

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, on **Monday, 09 May 2022 at 10:00 AM**

Members of the Sub-Committee present:

Councillor Linda Coulam, Councillor Tony Goldson, Councillor Keith Robinson, Councillor Rachel Smith-Lyte

Other Members present:

Councillor James Mallinder, Councillor Mary Rudd

Officers present: Teresa Bailey (Senior Licensing Officer), Karen Cook (Democratic Services Manager), Martin Clarke (Licensing Manager and Housing Lead Lawyer), Leonie Hault (Licensing Officer), Daniel Kinsman (Environmental Health Officer), Alli Stone (Democratic Services Officer).

Others present: A representative for the applicant, The Objectors

1 Election of a Chairman

Councillor Goldson was proposed by Councillor Coulam to be Chairman of this meeting of the Sub-Committee. The proposal was seconded by Councillor Smith-Lyte. Councillor Goldson was duly elected as Chairman.

2 Apologies for Absence

There were no apologies for absence.

3 Declarations of Interest

There were no declarations of interest.

4 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying.

5 New Premises Licence: Butley Priory, The Clumps, Butley, Woodbridge, IP12 3NR

At the invitation of the Chairman, the Legal Advisor clarified the procedure that would be followed during the meeting.

At the invitation of the Chairman, all participants in the meeting introduced themselves.

The Chairman sought clarification that all parties had received the agenda and reports, which was confirmed.

At the invitation of the Chairman, the applicant confirmed that she did not wish to withdraw her application.

At the invitation of the Chairman, the Senior Licensing Officer confirmed that there was no documentary or additional information which a party wished to present.

The Sub-Committee then received report **ES/1133** by the Licensing Manager and Housing Lead Lawyer. At the invitation of the Chairman, the Senior Licensing Officer summarised the report.

The Chairman invited questions to the Senior Licensing Officer from the Sub-Committee.

A member of the Sub-Committee asked what sort of license was currently in existence in respect of Butley Priory and how many functions had taken place, so far, in 2022. It was confirmed that there was no current license in place; however, a license had previously been held but the company, as was, had gone into administration, approximately two years ago.

A member of the Sub-Committee referred to representations that had been made, commenting that the representations referred to noise issues; she asked if there had been any problems / issues / complaints. It was confirmed both by the Senior Licensing Officer and the Environmental Health Officer that they were not aware of any issues / complaints.

A member of the Sub-Committee, referring again to the license that had been in place previously, asked for confirmation of licensable activities and opening hours. It was confirmed that plays, films, music and dance, indoors and outdoors, could take place until 11.30 pm, every day of the week. There could also be refreshments until midnight, indoors and outdoors, and the sale of alcohol until 11.00 pm.

There being no questions from the applicant, the Chairman invited questions from the Legal Advisor.

The Legal Advisor referred to any potential conditions that might be attached to the licence, in respect of noise from musical entertainment etc, and asked how any monitoring of the venue would take place. The Environmental Health Officer referred to there being two elements, regulatory and enforcement, and stated that the applicant would be able to walk the boundary, in order to get a feel for noise issues and he added that it would be their responsibility to make adjustments. Referring to the enforcement role of ESC, any complaints would be investigated, and that would include independent monitoring, possibly going to residents' properties and listening to events. ESC could then make a judgement as to whether there were any issues in respect of licensing conditions and also ESC might receive complaints that noise was

causing a statutory nuisance. Again, a judgement would need to be made. Officers advised in respect of enforcement powers but they stated that they always hoped that complaints could be resolved informally in the first instance. Ultimately, there might be a review of the license.

