

## LICENSING SUB-COMMITTEE

Meeting - 21 December 2009

Present: Miss Arnold (Chairman)  
Mr Wilson and Ms Vigor-Hedderly

### 1. APPLICATION FOR A NEW PREMISES LICENCE, DAIR HOUSE SCHOOL, BEACONSFIELD ROAD, FARNHAM ROYAL

The Sub-Committee considered a report of the Director of Services on an application from Dair House School Trust Ltd for a new Premises Licence in respect of Dair House School, Beaconsfield Road, Farnham Royal, Buckinghamshire, SL2 3BY. The report detailed the application made, the representations received from the Responsible Authorities and the 21 objections from interested parties during the 28-day consultation period.

Copies of the application and the representations were attached to the report. All parties had received prior to the meeting a copy of the Officer report and attachments, together with a copy of the adopted Hearing Procedure.

The Sub-Committee conducted the Hearing in accordance with its adopted procedure. Dair House School Trust, the applicant, was represented by Mr John O'Brien (Board of Governors), Mr Terry Wintle (Headteacher), Ms Christine Cornwell (Bursar) and Mrs Clare Warren (Events Co-Ordinator). The responsible authorities - the Police; the Local Authority; and the District Planning Authority had no objections to the application and were not represented. (An initial objection from the Local Authority Environmental Health Officer had been withdrawn, subject to the acceptance of additional special conditions being attached to the Licence). The Fire Authority had objected to the application on public safety grounds but it was noted that a Risk Assessment had since been undertaken. The following objectors attended and addressed the hearing in their own right and/or on behalf of others:

- Mr D and Mrs P Smith, 3 Fairfield Lane, Farnham Royal
- Mr P Norvill, 7 Fairfield Lane, Farnham Royal
- Mr B S Bains, High Firs House, Beaconsfield Road, Farnham Royal
- Mr D Tendell, Red Court, Beaconsfield Road, Farnham Royal
- Mr A Dunkin, Fortrose, Blackpond Lane, Farnham Royal
- Mr M Cook, Sweetbriar Cottage, Blackpond Lane, Farnham Royal
- Mr M Brand, 5 Highfield Court, Blackpond Lane, Farnham Royal

The application was for a new premises licence for Dair House School, covering the provision of a range of regulated entertainment, provision of entertainment facilities and the supply of alcohol: events that had previously taken place had been held under a Temporary Events Notice. The Council's Licensing Officer addressed the Hearing, tabled for information an annotated location plan showing the proximity of objectors residences to the school premises, and circulated an additional suggested special condition for consideration, should the Sub-Committee be minded to grant the application.

The objectors who had indicated a wish to speak addressed the Hearing expressing their concerns about the application and expanding upon the points made in the written letters of objection attached to the Licensing Officer's report. The representatives of the applicant addressed the Hearing, outlined the background to the application, and responded to a number of the points raised by objectors.

The Sub-Committee then turned to consider the without prejudice list of suggested special conditions (Including the additional suggested special condition circulated) contained in the report and comments were invited from all parties present. In particular, objectors requested that the applicants notify local residents (via e-mail) with details of events that would be taking place, relevant contact number(s) etc. It was subsequently decided that this should be covered by an informative attached to the licence.

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After allowing for each party present to ask questions of the other party and the making of closing submissions as allowed in the Hearings procedure, the Sub-Committee retired to formulate its decision. After considering all the evidence, the Sub-Committee

**RESOLVED** that the application for a new Premises Licence in respect of Dair House School, Beaconsfield Road, Farnham Royal, Buckinghamshire, be allowed in part, for the entertainments set out and for the hours specified, with the addition of special conditions and two informatives, all as set out in full in the Decision Notice attached to and forming part of these minutes.

The Chairman also indicated that advice had been given during the retired session, limited to going through the Licence proposed to be issued and the special conditions to be attached.

### 2. **TERMINATION OF MEETING**

The meeting, having commenced at 10.00 am, terminated at 1.00 pm

**APPLICATION BY: DAIR HOUSE SCHOOL TRUST LTD**

**FOR A PREMISES LICENCE**

**DECISION OF THE LICENSING SUB-COMMITTEE SITTING ON 21<sup>ST</sup> DECEMBER 2009.**

The Licensing Sub-Committee has before it an application from Dair House School Trust Ltd for the Dair House School, Beaconsfield Road, Farnham Royal, Bucks SL2 3BY.

The details of the licence applied for are as set out in the Application form appended to the Licensing Officer's report at Appendix 2 a copy of which all the Sub-Committee Members and Relevant Parties have received but amended by the Applicant prior to the Hearing regarding two suggested Special Conditions relating to noise monitoring and control measures in the Operating Schedule.

The Sub-Committee has listened to all the evidence, submissions and responses thereto and has read all the material before it.

