

LICENSING PANEL

FRIDAY, 26 JANUARY 2018

PRESENT:- Councillors Vera Tomlinson (Chair), Abdul Amin and Eric Shaw.

91. Appointment of Chair

Resolved – That Councillor Vera Tomlinson Chair this meeting of the Panel.
(Councillor Tomlinson took the Chair.)

92. Minutes

Resolved – That the minutes of the meetings held on 22nd November and 6th December 2017 be confirmed and signed.

93. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

94. Application for the Grant of a Premises Licence in respect of Roves Farm, Sevenhampton, Swindon

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Premises Licence for Roves Farm, Sevenhampton, Swindon, (b) written representations from 14 local residents opposing the application, (c) oral submissions in support of the application, (d) oral submissions by local residents in support of their objections, (e) questions from Members to the applicant and objectors and answers received, and (f) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Licensing Manager introduced the report noting:

- The options available to the Panel when considering the application.
- That there was currently no Premises Licence in operation at Roves Farm and that currently no alcohol sales were authorised.
- That the application described Roves Farm as a 400 acre working farm which had opened a visitor's centre in 1992 and a farm shop in May 2017.
- That the application also sought permission for dances, weddings, birthday parties, activity events and reunions.
- The requested hours of operation were from 08:00 until 23:00 hours.
- The majority of the objections received related to traffic issues and noise from events held at the farm (set out on pages 55 to 76 of the agenda papers).
- The police had requested conditions be attached the Premises Licence and these were set out on page 87 of the agenda papers.
- No representations had been made by Dorset and Wiltshire Fire Service although they had requested the inclusion of a condition on the Premises Licence.

- The applicant had offered to limit the number of events held at the farm.

The Objectors case for a review and a summary of points raised can be broadly summarised as follows:

- The farm was situated in a conservation area in open countryside.
- The application would not enhance the area but could significantly change the character of the conservation area and impact on residents' quality of life, which was already suffering because of the volume of traffic travelling through the village.
- The proposals before the Panel were significant and could change the nature of events held, increase the number of events and visitors considerably.
- The village consisted of 38 dwellings and 10 of these were listed buildings and this had been reflected in previous planning decisions.
- Access through the village was via a "C" class narrow road (C142) without street lighting.
- Evening events would create a number of traffic issues such as congestion, noise disturbance and access to and egress from the site via the single track lane to the farm.
- Traffic levels to the farm had already increased dramatically.
- Difficulties in accessing and exiting the site because of the junction at the entrance of the farm.
- Not all residents were aware of the application in time to make representations.
- Fears that should the application be granted there would be an increase of heavy goods vehicles and buses travelling through the village causing problems including damage to the village green.
- There was nothing set out in the application suggesting the number of event would be limited.
- The C142 needed, better road signage, better repairs, a weight limit imposed, enforcement of speed limits and also street lighting.
- The C142 was only suitable for light traffic.
- The majority of traffic should be required to access Roves Farm via an access from the A420.
- The application submitted could leave local residents unable to enjoy their gardens because of noise and traffic over the whole weekend during summer months.

Responses to questions to Objectors from Members and Officers can be broadly summarised as:

- There were currently no plans submitted for an access off the A420.
- Should traffic be directed to access the site from the direction of Highworth this would alleviate some of the traffic related issues currently experienced by villagers.

Councillor Alan Bishop (Ward Councillor) spoke on behalf of local residents and his comments can be broadly summarised as:

- Roves Farm was 400 acres in size and the application formed part of its

diversification plans.

- Previous diversification plans had included the growing of willow trees and the current café/shop area.
- The Farm was “Environmental” and was used for children’s educational purposes.
- The farm shop sold local produce and wanted to include the sale of local beer and wine to be consumed with meals or alternatively to be consumed off the premises.
- The farm was currently used for meetings such as by local young farmers and the licence application would better facilitate the holding of weddings and other events at the farm.

The applicant’s case and a summary of points raised can be broadly summarised as follows:

- Alcohol would be held for sale with the general goods in the Centre shop.
- The Fire Officer did not oppose the sale of alcohol from the shop and it was agreed other activities would not commence until the fire brigade’s requests had been met.
- A drop in session was held in November for local residents where the details of the application were explained.
- They had submitted an agreed condition limiting the licence to 15 events, after 6:30 pm a year, until an alternative access off the A420 was completed.
- The application and the display of public notices had been in accordance with the appropriate regulations.
- Traffic issues at the bonfire night event were largely the result of temporary traffic lights in the village due to building works.
- Damage to the village green was not entirely the result of traffic visiting the farm.
- Permission had been given to extend the farm’s car park, using hard core, but this was not the direct result of the application.
- The farm was particularly busy during the lambing season and so it was not intended that events would be held during this period.
- Outline planning permission had been approved for a development which included an access off the A420 available to Roves Farm; any development would only take place with this access road.
- Most large vehicles visiting the farm were related to farming activities; coaches visited the farm but these were through pre-bookings and both coaches and heavy goods vehicles were requested to use the B4000.
- Traffic has always been an issue in the village as it was used as a shortcut by a lot of drivers.
- The track into the farm from the road has been improved at the farm’s expense and was single tracked to reduce the speed of traffic using it.
- Traffic using the farm was generally slower than other traffic due to the need to turn off the road to enter the farm.
- The request for the on-sale of alcohol was primary to cater for private events such as weddings.
- The sale of some alcohol with meals was also being considered, especially if a restaurant was built but this would only be during the opening hours of those facilities.