The Chairman invited the applicant to address the Sub-Committee; the applicant advised that Butley Priory had been operating successfully as a wedding venue since 2005 and had maintained a good reputation within the community. Currently, approximately 30 events were hosted per year, they were primarily family celebrations and the target audience was usually couples, aged 30 plus. The objective, the applicant stated, originally, was to apply for a license which would extend to 2.00 am so that it would cover all eventualities, in an effort to reduce the need for further administration for the small number of events that requested a later finish. To prospective clients they currently advertised a finish time of midnight for all events but they wanted to allow themselves some flexibility to extend the finish time for clients for whom this was a deal breaker when choosing a venue. The applicant clarified that they did not wish to include regulated entertainment for the Barn or the Farmhouse in their application. In applying for a 2.00 am finish originally they fully appreciated the concerns regarding noise from the close community and immediately responded with a proposal to reduce the finish time.

With regard to outdoor events, the applicant stated, the marquee was sited in front of the Priory which acted as a defence in respect of noise travel.

With regard to objections concerning traditional traffic movements, the applicant advised that they envisaged that the vast majority of guests would be travelling back in the direction of Woodbridge late at night which, as far as they could see, would only affect the closest neighbours. In addition, additional noise mitigation measures would be implemented, as suggested by the Environmental Health Officer, and these were outlined.

With regard to noise management on events days, the staff were instructed to visit the venue boundary and the nearest neighbours and also to take a drive around the already established monitoring route, in order to monitor sound levels.

The Chairman invited questions from the Sub-Committee to the applicant.

A member of the Sub-Committee asked what the main aim of the business was. The applicant responded that the Priory was predominantly a wedding venue which included overnight accommodation; often a couple would arrive the night before their wedding and stay overnight and also stay the night of the wedding. They were open to other types of functions, such as birthday and anniversary celebrations, and also corporate retreats.

A member of the Sub Committee, referring to corporate retreats, asked for more information. The applicants responded that they would include yoga etc, ie wellbeing retreats.

A member of the Sub-Committee, firstly referring to the importance of protecting wildlife, then expressed concern about fireworks; she asked how much consideration

had been given regarding disturbance to wildlife, in respect of potential light pollution, departures late at night and loud music. The applicant advised that they did now allow fireworks at the Priory; also the venue had been operating as a wedding venue for approximately 20 years and the Priory itself was focussed on creating a natural wildlife habitat; the gardens and surrounding areas were not over-landscaped and there were lots of natural rural areas that wildlife could benefit from.

The Chairman invited questions to the applicant from the objectors.

An objector referred to the applicant's submission and the reference to 30 events per annum; the objector suggested there were far more often marquees than not. The objector also referred to the number of cars and commented that there was no mention of contractors, staff etc. The objector asked for more information about the number of events and marquees and also about additional traffic movements. The applicant responded that she would be happy to forward any supporting evidence in respect of the number of marquees; she also stated that with any type of event there would be a number of contractors, predominantly catering, that would turn up; she also confirmed that most suppliers, normally approximately eight in total, would arrive at the start of the event and leave at the end of the event. Finally, referring to taxi movements, the applicant advised that a taxi would simply replace a car journey.

A member of the Sub-Committee asked if some staff lived on site and the applicant advised that that was the case.

The Senior Licensing Officer referred to the events that had been referred to by the objectors, and asked how many of those had taken place when the previous owners were in place. The applicant advised that she had joined the company in January 2022 and, to date, two events had taken place since then. Previously the applicant thought that, on average, there had been approximately 20/30 events per year.

The Senior Licensing Officer sought clarification regarding regulated entertainment at the farm house and the barn. The applicant confirmed that she did not wish to have regulated entertainment at either.

Martin, referring to the farmhouse and barn, asked the applicant if they wished to be able to sell alcohol. The applicant advised that as the farmhouse provided overnight accommodation and meals, they did want to provide alcohol to compliment the meal.

The Licensing Manager and Housing Lead Lawyer, referring to the conditions proposed by the Environmental Health Service, asked what steps would be taken to comply with the conditions. The applicant referred to letters that had been sent to very close residents, giving contact numbers so that they could contact the Priory directly. Also, they monitored sound levels by moving towards the nearest neighbours; also, they drove around the boundary, stopping at various points, in order to undertake monitoring. In respect of mitigation they were planning to put thick drapes up at the windows.

