



**Minutes of a meeting held remotely of Licensing Sub-Committee (Licensing Act 2003 Matters)
held on Tuesday, 4 May 2021.**

Councillors present:

Julia Judd
Dilys Neill

Gary Selwyn
Richard Keeling

Officers present:

Licensing Officer
Democratic Services

Interim Head of Legal Services

Observers:

Councillor Hodgkinson (County Council)

5 Election of Chair

The Committee Officer invited nominations.

RESOLVED that Councillor Neill be elected Chair of the Sub-Committee for the duration of the Meeting.

Record of Voting - for 2, against 0, abstentions 1, absent 0.

Note:

Councillor Neill then took the Chair.

6 Apologies

No apologies had been received.

7 Declarations of Interest

No declarations of interest were received from Members.

Mr. Kevin Dunford, Technical Officer, declared an other interest as two objections to the application had been submitted by his aunt and uncle, Mr. and Mrs Housen.

**8 Application for a New Premises Licence - Cotswold Wild Dining, Land at Grid
Reference 415420 217305, Farmington, Gloucestershire**

The Applicant, Mr. Richard Webber, was present for this item

The Sub-Committee was requested to consider an application for a new Premises Licence to supply by retail of alcohol on the premises between the hours of Monday to Sunday 1800hrs to 2300hrs.

Attention was drawn to the circulated procedure for considering applications under the provisions of the Licensing Act 2003, the four licensing objectives detailed in the 2003 Act, and the basis on which any decision(s) should be made. The Members, Officers and the other persons present introduced themselves.

It was reported that there had been 27 resident/property owner representations received in relation to the application. It was also reported that the following conditions had been submitted by Gloucestershire Police to which the Applicant had agreed and which were the conditions which would form part of the Operating Schedule on the Premises Licence:

1. The Premises Licence Holder shall ensure that before any events involving adult entertainment commence, any attendee appearing to be under the age of 25 must produce valid photographic ID, namely either a Driving Licence or Passport. Should no ID be produced then the attendee shall be refused entry to the event.

2. The Premises Licence Holder shall ensure that an Incident Log Book is kept at the premises when open for licensable activities. All incidents which impact on any of the four licensing objectives shall be recorded. Each entry shall be recorded as soon as practicable and before the end of each trading session and will include;

- Time, date and nature of the incident

- Name of the person recording the incident and those members of Staff who deal with the incident.

- Actions taken.

This logbook shall be available for inspection by Police or authorised officers of the Licensing Authority upon request.

3. No alcohol to be kept on site when the premises is not open for licensable activities.

The Applicant had also agreed to further conditions suggested by the Licensing Authority:

1. The site will be utilised for a maximum of 56 days over 12 months (January to December)

2. Customers will abide by the business Terms and Conditions when on site. These include a condition, which states that customers cannot bring their own alcohol onto the site. (Copy attached at Annex D)

3. A member of staff will always be on site when in operation.

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No representation had been made by the Ward Member Councillor Keeling. Representations had been received from County Councillor Hodgkinson and Clapton Parish Meeting.

Mr. Webber was then invited to address the Sub-Committee to present the application. Mr Webber advised that he had been a previous licence holder with the Council and that in submitting the application he had considered both the positives and negatives of obtaining a licence against using Temporary Event Notices (TENs) to hold events on the site. He explained that he had consulted with the Council's Licensing Officer and wished to apologise for not contacting the Parish Meeting directly to discuss his intentions prior to submitting the application. Mr. Webber informed the Sub-Committee that there would be a dedicated Premises Supervisor on site at all times when events were taking place and that it was intended to host events on Friday and Saturdays only, but that he had been advised when submitting the application to request permission for all seven days of the week. Mr. Webber continued that alcohol would be served to customers only with prior bookings and that there was CCTV on site and this had been discussed with Gloucestershire Police who had requested a condition that no alcohol be kept on site when no events were taking place. He added that the site would not be open to the public and that risk assessments would be completed and an Incident Logbook kept (as per a condition requested by Gloucestershire Police). The Sub-Committee was also informed that music would be played on site between 6pm and 11pm and from 8am to 10am in the morning; the site would adopt the 'Challenge 25' in relation to alcohol sales; a Code of Conduct would be discussed with guests on arrival; each site event would look to educate guests on wildlife and countryside etiquette; the site was currently Covid-19 compliant and would be open only to adults over 18 years of age; the site would support local businesses and only sell local produce; the site was not dog-friendly; three members of staff would be based at the site; all supplies for events would be brought onto site by staff members prior to each event; one event sign would be placed outside of the site and removed once guests had arrived; a wildlife conservation camera had been installed and no foraging by guests would be permitted; the site was designed for 12 people and traffic for each event was predicted for circa six vehicles; drinking water would be supplied for each event and there was no electricity on site or hard-standing car park.

