

**MINUTES OF LICENSING SUB-COMMITTEE
(Alcohol and Regulated Entertainment)**

8 DECEMBER 2020

NOTE: This meeting was adjourned on 18 November 2020.

PRESENT:

Councillors Cade (Chairman), Mrs Garcia and Keeling

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. APPLICATION FOR A NEW PREMISES LICENCE – BOURTON HALL, MAIN STREET, BOURTON-ON-DUNSMORE, CV23 9QZ

The Sub-Committee considered the application for a new Premises Licence (Part 1 – Agenda Item 2).

RESOLVED THAT— the application referred to in the report of the Head of Environment and Public Realm be determined as set out in the Record of Hearing attached at Annex 1.

CHAIRMAN

RUGBY BOROUGH COUNCIL RECORD OF HEARING

1. **APPLICANT**
- | Name | Establishment |
|------------------------------------|------------------------------------|
| Bourton Hall Limited | Bourton Hall, Main Street, Bourton |
| Also present: | |
| Thomas Palmer – Finance Director | |
| Nick Bramer - Director | |
| Mike Stigwood - Noise Consultant | |
| Applicant's representative: | |
| John Gregory – Wright Hassall | |
- Application:**
- Emma Payne Trainee Licensing Officer had outlined the Premises Licence Application at the hearing on 18 November 2020 as detailed in the report. In response there had been a number of representations from neighbours in relation to prevention of public nuisance, public safety and prevention of crime and disorder. Environmental Pollution Team had no objection subject to agreed conditions. The Fire Service had made a representation and need for outward opening doors/ or limitation on numbers.
2. **INTERESTED PARTIES:**
- | | |
|--|-------------------|
| Mr and Mrs T Marsh | Bourton residents |
| David Snead | Bourton resident |
| Don Pennington | Bourton resident |
|
Mr John Payne – Licensing Lawyers representing 4 Bourton residents | |
3. **COMMITTEE PANEL**
- Councillors Cade, Mrs Garcia and Keeling
- Chaired by: Councillor Cade

4. **NATURE OF THE APPLICATION**

Application for the grant of a Premises Certificate in accordance with the Licensing Act 2003

5. **Outline of Applicants Case**

Mr Gregory advised that following discussions with Mr Payne an agreement had been reached on accepted additional conditions 1-19 as attached to reassure the residents (The conditions had been provided to the Council minutes prior to the meeting) Mr Gregory read out the conditions. Condition 19 needed amendment to mirror New Year Eve.

Mr Payne confirmed represented an amendment to the operating schedule which could be accepted. His clients still had grave concerns but felt the variation was a pragmatic way forward to give the Company an opportunity to run the business. If caused issues residents had a right to ask for review.

Mr Gregory:

Bourton Hall Grade II listed building with a catholic chapel with many acres and a large car park with 120 spaces

Hall and Chapel had been vacant for some time, previously commercial premises

Purchased by Country House Weddings, parent company, who specialise and have a wealth of experience in upmarket wedding venues

Described the layout of the building and rooms - main bar edged green licensable area, sale of alcohol, music and late night refreshments.

Standard to such venues to operate to midnight

His Client Company fully aware of the 4 licensing objectives

Only 3 relate to the objections

Public Nuisance

Responsible authority Environment Health have deemed acceptable subject to the three conditions and have no objection

Noise Assessment submitted earlier to assure the public. Made reference to conclusion of that assessment

Aerial map submitted by officers shows most neighbouring properties some distance from the Hall. Nearest property is 90 metres and the other side from the bar and disco.

Not a bar or club surrounded by dwellings

Fireworks – only use quiet whisper fireworks from lower ground area and would be used by 9.15 pm. Furthest area from the village only partially if at all visible.

Only a minority of weddings have fireworks

Professional bodies to monitor

Refusal on basis noise nuisance has no substance

Crime and disorder

Police content and have made no representation
 No evidence the premises would lead to crime and disorder
 Assertion alcohol consumption leads to crime and disorder
 Condition of planning permission to have CCTV in place
 Staff would be trained to dealing with disorderly guests
 Other mechanisms available to address issues
 Venue provides accommodation or guests more likely to leave by pre-booked taxi (unlike pubs or clubs where people walk to nearby homes)
 Limited scope

Public Safety

Fire Service representation limit 60 unless outward opening doors.
 Representations raised by residents do not fit with the Licensing objectives
 Traffic is a planning matter. Not significant impact and no evidence to support
 Drunk driving is a criminal offence and there is no evidence it would be a problem. Guests likely to arrange transport or stay overnight
 Litter – no take-way so unlikely
 Impact on wildlife not relevant to licensing objectives. County Ecologist stated no impact on biodiversity