An objector referred to three local residents being in attendance at the Sub-Committee meeting and none of them had received the communication referred to by the

applicant. The applicant advised that she was referring to the most immediate neighbours; however, she was very happy to extend that.

There being no further questions, the Chairman invited Councillor Mallinder, the Ward Member, to address the Sub-Committee.

Councillor Mallinder referred to the venue being in the middle of the AONB, which was very important; he also referred to the quiet rural community, that was very close to the Priory, and also the small villages close by. Councillor Mallinder referred to noise travelling in such areas. Councillor Mallinder expressed concern regarding the access being through narrow country lanes and also the disturbance to wildlife. Councillor Mallinder emphasised that business was very important to him but he felt that a compromise was needed, perhaps reducing the hours.

There being no questions for Councillor Mallinder, the Chairman invited the objectors to address the Sub-Committee.

Mr B advised the Sub-Committee that he was Vice-Chairman of Butley Parish Council and that he would be making some representations for a group of individuals who had objected to the application; Mr B informed the Sub-Committee of the names of those individuals (10 in total including himself) and he advised that most individuals had family members as well.

Mr B highlighted that all parties that he was representing were, and he quoted from the agenda papers, "local residents who were entitled to the peaceful enjoyment of their homes and gardens".

Mr B advised that all parties were residents and were from High and Low Corner, which were distinctly different from Butley village itself, about a mile from the village and almost opposite the Priory.

As outlined in the applicant's operating schedule, Mr B stated, there were also closer residential properties and he quoted "A few tenants including staff living close by".

Mr B advised that the residents that he represented had lived in the area for many years and had become accustomed to weddings at the Priory. Mr B stated that some things that had been said were misleading because the current license was actually between 1 April and 31 October and that had not been made clear. Mr B advised that the parties did not see any reason why the Authority should not replicate the previous license, which he said had worked reasonably well.

Mr B stated that Butley was an exceptionally quiet area and; it was also important, he added, that the Authority's own AONB Team had itself "significant concern about the licensing request and the serious impact this could have on the tranquility".

Furthermore, Mr B stated, the application sought to introduce live and recorded music until midnight Sundays - Thursdays, indoors and outdoors, and there were six or seven school aged children who were resident in Low and High Corner and it could be impactful on their sleep and rest.

Mr B stated that there needed to be some checks and balances; the Priory could really only accommodate 60 or so people and many events would involve a marquee which would not contain noise to the same degree as events within the building.

Mr B advised that the people he represented were not opposed to the concept of the wedding venue; albeit they acknowledged that this would clearly be a more commercial full-time operation than previously in place.

Mr B stated that the proposal did not give sufficient clarity or detail regarding the potential for the venue causing intrusive noise. There were reference to "subjective" monitoring on the venue boundary. It could, Mr B reported, take at least 15 minutes to walk from the venue itself to one of the boundaries; he added that it should be spelt out in further detail and be objective and not subjective.

Mr B stated that he did not know what constituted intrusive noise; he also felt that it might be helpful for the Licensing Authority to know how many "a few tenants" constituted, as referenced within the operating schedule. Mr B advised that there were 15 to 20 properties; some had received a letter, but the residents of High and Low Corner had not.

In conclusion, Mr B stated, the group he represented, would welcome further discussion and some further careful noise mitigation and detail over the potential for noise nuisance so that they could feel confident in trying to support the application.

The Chairman invited questions to the objector from the Sub-Committee.

A member of the Sub-Committee referred Mr B to his reference to a previous license and sought clarification in respect of this. Mr B advised that he was referring to the previous license, that had been downloaded, and it was for Butley Priory Limited and included some restrictions. It expired when the company went into liquidation. The Sub-Committee sought further clarification from officers in respect of the license. The Senior Licensing Officer confirmed that there had been a previous license but it was cancelled in March 2021; as such, there was currently no license in place.