Responses to questions to the applicant from Panel members and objectors can be broadly summarised as:

- Staff would be trained in the sale of alcohol.
- Events would be either private or ticketed only entry.
- The bonfire night event entry was by ticket only and only five people had arrived without tickets.
- Drinking on-site would be permitted in only two scenarios, either at private or ticketed events with controlled entry or with a meal.
- A condition restricting activities to 15 events after 6:30pm had been offered to allay the fears of some local residents.
- All staff would receive Challenge 25 training. There would be two personal licence holders, the applicant and the shop manageress.
- The application for 365 days a year for off-sales was to cover the sale of alcohol from the shop during its opening.
- A condition restricting sales of on-sales alcohol to specific areas such as dining areas or those areas hosting events wouldn't be objected to.
- There were plans for ensuring that only those with tickets could access all ticket or private events.
- Management would use their best efforts to ensure local residents were aware of events being held on the farm.
- Dates for events had not been agreed.

Resolved – That after considering: -

The application for a Premises Licence and oral representations in support; and Representations and material put forward on behalf of the Objectors;

And taking into account: -

The Secretary of State's Guidance; and

The Licensing Authority Licensing Statement:

And having in mind the promotion of the Licensing Objectives in particular: -

- The prevention of crime and disorder;
- The prevention of public nuisance
- Public Safety
- The Protection of Children from Harm

The Panel determined that the application be granted subject to:

The permitted hours for the sale of alcohol for consumption on and off the premises shall be:

- Monday to Sunday 08:00 until 23:00 hours.

The permitted hours for regulated entertainment be:

Monday to Sunday 08:00 until 23:00 hours

That the following additional/modified conditions should be applied to the Premises Licence: -

- (i) That the conditions set out in pages 87 to 88 of the agenda papers be appended to the Premises Licence subject to paragraph 4 being deleted and paragraph 5 being amended to read: "For any events exceeding 500 people the premises licence holder should inform Wiltshire Police and the Licensing Authority at least 6 weeks prior to the event."
- (ii) That no licensable activities shall be authorised outside of the visitor centre until such time as Fire prevention measures which have been identified are undertaken as approved in writing by both the Licensing Authority and Dorset & Wiltshire Fire & Rescue Service.
- (iii) All measures requested by Dorset & Wiltshire Fire and Rescue Services shall be carried out as agreed prior to any licensable activities taking place outside of the centre. This approval must be issued at least 7 days in advance of an event.
- (iv) That prior to any licensable activities involving less than 500 people taking place outside of the visitor centre, the Premises Licence Holder shall give at least 28 days prior notification to the Licensing Authority and Wiltshire Police.
- (iv) Where required the Premises Licence Holder shall attend the Event Safety Advisory Group and shall comply with all conditions that the Event Safety Advisory Group may impose.
- (v) That any alcohol sold for consumption on the premises shall be: (a) consumed with a meal within the confines of the café/restaurant area; or (b) consumed at an event on the premises within the specified fenced area for the event.
- (vi) Noise levels for any outside licensable activities shall not exceed a level of 62dB (A) Leq 15 minutes at any noise sensitive dwelling.

The Chair reminded both parties that they had a right of appeal to the Magistrates' Court against the determination of this panel. Such an appeal, must be commenced within 21 days of receipt of the written determination with reasons.

Reasons

- (1) The applicant had not objected to the conditions proposed by the Police which, with the exception of paragraph 3 and 5, were found to be fair and proportionate.
- (2) Condition 4 requested by the police was deleted as this was covered within the application and would form part of the premises licence.
- (3) Condition 5 requested by the police was amended as the Panel considered 10 weeks' notice of events exceeding 500 people to be too onerous.

- (4) The inclusion of a condition relating to noise levels during events at the nearest affected property was to protect the amenities of local residents and was deemed to be fair and proportionate.
- (5) The Panel was satisfied that the management arrangements in place for holding events would minimise potential issues affecting the nearby village.
- (6) The Panel did not take into account any access arrangements from the A420 as currently there are no plans to develop that area of the farm.
- (7) The Panel noted that issues raised by local residents in respect of highway matters were outside of its remit and was an issue for the highway authorities to consider.
- (8) The Panel noted the absence of objections from the Statutory Authorities and noted there had been no management issues arising from events held at the farm.
- (9) The application for 15 events per annum was not considered excessive.
- (10) The Panel was satisfied with the proposed management arrangements in relation to the sale of alcohol to be taken away from the premises and for controlling the consumption of alcohol at events held on the premises.