No evidence Licensing Objectives are undermined
 Proposed conditions able to satisfy

Economic advantages, create jobs and preserve a listed building
 Testing times for wedding venues
 Conditions reasonable balance

Invite you to grant the Licence with the agreed conditions

6. Outline of Interested Parties Case

Mr and Mrs Marsh:
 Impression given by assessment there will be no noise
 No measurements only estimate what may happen, difficult to judge
 Noise from car park with vehicles leaving at the same time
 Not credible there will be no noise
 Fireworks only few weddings having them - obviously a problem will hear them
 Why offer them
 Nothing in assessment how to reduce the noise
 One steward will have difficulty controlling all guests
 How many
 Other wedding venues owned by Company are not embedded in the heart of a village with single road access

Aerial photo does not show true picture
 Noise travels
 House adjoins do hear noise, accept not from inside Hall
 At night sounds more intrusive
 Taxi will create more journeys (4)
 Made reference a paper written by Mr Stigwood and reference to sound of tap at night.
 Driving through village past midnight will be intrusive
 Do not object to the wedding business
 Cannot be stressed how will affect the tranquillity of the village
 Limit to 11.30pm
 Chosen to situate business here

Mr Pennington

Not withdrawing objection
 Only run to 11.00pm weekdays and midnight Friday and Saturday
 Serious noise issues late nights in the grounds, slamming doors, drunk drivers racing away
 Like support of Licensing Committee members to apply for speed limit and use of speed guns

Clarify would alcohol be allowed to be taken outside
Mr Gregory no restrictions on being taken outside

Room accommodate up to 120/140 not all yet available

Mr Snead

Main issue related to use of fireworks and toxic effect
 Noise from fireworks and Health and Safety
(not within Licensing other powers to control)
 Modified fireworks do not alter the effect on the environment.
 He questioned why the displayed notice referred to fireworks if it was outside the remit of the committee.
 His concerns were noted

Mr Payne

Fireworks covered by Firework Regulations 2004
 Noise Act and other powers available
 Fire Service conditions should be attached as accepted by applicants.

Decision

The Sub-Committee granted the application subject to:

- Additional conditions 1 to 19 attached as amended and agreed by Mr Gregory and Mr Payne subject to agreement of Environment Team.

- Conditions 1 to 3 recommended in the Report to Committee by the Responsible Authority Environment and Public Realm at Appendix F
- Licensable activities to cease at 11.00pm on Sundays
- Installation of outward facing doors in the bar/disco area and main bar, if not restriction of 60 per room

Reasons

In coming to this decision the Sub-Committee gave regard to the representations of both the representative of the applicant, representative of residents and residents themselves together with the written representations

The Sub-Committee considered that the additional conditions and amendments set out will help minimise disturbance to local residents and also promote the licensing objectives relating to the prevention of public nuisance, crime and disorder and public safety

The Sub-Committee considers that it is necessary to impose these conditions in order to minimise any risk to residents being subject to unreasonable levels of noise emanating from the premises and also to promote the licensing objectives

Bourton Hall – Premises Licence Conditions

1. The Premises Licence Holder shall ensure that the bar manager and personal wedding manager on duty at each event shall both have a current personal licence.
2. No licensable activities shall be provided for the benefit of any person who has not been provided with a ticket or invitation prior to the event commencing.
3. The playing of amplified or unamplified music and/or vocals as entertainment, the sale and consumption of alcohol shall only take place within the ground floor of the existing building as shown on plan 4789-0311-P03 as per R19/1429. For the avoidance of doubt, music to accompany a wedding ceremony may take place inside or outside but will cease at 17.00.
4. Noise from licensable activities or activities that arise from the conduct of licensable activities shall not exceed 5 dB(A)Leq(15 min) above the L(A)(90, 5 min) when measured at any point of the boundary of the Bourton Hall Estate.
5. The licence holder or a nominated person shall regularly monitor the level of sound generated by licensable activities and regulated entertainment provided at the premises. Where action is required to reduce the sound level from regulated entertainment because it is likely that a public nuisance will be or is being caused, such corrective action will immediately be taken and recorded in the Daily Register.
6. A noise assessment shall be undertaken by a suitably qualified person, submitted in writing to and approved by the Licensing Authority prior to the commencement of licensable activities. The assessment shall determine the existing background noise levels at those times of the day and week that entertainment is likely to be played. The assessment shall demonstrate the existing structure can adequately contain the level of noise from entertainment associated with weddings, or set suitable maximum noise levels (LAeq, T and LAF,max) not to be exceeded within the building, address noise from arrivals and departures, collections and deliveries and provide recommendations on how the maximum levels would be monitored and controlled. All licensable activities shall be conducted in accordance with this assessment and the control measures proposed.
7. External doors and windows of the building shall be kept closed whilst licensable activities are undertaken, except in the instance that they opened and then immediately closed to allow a person access or egress from the building.
8. No live or recorded music shall be played outside save always that a string quartet or music of a similar nature shall be permissible outside to accompany a wedding ceremony up until 17.00.
9. Licensable activities shall only be conducted within the areas indicated in green on the approved plan.
10. A telephone number shall be displayed at the public entrances to the Bourton Hall Estate, which shall be clearly and conspicuously visible to persons outside of the estate. This number shall be monitored whilst licensable activities are undertaken and reasonable endeavours shall be used to answer in the event of a call.
11. A Premises Daily Register shall be held at the premises. This Register shall be in a non-loose leaf form and maintained for a minimum period of 12 months from the date of last entry and shall record:
 - The name of the person responsible for the premises on each given day.

