



LICENSING SUB-COMMITTEE

Monday 12 October 2020

Application for a New Premises Licence – Chapel Barn, Heveningham

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	Mr Ben Townsend
Address of Applicant(s):	16 Wissett Close, Halesworth, IP19 8PT
Type of applicant (Premises Only)	Individual
Name of Premises:	Chapel Barn
Address of premises:	Wilderness Reserve, Halesworth Road, Heveningham, IP19 0EJ
Description of Premises:	Used for company events, seminars, workshops etc. and for weddings & private functions.

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Sale of alcohol on and off the premises.

Is the report Open or Exempt?	Open
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Wards Affected:	Kelsale & Yoxford
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Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer:	Teresa Bailey Senior Licensing Officer 01394 444364 teresa.bailey@eastsoffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – both on and off sales

Monday to Sunday 00:00 to 24:00

Live music – both indoors and outdoors

Monday to Sunday 08:00 to 01:00

Recorded music – both indoors and outdoors

Monday to Sunday 08:00 to 01:00

Late night refreshment – both indoors and outdoors

Monday to Sunday 23:00 to 05:00

2. PROPOSED OPENING HOURS

The premises is not open to the general public, all events are pre-booked.

3. OPERATING SCHEDULE

3.1 The following steps have been proposed in order to promote the four licensing objectives.

These are proposals offered by the applicant and in their own words. Some submissions may already form part of the licence, as mandatory conditions; others may be re-worded by officers to form meaningful, enforceable conditions on the licence.

General

Chapel Barn is a private estate and is therefore not accessible to the general public.

Prevention of crime and disorder

Chapel Barn, in the same way as Sibton Park does currently, will have onsite management to ensure these events are run smoothly and the management will have direct contact with neighbours and the parish council. It is considered that the barn offers a suitable location for selected events as it is self-contained collection of buildings some distance from nearby settlements and residential properties.

Many of the events will occur during the day only, however weddings and other similar events will involve the use of the barn in later hours.

Chapel Barn management will also follow a proven management strategy involving 24 hour onsite staffing and careful management of the event timings and guests. The Estate prides itself on ensuring its activities occur in harmony with the surrounding communities and neighbours.

Public safety

Guests staying on the estate will receive a briefing during the check in procedure when they arrive. This will cover; fire evacuation points, what to do in an emergency, location of fire exits, requirement to keep road access clear for emergency services.

There will be visible fire evacuation notices in each property and displayed in the communal areas of Chapel Barn. All fire exits will be clearly marked as per the attached floor plans.

As per the Sibton Park Estate, there will be members of staff in attendance who are Fire Marshall & First Aid Trained.

Prevention of public nuisance

The construction processes the barn will take account of the need for the building to be able to host such events without disturbance to either the surrounding estate properties or other residential properties further afield.

The closest property to Chapel Barn which is not in ownership by the estate is approximately 430 metres away.

As per Appendix. B (Wilderness Reserve Noise Management Plan & Licensing Guidance For Event Staff), there will be strict guidelines enforced and monitored throughout each event to prevent public nuisance.

- All windows and doors must be closed at 11pm to reduce noise pollution. Base levels/volumes may be asked to decrease/be lowered at any time at the discretion of the Wilderness Reserve staff member on duty at that time.
- Amplified music can be played at 'background level', indoors or outdoors until 11pm.
- Amplified music cannot be played at 'party level' outside at any time.
- Unamplified/acoustic music can be played, indoors or outdoors until 11pm.
- On site staff throughout all events monitoring noise levels and closing windows and doors if necessary.
- Amplified Music can be played at party level volume inside only until 01.00

Protection of children from harm

Chapel Barn is a private estate and is therefore not accessible to the general public. All children onsite should be supervised and therefore be the responsibility of their parent(s) or guardian(s).

As with our Sibton Park Estate, all staff will be provided with comprehensive training with regards to the protection of children and service of alcohol. A strict 'Challenge 25' identification policy will be enforced throughout.

The application including a plan of the premises and the noise management guidance mentioned are attached as **Appendix A**.

Since the end of the consultation period the applicant has also provided additional information in response to the representations received. These include an Acoustic Impact Assessment and their updated Operational Guidelines and Management Plan for Chapel Barn. These were forwarded to those that had made valid representations and are attached as **Appendix D** for members of the Sub-Committee.

4. REASON FOR HEARING

4.1 Twenty representations against the application have been received from other persons.

4.2 The applicant has been provided with a copy of the representations and these are attached as **Appendix B** for members of the Sub-Committee.

4.3 A petition against the application was also received and the applicant has been provided with a copy. It has been attached as **Appendix C** for members of the sub-Committee.

4.4 Summary of grounds for representation:

The main concerns are regarding the noise nuisance that could occur due to the location of the premises. Due to what has been requested this could mean that events go on for a long period late into the evening/early morning. This could cause a high level of noise nuisance during these times.

The area is known for its peacefulness, tranquillity, natural beauty, and lack of pollution. All of which could be adversely affected if the licence were granted.

Sound travels across the valley and can be amplified by the clay soil in the area. In fact, noise already travels when events are held at Heveningham Hall and to experience this constantly until the early hours of the morning would be totally unacceptable.

Appears there is no limit to the number of events that are going to be held at Chapel Barn and if the licence is used to its fullest, this could mean being disturbed by loud late night music and the consequential partying, the potential excessive drinking and refreshments being served outside until 5am.

There should be no amplified music outside.

Possible over-indulgence by guests in alcohol and/or recreational drugs may well result in disorderly behaviour.

5. POINTS FOR CONSIDERATION

5.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

5.2 The attention of the Sub-Committee is drawn to the following:

- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
 - Guidance Issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights, the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

- 5.3 The relevant notices about this hearing have been served on the applicant and other persons and they have until 5th October 2020 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

6. CONCLUSION

- 6.1 The applicant has been advised of the representations that have been made and there may be mediation between the applicant and the other persons before the hearing in order to achieve agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to determine this application by:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

- 6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

6.3 Depending on the decision of the Sub-Committee, the applicant and / or responsible authority and interested parties that have made representations have rights of appeal to the Magistrates' Court.

6.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

APPENDICES	
Appendix A	Application form including a plan of the premises and the additional documents which accompanied the application; The Sibton Park noise management guidance and the proposed noise management guidance for the Wilderness Reserve (Chapel Barn).
Appendix B	Representations
Appendix C	Petition
Appendix D	Acoustic Impact Assessment and the updated Operational Guidelines and Management Plan for Chapel Barn.

BACKGROUND PAPERS	
None	