

Licensing Committee

Minutes of a meeting of the **Licensing Sub-Committee** held in the **Council Chamber, Lewes Town Hall, High Street, Lewes** on **Monday, 8 May 2017** at 10:00am

Present:

Councillor S Adeniji (Chair on election)
Councillors M Chartier and I Linington

Officers Present:

S Lindsey, Licensing Officer
J Norman, Committee Officer
M Wilkinson, Housing & Regulatory Lawyer

Applicants:

S Macmillan, Proprietor of Fourfields Farm, Ditchling
K Stoner, Proprietor of Fourfields Farm, Ditchling

In Attendance:

A Young, Case Worker – Environmental Health

Also present:

Ten members of the public, 3 of whom spoke in respect of the Application

	Minutes	Action
1	Election of Chair of the Committee <u>Resolved:</u> 1.1 That Councillor Adeniji be elected Chair of the Sub-Committee for this hearing.	
2	Application for a Premises Licence - Fourfields Farm, Dumbrells Court Road, Ditchling	

The Chair of the Sub-Committee welcomed all parties to the hearing. Those attending introduced themselves and the procedure was read out to all parties present.

The Sub-Committee considered Report No 72/17 to determine the Application for a Premises Licence for Fourfields Farm, Dumbrells Court Road, Ditchling.

The Licensing Officer presented the Report to the Sub-Committee.

The Licensing Officer highlighted paragraph 5.1 on page 3 of the Report, which stated that on Tuesday 18th April 2017, the Applicant had made contact with the Licensing Officer and had withdrawn both the live music and recorded music elements to their application. The Applicant had confirmed that their application now related to the sale of alcohol and the exhibition of films.

The Licensing Officer read out the four licensing objectives and detailed the steps in which the Applicant had offered to promote the objectives, as set out in paragraphs 6.2.3 to paragraph 6.6.3 on pages 4 and 5 of the Report.

The Chair of the Sub-Committee invited all parties present, followed by members of the Sub-Committee, to ask the Licensing Officer questions regarding the Report.

The Chair of the Sub-Committee invited Ms Kelly Stoner (one of the Applicants), to present the case on behalf of the Applicant, Grassington Rangers Ltd. Ms Stoner explained that she was one of four generations of farmers who owned and operated Fourfields Farm, a working organic egg farm in Ditchling, and that Grassington Rangers Ltd. needed to diversify its holdings in order for the business to survive.

Ms Stoner informed the Sub-Committee that Fourfields Farm had previously run a 28 day per year family campsite and had offered several other community friendly functions. She highlighted that those events had elicited a positive response from those who had attended, and that the Applicant had never received any complaints. Ms Stoner further highlighted that the Applicant had agreed to work with the Council's Environmental Health department on a Noise Management Plan. Although the conditions of the Premises License allowed the sale of alcohol for consumption on and off the premises Monday to Sunday from 10am to 11pm and the exhibition of films indoors and outdoors Monday to Sunday from 10am to 11pm, the Applicant had no intention of operating continuously during these hours. She clarified that the Applicant's primary intention when applying for a Premises License was to give the Applicant the flexibility when scheduling events, and that events would only happen a few times per calendar year; for example there may be two weddings per year which local residents would be informed about beforehand.

The Chair of the Sub-Committee invited all parties present, followed by members of the Sub-Committee, to ask the Applicant questions regarding its application.

The Chair of the Sub-Committee invited all those present to give their representations.

Ms Heather Evans, who had made a representation against the Application, explained that she, along with other local residents, were concerned about the increased traffic flow in the village and the number of cars which would be parked in the streets if the Application for a Premises Licence was granted. She further explained that she, along with other local residents, were concerned about the decibel level of the music which would be played at events held by the Applicant, and how the noise would affect the local wildlife population. Ms Evans was concerned that it would be difficult to control such a large site.

