

LICENSING SUB-COMMITTEE

Thursday, 6 June 2019

Attendance:

Councillors

Mather (Chair)

Green

Laming

Others in attendance who did not address the meeting:

Councillor Pearson

Officers in attendance:

Miss B Appletree – Licensing Officer

Miss C Stefenczuk – Licensing Manager

Mrs A Toms – Environmental Health Manager

Ms C Tetstall – Licensing Solicitor

1. **NEW PREMISES LICENCE - HOLYWELL HOUSE, HOLYWELL, SWANMORE, SOUTHAMPTON, SO32 2QE (LR522)**

(LR522)

The Chairman welcomed to the meeting:

The Applicant

George Edward Laurence Clarendon, Earl of Clarendon
Bryonie Victoria Lowther Clarendon, Countess of Clarendon

Other Interested Parties:

- Richard Lampitt (on behalf of Susan Lampitt)
- Leon Maschner

Miss Appletree introduced the Report which set out the details of the application. In summary, she explained that an application for a new premises licence for Holywell House, Holywell, Swanmore had been made under Section 17 of the Licensing Act 2003. The application was to licence specific areas of the Holywell Estate, namely the main house, the summer garden, the walled garden and the park (as shown in Appendix 3 of the Report) and the purpose of the application was for the provision of regulated entertainment, the provision of late night refreshment and the supply of alcohol.

Miss Appletree explained that the notice of application had initially been improperly advertised; therefore the application was resubmitted with

amendments by the applicant on 18 April 2019 and re-advertised correctly for a period of 28 days until 16 May 2019.

It was noted that on the revised application the licensable hours had reduced to minimise disturbance to local residents. All parties who had submitted representation to the application were informed of these changes and advised to reconsider their response to the application accordingly. Representations received before 18 April 2019 were still accepted as valid. The amendments were also published on the Council's website. The application was set out in Appendix 1 to the report.

Representations had initially been received by Hampshire Constabulary with regards to the prevention of crime and disorder and the prevention of children from harm licensing objectives, and by Environmental Health in respect of the prevention of public nuisance licensing objective. However, both responsible authorities had since withdrawn their representations following discussion with the applicant to agree a number of conditions and amendments to the application, as set out in Section 5 of the report.

It was reported that Environmental Health had received four noise complaints to the premises over the last ten years. All of these complaints related to shooting activities in the countryside, which are not licensable under the Licensing Act 2003 and therefore outside of the licensing authority's control.

93 valid representations had been received from local residents and other members of the public, all of which had raised objections to the application. The representations related primarily to the licensing objectives of public safety and the prevention of public nuisance, as set out in Appendix 2 to the report.

No further representations had been received from any other responsible authorities (and those from Hampshire Constabulary and Environment Health had since been withdrawn).

In response to questions, Mrs Toms clarified that the application had now been amended to one event per year for more than 500 people (but less than 3000), and that this one larger event would not occur on a Sunday. A condition had been agreed to seek the applicants to focus attention on the speaker orientation and monitoring noise on the boundary of the premises. In addition, Mrs Toms stated that a further 27 events (mainly for hosting wedding events) per year for a maximum of 500 people were proposed. However, due to the smaller scale of these events and the distance to residential properties, Environmental Health were satisfied that there would be no detrimental impact or public nuisance caused as a result of these.

At the invitation of the Chairman, Lord and Lady Clarendon addressed the Sub-Committee and outlined the background to the application for a new premises licence. Lord Clarendon clarified that they had made a number of amendments to the application, had agreed conditions with Hampshire

Constabulary and Environmental Health and worked with the community preparing letters and attending Parish Council meetings to set out the intentions of the application. He stated that, although they had applied for 27 smaller events per year, this was to allow for the flexibility of events throughout the year without the need to apply for individual Temporary Event Notices (TENs) and the constraints these provided before event bookings could be formalised.

In response to questions, Lady Clarendon advised that not all of these events would focus specifically on the summer months and that it was not proposed that the full 27 events requested would all occur in any given year.

Lord Clarendon confirmed that events on the Holywell Estate had previously been licensed under Temporary Event Notices. These events had taken place with assistance from the applicants' estates team by managing and monitoring noise and traffic and had run smoothly with no complaints received.

In respect of the one larger event of up to 3000 people per year, Lady Clarendon clarified that this would provide the opportunity to introduce an event such as a charity classical spectacular (or similar) once a year. It was noted that at the present time there was no event of this nature planned but that the licence would allow for this to be a consideration in the future. Lady Clarendon confirmed that if such an event was to occur in the future, it would take place on a Saturday and would finish by 10pm.

In summing up, Lord Clarendon stated that with the agreed conditions in place this would ensure that music was kept to an acceptable level for the hours that had been proposed, would alleviate any impact on neighbouring properties and promote the licensing objectives.

At the invitation of the Chairman, Richard Lampitt and Leon Maschner, both interested parties who had submitted relevant representations to the application, addressed the meeting. A summary of their comments are outlined below.

Professor Lampitt stated that he considered the application contradicted the definition of peaceful tranquillity and the defined principles of the South Downs National Park and would create a significant public nuisance in this quiet countryside location.

In response to the points raised by Professor Lampitt, Miss Appletree reminded the Sub-Committee that the South Downs National Park Authority were notified of the application as a statutory consultee but had not submitted a representation.

In addition, Ms Tetstall clarified that there was a duty placed on local authorities to have regard to the statutory purposes of the South Downs National Park but also to the competing interests of the rights of the

landowner regarding the use of their land and as a result of this, a balanced judgement was necessary.

Mr Maschner stated that he had objected on the grounds of public nuisance due to the noise that would be generated from the events as he believed residents were entitled to the peaceful tranquillity of the area. He made reference the conditions that had been put in place by the applicant with Environmental Health, in respect of noise management and community liaison, which he welcomed.

In response to the points raised by the interested parties, Lord Clarendon stated that it was not their intention to exacerbate noise at any event and that the running of the events was necessary for income generation. He stated that there was an estates team to assist the applicants in the running of the events on the premises, and that as landowners they also wished to protect and enhance the countryside. Lady Clarendon confirmed that she would be present when all events occurred and reiterated that the premises licence would allow a greater flexibility to control, manage and structure events in the future.

The Sub-Committee retired to deliberate in private.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made by interested parties, particularly those relating to the prevention of public nuisance. It had taken into account the duties under the Crime and Disorder Act 1998 and the rights set out in the Human Rights Act 1998 and had regard to the purposes of the National Park.

The Sub-Committee considered that the measures offered by the applicant, in agreement with Environmental Health and Hampshire Constabulary would minimise the potential for disturbance.

The Sub-Committee concluded that the application should be granted, with the additional conditions set out in Page 15, Section 5 of the Report.

The Chairman thanked all those present for attending the meeting and explained to all parties that they would be formally notified of the decision in writing in due course and of their right to appeal to the Magistrates' Court within 21 days from the date of the decision letter.

RESOLVED:

1. That the application for a new Premises Licence for Holywell House, Holywell, Swanmore, be granted subject to the additional conditions agreed by the applicant with Environmental Health and Hampshire Constabulary, set out in Page 15, Section 5 of the Report.

REASON

The applicant had addressed the licensing objectives and taken reasonable steps to mitigate the concerns of persons making relevant representations, including the prevention of public nuisance licensing objective.

The meeting commenced at 10.00 am and concluded at 11.15 am

Chairman