In response to various questions from Members, Mr. Webber explained that he was not encouraging stag party or hen nights at the site as it was clear from his website that events were required to stop at 11pm; there was a storage facility at the site but no alcohol was stored on site; cutlery from events would be removed from the site for it to be cleaned; site visitors would be able to visit other sites by using local footpaths but it was not expected visitors would leave the site on the evening of an event; the site was an estimated one mile from the road if driving from the site; and food waste would be removed from the site post-event and food would be prepared off-site and re-heated on site.

An Objector, Mr. Mark Kendall, was then invited to address the Sub-Committee. Mr. Kendall questioned why Mr. Webber had failed to undertake a review of the site as he considered the site's woodland was 420 metres from his property. Mr. Kendall also questioned why a radio on site could be heard on 30 March 2021 and a generator on 16 April 2021.

In response, Mr. Webber explained that he was unaware that online measuring tools were available more accurately to calculate the difference and that a generator had been used on site previously to inflate air beds.

Laura Ginman, Chair of Clapton Parish Meeting, was then invited to address the Sub-Committee. She explained that the application site was close to the AONB area and the storage caravan was not well suited to the site. She added that whilst there was camping areas

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on the village area, there was no electricity on these sites and that these were situated some distance from the application site and raised concern regarding noise and the number of young families who lived within the village.

County Councillor Paul Hodgkinson was then invited to address the Sub-Committee. He explained that he had spoken to a number of residents and that the prevention of public nuisance was one of the four licensing objectives. He continued that Clapton village was small, remote and isolated and that the application site was 0.5 miles as the crow flies from the event site and was an isolated and tranquil site. He added that there were concerns regarding the times requested of the application as once alcohol had been consumed, it could be difficult to control noise levels. Councillor Hodgkinson concluded by drawing attention to the possible effect on wildlife and the basic infrastructure that was available in the area.

Councillor Keeling was then invited to address the Sub-Committee. He explained that he agreed with Councillor Hodgkinson and that he represented the concerns of both Farmington and Clapton residents. He added that he had been informed that no planning permission was required for the site, but that if issues arose this would then require a planning enforcement or retrospective application. He concluded by stating that he felt the application was a wonderful idea, but in the wrong location.

The Licensing Officer informed the Sub-Committee that there was a review procedure if public nuisance persisted at the site and that any resident could call for a review.

PC Nick Battye was then invited to address the Sub-Committee. He reported that it was considered the application was proportionate and reasonable with the conditions requested to which the Applicant had agreed and that there was a low-risk of anti-social behaviour in the area. PC Battye also reported that the Applicant had operated a TEN on 16-17 April 2021 and had received no complaints from a police perspective and that the Applicant could, if he wished; continue with running events under TENs in the future.

In response to various questions from Members, PC Battye explained that a limited number (15) of TENs were permitted each year in one location but that these could last for a duration of one week and each TEN costs £21.

The Chair then invited all parties to make any final representations.

Laura Ginman highlighted that the site had no surrounding facilities.

Mr. Kendall, Councillors Keeling and Hodgkinson had no further comments to make.

Mr. Webber explained that the hearing by the Sub-Committee had enabled a 28-day public notice period to take place and that he wished to be granted a licence in preference to operating events under TENs.

The Sub-Committee then retired to consider its decision.

When the Meeting reconvened, the Chair explained that the Sub-Committee had arrived at its decision unanimously, after taking into account the requirement to promote the four licensing objectives, the relevant representations from the Parish Meeting, the Ward Member, County Councillor and the 'interested parties', Statutory Guidance under Section 182 of the Licensing Act 2003 (as amended) and the Council's Statement of Licensing Policy.

Licensing Sub-Committee (Licensing Act 2003 Matters)

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RESOLVED that the application for a Premises Licence at Cotswold Wild Dining, Farmington be granted, subject to the following further conditions:-

1. That the Applicant notify Clapton and Farmington Parish Meetings of any upcoming events and that a clear line of contact be established between the Applicant and the Meetings;
2. If nuisance does occur, residents be encouraged to report these nuisances to the Council as the Licensing Authority requesting a review be undertaken.

Record of Voting - for 3, against 0, abstentions 0, absent 0.

The Meeting commenced at 4.00 pm and closed at 6.12 pm

Chair

(END)