A member of the Sub-Committee referred the applicant to the two functions that had taken place since January 2022; she asked how they had taken place, without a license. The applicant confirmed that there was a Temporary Events Licence given for both events. Following a related question to Mr B, he stated that he had been advised that people heard noise from the event on Saturday night (one of the two events); he had not because he had been inside; the Environmental Health Team not been contacted regarding any noise concerns.

The Legal Advisor referred to comments regarding traffic concerns, and in response to his question, it was confirmed by Mr B that the residents of Low and High Corner would not be directly affected by additional traffic, the traffic would proceed north to Butley or south-west towards Woodbridge.

Mrs B, an objector, addressed the Sub-Committee, Mrs B stated that she lived in Low Corner and her house was probably closest to the Priory; most of the people who lived very close were tenants of Greenwell Estates and she suggested that they possibly

did not feel at liberty to object. Mrs B advised that she was not aware of any contact details, if there was any noise issues, for the Priory. In the past the community had been supportive of the Priory and their events, mainly because they were restricted to the summer period and were conducted on a less than commercial basis. The anxiety around this current application was that events would be extended throughout the week and the year. Mrs B felt that the Priory was keeping their options open for expansion in the future, which was causing significant difficulties for local families. Mrs B felt that there should be limits in respect of hours and the noise should be monitored; currently it felt that it would be subjective. Mrs B asked how monitoring would take place in an objective formal way, ie records etc.

The Chairman invited questions to Mrs B. The applicant referred to the previous license, as previously referred to, and asked how the current application, which ran every day until 11.30 pm, differed. Mrs B advised that the application extended what was wanted at the Priory in terms of days and hours, and the whole year, and there was an anxiety that the operation could be extended over the course of coming years.

At the request of the Chairman the Environmental Health Officer spoke regarding concern about noise and any official way that the Priory could undertake official noise monitoring that would support the application. The Environmental Health Officer reported that the Environmental Health Service tended to steer away from that, partly because specialist equipment was needed and professionally competent people who were trained. Also, it would not necessarily capture all of the elements of the noise. That was why a subjective method had been put forward. Also, weather conditions needed to be factored in.

The Legal Advisor asked the Environmental Health Officer how he had considered local residents when dealing with this application. The Environmental Health Officer confirmed he took into account the entertainment proposed, the location, times of day, public nuisance; effectively he put himself in the shoes of residents when making assessments. He sought to prevent unreasonable disturbance to residents. The Legal Advisor asked the objectors if this assisted them in any way. Mrs B advised that it was helpful but it did not give confidence.

The Chairman asked the applicant if there were any plans for publicity events in the future and, if so, he asked what sort of events. The applicant advised that there were no such plans to host publicly attended events.

The Chairman invited the Licensing Officers to sum up; they had nothing to add.

The Chairman invited the applicant to sum up; she advised the Sub-Committee that she wished to work in harmony with the local community and she was very happy to provide a contact number should there be any disturbance in the future.

The Chairman invited the objectors to sum up; they had nothing to add.

The Sub-Committee's Decision

Sir Edward Greenwell and Mr Alexander Greenwell have applied for a new premises licence at Butley Priory, The Clumps, Woodbridge, IP12 3NR, which would allow the

following licensable activities: sale of alcohol for on and off the premises, late night refreshment, plays, films, live and recorded music and dance.

This Sub-Committee has been held as 20 representations against the application have been received from other persons. However, seven of these have been withdrawn following agreement to the proposed changes to times for licensable activities and the additional conditions. A representation against the application had been received from the Environmental Protection Team at East Suffolk Council which is a responsible authority. However, after discussions, the applicant agreed to amend the application to make changes to the proposed times for licensable activities and to also include additional conditions. As such the representation was withdrawn. Only one representation in support of the application has been received from other persons.

The Sub-Committee heard from the Licensing Officer, one representative from the applicant and the objectors. The responsible authority, namely Environmental Protection, did attend, to answer any questions.

