

HEREFORDSHIRE COUNCIL
**LICENSING-SUB COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	Whitehall Farm, Whitehall Road, Hampton Bishop, Hereford, HR1 4LB
PREMISES LICENCE HOLDER	Claypitt Ltd
APPLICANT'S NAME	Claypitt Ltd
APPLICATION TYPE	New
PANEL MEMBERS	Councillor DW Greenow Councillor AJW Powers Councillor TM James
DATE OF MEETING	26 September 2018

Members of the licensing sub committee of the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to starting the discussion, the committee agreed that each person who had submitted a notice of intention to speak would be allowed 5 minutes each.

Mr Fred Spriggs, licensing officer, gave a summary of the application which was set out in the committee's papers.

The committee then heard from Colin Campbell, George Kerr, David Sudlow, Margaret Waddington Val Watson, Susan Marr, Simon Marr, Councillor Mark Franklin (Hampton Bishop Parish Council), Jill Phillips, John Westoby, Michelle Nugent, Kevin James who all had made public representations. A summary of the concerns raised are:

- Details of an event held on 4 August 2018 where the applicants had let the premises and were absent at the time. As part of this event, it was stated by several speakers that loud amplified music and tannoy announcements could be heard clearly from 15:00 hrs to 00:00 hrs which disturbed the residents. One resident described it as a mini-Glastonbury
- A licence for 365 days a year, 24 hours a day, would blight the lives of the residents of Hampton Bishop which was a small, quiet, rural village
- The village was within a conservation area.
- Any noise would carry as the village was within a flood plain area.
- Any noise nuisance would adversely affect young children and the elderly. It was noted that there was a residents' care home in close vicinity to the premises.
- That the use of fireworks or Chinese lanterns could potentially damage several thatched cottages were which in the village.
- Road accessibility was dangerous (although it was noted that road traffic management were outside of the remit of the licensing sub committee).
- The applicants had indicated that they would only be holding a limited number of events throughout the year so why was a licence being requested for 365 days a

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year, 24 hours a day. A second event had been held at the premises and noise complaints had been made to Herefordshire Council environmental health who had monitored the sound levels.

- There would be community impact on the village as there had been a total of 63 representations made but 30 had been ruled irrelevant.
- There was a public safety issue as there were no footpaths or lighting in the village which would mean that guests could be wandering on a main road in the dark.

The committee then heard from Johnny Walker (applicant's agent), Alison Rogers (Director of Claypitt Ltd) and Martha Summerfield (designated premises supervisor) as follows:

- The events on the premises would be intimate / discreet with an interlinked tepee and not rave or festival style events.
- The hirers would be vetted for suitability to ensure that their events fit with the ambience of the premises.
- Some hirers had been rejected as their events were not suitable so it was a selective process.
- The film / photographic condition was required in order for the bride and groom to show personal videos or to entertain children who may be present.
- Events would be monitored in line with the conditions of the licence.
- Under the planning permitted development regulations they could hold events for up to 28 days without the need for a licence, but they would prefer a licence.
- A licence would enable them to make the supply of alcohol more manageable if there was a free bar, this did not require a licence which may potentially cause problems. There was no intention to have continual alcohol sales, it was to enable the bridal party to have alcohol as part of a wedding breakfast or as a toast prior the wedding service.
- The applicant understood the licensing objectives and fully supported them.
- Martha Summerfield was a designated premises supervisor (DPS) and personal licence holder. Ms Summerfield had worked in the hospitality industry for 25 years.
- The premises operated a "shush" policy for when guests were leaving the premises.
- Any band would start at 20:30 hrs and finish at 23:00 hrs / 23:30 hours. Ambient music would finish at 00:00 hrs.
- Preferred entertainers would be sourced
- In relation to the event held on 4 August, the noise was monitored by the DPS and it was felt that it was not offensive. The DPS' number had been supplied to residents so that they could complain if necessary, but no complaints were received.
- The reason for applying for the licence was so that the conditions could be enforced and that there were clear boundaries for any events which were held at the premises.
- Only two events had been held at Whitehall Farm.
- There had been previous noise complaints but none of them were on dates when the premises were hosting a wedding.
- There is no dispute about there being noise.

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- They were unaware of the environmental health visit but had received a letter from them stating that there was no independent evidence to support the allegations of noise nuisance.

Following questions from members of the sub-committee, it was confirmed:

- That the licensing section do advise applicants to show in their application what they intend to do on the premises even if they do not need a licence for the whole period.
- The environmental health officer would have been operating under different legislation and they would be looking at the statutory noise test which is different to the requirements of the Licensing Act 2003. This test would mean that in the opinion of environmental health there was no evidence of statutory noise and it is the noise which could be heard inside the house which was considered.
- The applicants would need a licence in order to host champagne breakfasts as they are supplying the alcohol. It is considered to be a sale of alcohol if you recover the cost of the alcohol.
- That the planning permitted development rights is not a consideration for the licensing sub committee as they fall within the planning regime.
- That the applicant has no intention to use fireworks or Chinese lanterns at any events.

DECISION

The sub committee's decision is to grant the licence subject to the following conditions:

The premises licence shall be restricted to 12 days per year (a year being 1st Jan to 31st Dec). The dates of each event shall notified in writing to the Licensing Authority by email prior to any event taking place.

The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall ensure that no fireworks or Chinese lanterns are allowed on the premises.

REASONS

The committee had taken into account the all of the representations and that it was necessary for a committee meeting to be convened. The noise concerns raised by the public representations were legitimate and engaged the licensing objectives. In particular the noise nuisance from the event held at the premises on 4 August. On this basis, there needed to be a balance between the granting of the licence and the concerns of the residents. The applicant had already stated that they would be holding a limited number of events, limiting these to 12 would not stop the operation of the business and was appropriate and proportionate. Equally the applicant had stated that they had no intention to use fireworks or Chinese lanterns so this condition was appropriate and proportionate.

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Under Schedule 5 Paragraph 1 of the Licensing Act 2003, the applicant or a person who made relevant representations, may appeal against the decision. Schedule 5 Paragraph 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.