

MINUTES of the meeting of Licensing sub-committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Friday 11 January 2019 at 10.00 am

Present: Councillors DW Greenow (Chairman), BA Baker and J Hardwick

Officers: Fred Spriggs

34. APOLOGIES FOR ABSENCE

Councillor K Guthrie gave apologies.

35. NAMED SUBSTITUTES (IF ANY)

Councillor BA Baker substituted for Councillor K Guthrie.

36. DECLARATIONS OF INTEREST

There were no declarations of interest made.

37. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF 'DROVERS REST, LLANERCH-Y-COED, DORSTONE , HR3 6AG - LICENSING ACT 2003

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 making their decision the members heard from Fred Spriggs, Licensing Officer, Mr David Jones, representing Clifford Parish Council, Elizabeth Laughland, Principal Environmental Health Officer and Mrs Kesri Smolas, premises licence holder.

Mr David Jones representing Clifford Parish stated that the parish council had met on 10 January and discussed the premises which had also been discussed at previous parish council meetings. The feeling of the parish council was that there was misinformation and misunderstanding between the premises licence holder and the community. The parish council did not wish to be killjoys or stop a business which brings in tourism. However, the concern remained that the licence was for 365 days a year until 0100hrs and was for indoor and outdoor entertainment with alcohol being served. The parish council were also concerned about the honesty box and events where children would be present which could harm children. The parish council would like a compromise, e.g. a reduction in the number of days or a reduction in the hours.

The legal advisor advised the sub committee that they could not take into account fears or concerns which may occur should the licence be granted. The sub committee needed to make decision made on facts or evidence provided.

The principal environmental health officer outlined that the environmental health team had not received any complaints in respect of the premises. A visit had been carried out in respect of the request to vary the licence but was in connection with the possibility of large events being held in the open countryside as this could result in noise nuisance. There are local residents just in eye sight and outside of eye range. The nearest local

resident is over 0.5 km away. The topography of the land did assist with noise attenuation.

The building covered by the premises licence was a well-built stone building with double glazing.

Environmental health had been informed that the events would involve no more than 50 people and were likely to be events such as birthdays, hen or stag dos. Environmental health had also noted that the music outside would be for events such as exercise related activities.

A draft noise management plan had been submitted to environmental health. To assist the sub committee, the meeting adjourned to allow all parties to read and consider a copy of the draft noise management plan which was provided by the applicant to environmental health.

The premises licence holders had also previously requested a group to either leave the premises or reduce the noise.

Based on the agreed conditions, environmental health had no objection to the licence being granted.

The sub committee then heard from Mrs Smolas. Mrs Smolas stated that the premises had had a premises licence for the last four years without any complaints and were asking for a variation to the licence by 1 hour and 30 minutes. The business hosted birthdays, stag and hen dos. The premises were situated in 40 acres of land and backed onto a common which comprised 110 acres.

Mr Smolas pointed out to the sub committee that some of the residents who had objected to the variation were unaware that a premises licence was already in existence. It was also noted that the closest neighbours were also unaware that a premises licence had been in existence. The closest neighbours had also indicated that they could not hear any music from the premises.

It was reiterated that the barn had thick stone walls and there was sealed double glazing. Mr and Mrs Smolas lived next door to the barn and cannot hear the noise from the barn.

Mrs Smolas indicated that the farm did not make money and that by diversifying the activities, it enabled it to survive. The business had also won awards.

With regard to the objections, Clifford Parish Council had said that they had received complaints but they had not been made to Herefordshire Council and there was no record in the minutes of the parish council for the last four years.

With regard to the honesty bar concerns, Mrs Smolas confirmed that a designated premises supervisor (DPS) was in place and was present when alcohol was being sold. The honesty bar comment was in relation to the fact that the business did not have a credit card facility so relied on guests to pay in cash at the end of their stay or doing a bank transfer when they returned home.

One of the objectors lived over 1 mile away and was not in the line of sight. The objector's family used to own the farm and objected to every application Mr and Mrs Smolas made.

With regard to the parish council's concerns, the entertainment would not be every day. The variation had been requested as there were occasions when events were held in the week rather than at weekends and the licence covered these eventualities.

The business had also used temporary event notices (TENS) over the last four years and there had been no complaints received.

Mrs Smolas hoped that her statement provided the sub committee with enough assurances that the request to vary the premises licence could be granted.

Following requests for clarification, the following points were confirmed:

- A DPS or personal licence holder was always present when alcohol was being served. There was a condition on the premises licence that stated that all sales must be made by a personal licence holder
- The current number of guests who could be accommodated on site was 28 but permission for two more buildings was being sought. This would bring the maximum number of guests to 50.
- There was a restriction on the barn that stated that guests needed to be staying on site.
- There were no recorded pollution complaints received from environmental health.

Mr and Mrs Smolas agreed that a contact point should be added to the noise management plan so that the parish council or anyone else could make direct contact if there was an issue with noise.

DECISION

The sub committee's decision is to grant the licence with the conditions as agreed. The music management plan to include the contact details (telephone number and email address) for the premises licence holder so that any complaints could be made to them.

REASONS

The sub committee had taken into account the representations and that it was necessary for a sub committee meeting to be convened. Based on the information provided and that environmental health had agreed additional conditions which included a noise management plan, the licence should be granted.

The meeting ended at 10.57 am