- Any refusals on grounds of age and/or intoxication (to include date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused)
- Regular checks of the CCTV, to ensure it is fully operational and any faults are dealt with including the time of the check and the person that carried it out.

The Designated Premises Supervisor shall check the Premises Daily Register on a weekly basis ensuring that it is completed and up-to-date, sign the Premises Daily Register each time that it is checked, and make the Premises Daily Register available for inspection by any Authorised Officer throughout the trading hours of the premises.

12. The premises shall implement written policies and procedural statements and/or management action plans. Such documents shall include, but not be limited to, the following and shall incorporate any advice or guidance provided by a Responsible Authority :
- CCTV
 - Conditions of Entry
 - Patron Dispersal
 - Safeguarding Children & Vulnerable Adults
 - Noise
 - Queue Management
 - Responsible Service of Alcohol
 - Security Measures
 - Underage Sales & False Identification
 - Zero Tolerance Drugs

The policies / procedures shall be reviewed following any concerns being raised to the Premises Licence holder by any officer of a Responsible Authority. Changes to the policies or procedures shall be documented and retained available for inspection.

The Premises Licence Holder shall ensure that all staff employed at the premises are aware and understand the policies / procedures and that they carry out their duties in accordance with them.

13. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the patron, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
14. Prominent, clear notices shall be displayed at all exit points to advise patrons to respect the needs of the local community and of acceptable behaviour in public spaces.
15. The organisers of every wedding and event shall be provided with instructions concerning arrival by motor vehicle and parking for onward distribution to the invitees before they commence their journey. These instructions will indicate the arrival route and that parking must only take place within the Bourton Hall estate.

16. The Licence holder shall ensure that sufficient provision for parking is made within the grounds of the Bourton Hall estate for all those attending events at the premises by car.
17. The Licence Holder shall ensure that a member of staff is on duty from 11.30pm until the time when the last non-resident leaves the premises and, where deemed necessary or appropriate, that member of staff will remind patrons of the need to leave in a quiet and orderly manner.
18. All licensable activities must cease by midnight on every day of the week save for wedding events held on New Years' Eve when the activities shall cease at 01.00 on New Year's Day.
19. Persons who are not residents are to be vacated from the premises no later than 30 minutes after licensable activities cease.

NB. In these conditions the word 'patron' is a customer or other person for whom a licensable activity is provided, including anyone accompanying such a person onto the premises.

Responsible Authority Conditions 1- 3

20. 1 - The playing of amplified or unamplified music and/or vocals as entertainment shall only take place within the ground floor of the existing building as shown on plan 4789-0311-P03 as per R19/1429.
21. 2 - When music and/or vocals being played as entertainment is taking place, external doors and windows to the ground floor of the existing building as shown on plan 4789-0311-P03 as per R19/1429 shall be kept closed, except for ingress/egress.
22. 3 - A noise assessment shall be undertaken by a suitably qualified person, submitted in writing to and approved by the LPA prior to occupation of the development. The assessment should determine the existing background noise levels at those times of the day and week that entertainment is likely to be played. The assessment should demonstrate the existing structure can adequately contain the level of noise from entertainment associated with weddings, or set suitable maximum noise levels (LAeq, T and LAF,max) not to be exceeded within the building and provide recommendations on how the maximum levels would be monitored and controlled.

The noise assessment is to be submitted then is subject to approval by Environmental Health.