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Licensing and Gambling Acts Sub Committee

6 JUNE 2018

PRESENT: Councillor J Brandis (Chair); Councillors M Hawkett (In place of L Monger) and B Russel

1. MANOR FARM, MARSH GIBBON

The decision of the sub committee is attached.

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LICENSING AND GAMBLING ACTS SUB-COMMITTEE HEARING

Members' Record of Determination

RE: F A Benfield & Sons

Manor Farm, Station Road, Marsh Gibbon, Bucks, OX27 0HN

Application for Premises Licence under s.17 of the Licensing Act 2003

Date: 6th June 2018 at 10.00 am in The Oculus at the Gateway Aylesbury Vale District Council

Constitution of the Sub-Committee:	Cllrs Barbara Russel and Mike Hawkett
Chair:	Cllr Judy Brandis
Others present:	

Legal Advisor:	Ifty Ali
Democratic Services:	Chris Ward
Licensing Officer:	Simon Gallacher- Manager Stacey Short- Officer
Applicant:	Represented by Victoria Heath and Tony Heath
Responsible Authority:	-
Interested Parties:	See Attendance list.
Members of the Public:	See Attendance list
Documentation:	Report and Appendices/ additional e-mail from applicant dated 3 rd June 2018/ Bundle of Additional Representations May 2018
Apologies:	Cllr Llew Monger/Cllr Sue Renshell who were substituted
Disclosures of Interest:	

FINDINGS OF FACT

The Sub-Committee accepted the following findings of fact from the evidence available:

1. This hearing relates to an application for a new Premises Licence in respect of Manor Farm for the sale and supply of alcohol and regulated entertainment.
2. The Applicant has (as evidenced in an e-mail dated 3rd June 2018) submitted restrictions to the licence that they would be prepared to accept if the Sub-Committee were minded to impose by way of a compromise.
3. There have already been a number of events having taken place at the premises under Temporary Event Notices (in 2015-one, in 2016-five, in 2017-twelve, and in 2018- six to date). There were no complaints made in relation to those events received by Environmental Health or the Licensing Authority but a retrospective complaint has recently been received in the last week.
4. There were no representations made by the Responsible Authorities: Thames Valley Police; Environmental Health; Bucks Fire and Rescue; Planning; Trading Standards; The Area Child Protection Committee or the Primary Health Care Trust. Environmental Health did make some comments which were included in the report at page 4 and the Licensing Authority did agree amendments to the operating schedule as detailed at Appendix 3 (page 27) of the report. The Applicant agreed that these 6 conditions formed part of their operating schedule.
5. Relevant representations objecting to the application (more particularly described at Appendix 4) centred primarily around the noise nuisance; anti-social behaviour; parking and traffic; conservation and heritage; fire hazards and unsuitability of venue in a rural location. Some of the representations called for a limiting of the number of events.
6. There is an issue with noise emanating from the premises.
7. The Applicant confirmed that they are working with Environmental Health to look at ways to contain noise breakout. There are no windows in the barn and a curtain between the barn and the marquee, the front door is on an automatic return and the fire escape door is not opened. They have installed:
 1. A 2 metre straw wall at the back of the barn near the stage.
 2. RW3 acoustic insulation installed into the stage to deaden music.
 3. A decibel meter set at 100 decibels.

There is yet more insulation to be installed by finishing off the straw wall and soundproofing the middle of the barn. It will take 4 weeks for this work to be

completed.

The Applicant further confirmed the following:

1. In regard to parking at the premises they have car parkers on site; There is ample parking on site for all vehicles to be parked on site (with two additional hardstanding areas and additional grass areas that could be utilised.
2. The 50 space parking area would be marked out.
3. The intention is that the premises will only be used for community type events.
4. There will be no music in the marquee.
5. They usually have between 80-100 guests potentially rising to 140 in the evenings. According to the Applicant they have a 240 persons fire capacity.
6. In terms of staff they have a DPS, a chief barmaid (plus one) some teenagers to wash glasses and catering staff (approx. 10).

Taking into account the application and representations received together with the relevant law, section 182 guidance, the Licensing Policy Statement (Nov 2015) the Sub-Committee unanimously **RESOLVED**:

Application granted subject to the following conditions/restriction, in addition to those already incorporated as part of the operating schedule:

1. **That there will be no events on Sundays through to Wednesdays.**
2. **Suitable signage shall be prominently displayed to inform guests when leaving the premises that they should do so quietly to minimise nuisance to residents nearby.**
3. **A Contact telephone number to be prominently displayed at the premises for the purposes of taking any complaints and a log to be kept of those complaints for inspection by the Licensing Authority or Environmental Health.**

REASONS FOR DECISION

The Sub-Committee were persuaded by the weight of the representations made against the premises that there is noise that emanates from the premises when it is used for events providing regulated entertainment. However, the Sub-Committee were reassured by the efforts of the Applicant to reduce the level of noise breakout by carrying out remedial works and the ongoing working with Environmental Health on noise limitation measures; in particular the potential use of a noise limiting system

in the future. The Sub-Committee were also mindful that until very recently there had been no recorded complaints made about the premises.

The Sub-Committee is also mindful of the fact any licence can be reviewed by a Responsible Authority or any other person (i.e. local resident, residents association etc) which represents a key protection for any community where there are problems associated with the licensing objectives.

The Sub-Committee are of the opinion that the premises should be fire tested/checked by the Fire Authority given the level of straw bales being used for sound attenuation and the proximity of the premises to residential thatched roofing. The Sub-Committee are fully aware that they cannot impose such a condition given that there were no representations from the Fire Authority but would like this concern to be noted and actioned by the Applicant. In the same way the Sub-Committee did note that there were some concerns about the access to the premises of emergency vehicles and again would like to remind the applicant that any fire risk assessment that they are obliged legally to carry out takes this aspect of concern into account.

The Sub-Committee is satisfied that the above decision and reasons given are a reasonable and proportionate response to the representations made.

RIGHT OF APPEAL

An appeal against the decision of the Sub-Committee may be made by:

- a) The applicant
- b) The person who made the relevant representations

Applications to appeal the decision of the Sub-Committee must be made to the local Magistrates' Court within 21 days from the receipt of this notice