The premises previously had a licence from 2005 until it was surrendered approximately two years ago. The applicant's representative indicated that they had commenced employment in January 2022 and since then there had been two events for which temporary event notices were obtained and they were not aware of any complaints made in relation to these two events. Neither were Environmental Protection.

The applicant's representative also wished to make it clear that there would be no live and recorded music in the Barn or the Farmhouse.

The applicant's representative indicated that their plan was for approximately 30 events per year with approximately 60 to 80 guests per event, with 30 to 40 cars, although there may be more if a marquee was in use. They had provided their telephone number to close neighbours although this did not include those residing at Butley High and Low Corner. They indicated that they were keen to work with the local community to ensure that any disruption is minimised. In addition there would also be contractors attending events which would create additional traffic; the traffic would generally come and go to the south-west to and from Woodbridge.

Environmental Protection attended the meeting and indicated that they had agreed the conditions with the applicant; they also indicated that subjective noise analysis was preferable to objective because objective noise analysis required special equipment and training which could involve a great deal of expense. Environmental Protection also indicated that they put themselves in the position of the local residents when considering the application. They have powers to take any enforcement action if necessary. Environmental Protection confirmed that they had not received any complaints and, in fact, having checked their records had not received any complaints about the premises previously.

The objectors, which included the local Ward Member and the Parish Council Vice-Chairman, indicated that they were not anti-business and were keen to work with Butley Priory; however, the licence currently proposed would result in disturbance to them in the evenings. There are children living in Low and High Corner and this was a

rural venue and location and sound travels further than in built up areas. Therefore late night music and entertainment would cause disruption to them. Also, there would be additional traffic on the local roads caused by the extra comings and goings from Butley Priory. The residents indicated that they had not been contacted by The Priory and that the conditions agreed with Environmental Protection did not offer them reassurance.

The Sub-Committee's decision is to allow the application subject to the additional conditions proposed in paragraphs 2 and 3.2 of the Licensing Officer's report, namely

Plays, films, and performances of dance

Monday – Sunday 0900 to 0000

Live and recorded music, anything similar to music or dance, late night refreshment and sale of alcohol:

Sunday to Thursday	09:00 to Midnight (Indoors and Outdoors)
Friday and Saturday	09:00 to 00:00 (Outdoors), and 09:00 to 01:00 (Indoors)

Opening hours

Sunday to Thursday	09:00 to 00:00
Friday and Saturday	09:00 to 01:00

1. The volume of any description of musical entertainment, films or plays shall be strictly controlled so that noise levels are non-intrusive at the boundaries of nearby residential properties.
2. While live or recorded music takes place, the licensee or management shall undertake regular subjective monitoring at the site boundary or nearest noise sensitive receptor locations to ensure that the music (including low frequency bass components) are non-intrusive. Source music levels shall be reduced as necessary and then maintained at a lower level.
3. The Licensee shall take the appropriate steps (e.g. signage and/or sufficient staff on site) to ensure that customers behave in a quiet manner when using the outside areas and when departing.

In arriving at this decision, the Sub-Committee has taken into consideration the representations from the applicant, objectors and the Licensing Officer's report, which drew the Sub-Committee's attention to its obligations under the Human Rights Act 1998.

Whilst the Sub-Committee notes the objectors are concerned regarding the level of light and noise nuisance and traffic disruption that they perceive may occur the Sub-Committee notes that the applicant's proposals are for a relatively low number of guests and vehicles. In addition the Sub-Committee places great weight on the fact that the applicant had liaised with the responsible body, namely Environmental Protection, and reached mutually agreeable conditions with them and the Sub-Committee notes paragraph 9.12 of the guidance requires the Sub-Committee to

consider its relevant representations carefully which the Sub-Committee has. The Sub-Committee was also reassured that Environmental Protection would deal with any complaints appropriately.

The Sub-Committee also considered the licensing objectives and the council's own guidance and statement of licensing policy as well as the Statutory Section 182 guidance.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

Date: 9 May 2022

The meeting concluded at 1:53 PM

.....
Chairman