The objections and representations received are listed in the Officer's report at paragraph 5 - copies of which were attached to the officer report at Appendices 3 to 7 - these consist of letters of representation from the Chief Officer of Police, the Local Authority (Head of Environment - Environmental Health Officer) and the District Planning Authority (Director of Services - Development Control - Planning Officer), a letter of objection from the Fire Authority, 20 individual letters of objection from local residents and a letter of objection from the Farnham Royal Parish Council. (It is noted that the Local Authority did initially object but withdrew the objection subject to special conditions previously agreed with the applicant being attached to the Licence if granted).

Regarding the objection from a local resident (pages 81 to 83 inclusive of the Agenda) this was disregarded by the Licensing Sub-Committee in so far as it refers to fireworks as this does not relate to this application.

The Licensing Sub-Committee is satisfied on the balance of probability that in all the circumstances this Application **as amended** by the Applicant prior to the Hearing should be:

**Allowed in part as follows -**

**Plays** - Drama festivals, schools plays and nativities and also open-air theatre during the summer months only - Monday to Saturday - 9am - 10pm and Sunday 9am - 9pm - Indoors and Outdoors.

**Films** - Showing of DVDs and videos to children, films, race nights, corporate events - Monday - Saturday - 9am to 10pm and Sunday 9am - 9pm - Indoors.

**Indoor Sporting Events** - Demonstrations and competitions such as kick boxing, gymnastics, judo and fencing - Monday to Sunday - 9am - 6pm - Indoors.

**Live Music** - End of term performances by children, orchestra & choir, speech days, PTA events, birthday and wedding parties - Monday to Saturdays - 9am - 11pm and Sundays - 9am - 10pm - Indoors and limited to 10 occasions per annum Outdoors.

**Recorded Music** - at children's parties, fundraising events, parties and weddings - Monday to Saturday - 9am - 11pm and Sunday - 9am - 10pm - Indoors and limited to 10 occasions per annum Outdoors.

**Performances of dance** - ballet shows and strictly come dancing evenings - Monday to Sunday - 9am to 10pm - Indoors.

**Anything of a similar description to live music, recorded music and performance of dance** - quiz nights, race nights, auctions, barn dances, bingo, sports days, football tournaments and amplified voices - Monday to Sunday - 9am - 10pm - Indoors and Outdoors.

**Provision of Facilities for making music** - Microphones, amplifier, speakers, karaoke machine, Instruments all provided for use at sports day, football tournaments, quiz nights, bingo nights, and race nights - Monday to Saturday - 9am - 11pm and Sunday 9am - 10pm - Indoors and Outdoors.

**Provision of Facilities for dancing** - Dance floor area within the main hall or marquee in grounds for events, May Pole dancing - Mondays to Saturdays - 9am - 11pm and Sundays - 9am - 10pm - Indoors and limited to 10 occasions per annum Outdoors.

**Supply of Alcohol** - Monday to Saturday - 10am - 11pm and Sunday - 10am - 10pm - On the Premises only.

**Opening Hours** - Mondays to Saturdays - 8am to 12 midnight and Sunday 8am - 11pm.

No other part of the application is permitted.

**subject to** the Conditions set out in the Schedule to the Licensing Officer's report and the additional Special Condition 20 handed out by the Licensing Officer at the Hearing - as **deleted** by the Sub-Committee - I will not read out the unamended Special Conditions - **numbered 1 to 16 inclusive and 18 to 20 inclusive (but to be re-numbered) and the Mandatory Conditions 1, 2 and 3**. I would confirm however the Sub-Committee has considered each Special Condition individually and considers them necessary and relevant in terms of promoting the Licensing Objectives.

We modify the Special Conditions by **deleting** Special Condition 17 as it is a duplication of Special Condition 8

**All Special Conditions stated are considered necessary and proportionate in order to promote the following Licensing Objectives**

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

**and are imposed in consideration of representations made, the operating schedule submitted and matters heard today.**

The following **Informatives** will also be added to the Premises Licence -

Informative 1 - The Licence Holder shall notify local residents via email (if provided to the Licence Holder) of details of the events, the event organiser, the Premises Licensee and/or nominated deputy including their immediate contact telephone numbers when Regulated Entertainment and/or the sale of alcohol is being offered at the Licensed Premises.

Informative 2 - The Licence Holder is advised that a representative of the School should be present whenever Regulated Entertainment and/or the sale of alcohol is being offered at the Licensed Premises.

I also confirm that the Licensing Sub-Committee has had regard to

National Guidance;

The Council's Licensing Policy;

The Human Rights Act 1998;

All papers submitted and evidence heard

The additional Special Condition 20 and the plan with the location of the objectors in relation to the Licensed premises marked thereon handed out at the hearing by the Licensing Officer and

Also the individual merits of this case before reaching this decision.

The Rights of Appeal will be sent out with the Decision Notice.

I would also draw your attention to the possibility of a review of the licence in the future.

**DATED 21<sup>ST</sup> DECEMBER 2009**

**Cllr MISS N. C. ARNOLD - CHAIR.**

**Cllr R. VIGOR-HEDDERLY.**

**Cllr J. WILSON.**

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