Mrs Virginia Lewis-Jones, who had made a representation against the Application, stated that she, along with other local residents, were concerned that the local public footpaths would see an increased amount of foot traffic, which combined with that the sale of alcohol, could contribute to crime and disorder if the Application for a Premises Licence was granted. She highlighted that Ditchling is a small, tight knit community and that everyone needed to work together, but that the Licence should be limited to minimize impact on the local community and wildlife. Mrs Lewis-Jones further highlighted that since Ditchling is part of the South Downs National Park, conservation must take precedence

Mr Simon Wiggins, who had made a representation against the Application, stated that he agreed with the statements by Ms Evans and Mrs Lewis-Jones regarding the Application. He was concerned that there was a mismatch against what the conditions of the Premises License would allow, versus what the Applicant actually wanted. Mr Wiggins highlighted that if music would be allowed to be played late into the evening, it would not only detrimentally affect the local wildlife, but also the local residents, many of whom would have to be up early for work.

The Chair thanked all those who had addressed the Sub-Committee. The Housing and Regulatory Lawyer confirmed that all of the written representations submitted, as set out in Appendix 7 of the Report, would be taken into consideration by the Sub-Committee when determining the Application.

The Sub-Committee adjourned for a short period at this point.

The Chair of the Sub-Committee invited Representors to ask the Applicant questions in respect of the application for a Premises License.

The Chair of the Sub-Committee invited the Applicant and the Representors present to sum up their case.

The Sub-Committee withdrew to consider its decision, but decided that it would be unable to make the decision on the date of the hearing. The Housing and Regulatory Lawyer explained that all parties would receive written notification of the Sub-Committee's decision within the legal timescales.

The meeting ended at 12:00pm.

The decision was delivered as follows:

Resolved:

“Application for a Premises Licence at Fourfields Farm, Dumbrells Court Road, Ditchling.

The hearing concerned an application from Grassington Rangers Ltd (“the Applicant”) for a Premises Licence at Fourfields Farm, Dumbrells Court Road, Ditchling, for the sale of alcohol for consumption on and off the premises for 7 days a week between 10.00am and 11.00pm, and the exhibition of films indoors and outdoors for 7 days a week between 10.00am and 11.00pm.

The original application had included an application for live and recorded music but that part of the application had been withdrawn before the hearing by the applicant (on 18 April 2017).

In discharging its functions the Sub-Committee considered the promotion of the four licensing objectives, the Council's own Licensing Policy, the Home Office guidance, other relevant legislation and the rules of natural justice. The Sub-Committee considered the application and supporting documents from the Applicant and their oral representations made at the hearing. Due regard was also given to the written and oral representations of those people who made relevant representations.

The Sub-Committee noted that the Police had no objections to the application provided that the steps offered by the Applicant to promote the licensing objective are attached to the Premises Licence. These are outlined in the Report in the numbered paragraphs 6.2.3 to 6.6.3. Further the Sub-Committee noted that the comments made by the Council's Environmental Health Section at page 49 of the Report.

Decision

The Sub-Committee has resolved to grant the Licence on the same conditions as it was applied for.

Reasons for the decision;

The Sub-Committee appreciated the concerns of those who objected to the Premises Licence being granted particularly those concerning the potential

impact of noise and public nuisance which may arise. However, it believed that the conditions offered in the application and the mandatory conditions that would be imposed, would promote the licensing objectives. The Sub-Committee was satisfied, by the Applicant's representations, that the Applicant had understood and taken account of the licensing objectives. In addition, the Sub-Committee noted, that whilst the application, on the face of it, was for the licensable activities to take place every day, it was not the Applicant's current intention to operate large scale events other than on a few occasions a year. Further in making its decision, the Sub-Committee took into account that no Responsible Authorities had made any objections to this licensing application.

The Licensing Act 2003 provides a right of appeal to the Magistrates Court in respect of an application for a Premises Licence. This right of appeal is open to both the Applicant and to any person who has made a relevant representation. An appeal must be commenced by notice of appeal being given by the appellant to the Magistrates Court within a period of 21 days beginning on the date the appellant is notified in writing of the decision of the Licensing Sub-Committee.

This decision will be provided in writing to all parties within the legal timescales."

S Adeniji
Chair