- 8 Lewes District Council Statement of Licensing Policy
- 9 Home Office Guidance on Hearings
- 10 Home Office Guidance on the Licensing Objectives
- 11 Home Office Guidance on Conditions