
Bath & North East Somerset Council

Democratic Services

Guildhall, High Street, Bath BA1 5AW

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: democratic_services@bathnes.gov.uk

Web-site - <http://www.bathnes.gov.uk>

Date: 29 December 2014

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Licensing Sub-Committee

Councillors:- Manda Rigby, Roger Symonds and Anthony Clarke

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Sub-Committee: Tuesday, 6th January, 2015

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 6th January, 2015** at **10.00 am** in the **Kaposvar Room - Guildhall, Bath.**

Briefing

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.30am.

The agenda is set out overleaf.

Yours sincerely

Enfys Hughes, Sean O'Neill
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Enfys Hughes, Sean O'Neill who is available by telephoning Bath democratic_services@bathnes.gov.uk or by calling at the Guildhall Bath (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Enfys Hughes, Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Reception: Civic Centre - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

3. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

Licensing Sub-Committee - Tuesday, 6th January, 2015

at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES: 16 DECEMBER 2014 (Pages 7 - 12)

6. TAXI PROCEDURE (Pages 13 - 16)

7. CONSIDERATION OF MEDICAL CONDITION - MR MM (Pages 17 - 24)

8. RETURN TO OPEN SESSION

9. LICENSING PROCEDURE (Pages 25 - 28)

The Chair will, if required, explain the licensing procedure.

10. APPLICATION FOR A PREMISES LICENCE FOR FARRINGTON'S FARM SHOP, HOME FARM, MAIN STREET, FARRINGTON GURNEY, BRISTOL BS39 6UB (Pages 29 - 84)

The Committee Administrator for this meeting is Enfys Hughes, Sean O'Neill who can be contacted on democratic_services@bathnes.gov.uk.

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BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 16th December, 2014, 10.00 am

Councillors: Manda Rigby (Chair), Roger Symonds and Anthony Clarke

Officers in attendance: Enfys Hughes, Michael Dando (Public Protection Officer), Kirsty Morgan (Public Protection Officer) and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

101 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

102 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

103 DECLARATIONS OF INTEREST

Councillor Manda Rigby declared an interest in that she had spoken to the person making representations on the Nest (item 12 on the agenda) in regard to a planning matter. She remained in the meeting as this did not prejudice her view in any way.

104 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

105 MINUTES: 18 NOVEMBER 2014

RESOLVED that the minutes of the meeting on 18th November 2014 be approved as a correct record and signed by the Chair.

106 TAXI DRIVER'S LICENCE PROCEDURE

The Chair explained the procedure to be followed for that part of the meeting.

107 EXCLUSION OF THE PUBLIC

RESOLVED that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

108 CONSIDERATION OF MEDICAL CONDITION - MR MM

The Sub-Committee considered the report which sought determination of Mr MM's suitability to continue to hold a combined Hackney Carriage/Private Hire Driver's licence.

The Licensee had phoned the office stating he was unable to attend due to illness.

The Sub-Committee adjourned to consider their decision.

Following an adjournment it was

RESOLVED that consideration of Mr MM be deferred until the next meeting on 6th January 2015.

Reasons for decision

Members heard that the licensee was ill and would not attend the meeting. Members resolved to defer the matter until the next meeting putting the licensee on notice that should he fail to attend the matter may be determined in his absence.

109 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR G J L

The Sub-Committee considered the report which sought determination of an application by Mr GJL for the grant of a combined Hackney Carriage/Private Hire Driver's Licence.

Mr GJL was present and confirmed he had read the procedure for the meeting.

The Public Protection Officer presented the report and stated that as part of the application process a Disclosure and Barring Service check was undertaken, which had revealed a previous caution. He circulated the Disclosure and Barring Service check, personal statement and reference for Mr GJL. The applicant and Public Protection Officer withdrew from the meeting while Members took some time to consider these documents.

Mr GJL put his case, explained the circumstances of the caution and reasons he wanted the licence. Then he was questioned and then made a closing statement.

Following an adjournment it was

RESOLVED that Mr GJL be granted a combined Hackney Carriage/Private Hire Driver's licence subject to the standard terms and conditions.

Reasons for decision

Members have had to determine an application for a Hackney Carriage/Private Hire Drivers' Licence. In doing so they have taken account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, Council's Policy, case law and the DVLA current medical guidelines for professional drivers.

Members heard that Mr GJL had received a formal police caution in 2009 for an offence of common assault. This caution falls outside the policy. The applicant said he had never been in trouble with the police before and this was an out of character one off incident. Members found the applicant to be a fit and proper person having considered the matter was unlikely to occur in the future.

110 RETURN TO OPEN SESSION

RESOLVED that the meeting return to open session.

111 LICENSING ACT 2003 PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES LICENCE OR FOR A VARIATION OF A PREMISES LICENCE

The Chair explained the procedure to be followed for that part of the meeting.

112 APPLICATION TO VARY A PREMISES LICENCE FOR THE NEST, 7 BLADUD BUILDINGS, BATH BA1 5LS

The Sub-Committee considered the report which sought determination of an application for the variation of an existing Premises Licence under Section 34 of the Licensing Act 2003 in respect of The Nest, 7 Bladud Buildings, Bath.

Rod Johnson (Licensee and Designated Premises Supervisor) was present and Amanda Habisrittinger (representation) was present.

The Public Protection Officer presented that report and stated that the variation sought to extend the opening hours, extend the sale of alcohol timings and extend the provision of recorded music, by one hour. She stated that one representation had been received from a neighbour.

The Licensee put his case for the variation. He stated that they had applied for a variation before and it had been refused. Since that time they had made improvements and had spoken with the police – for example in respect of drugs they now did toilet checks and had CCTV. They had also had discussions with Nigel Shire (Environmental Health) about some improvements:- all recorded music through a noise limiter; live bands to finish at 23:00 hours; no entry to the club or re-entry after 2am; smoking area to be closed at 2pm. There was also a dispersal policy which had resulted in a more gradual flow of people leaving the club instead of a mass exit.

The Licensee had met with Ian Perkins (Circus Residents Association) and he had visited the club. They had agreed to have quarterly meeting to discuss issues and he had provided him with his email and telephone number. He was happy with the dispersal policy and closing the smoking area earlier. The Licensee said that they swept the area at the end of the day to clear up litter.

The Licensee explained that currently they had a minimum of two doorstaff on Monday to Thursday and Friday and Saturday this could go up to four or five depending how busy it was. It was their job to ensure glasses were not taken outside and customers kept quieter to respect the neighbours.

During questions the following points were made:-

- The only evidence of the improvements made was the lack of representations;
- The police had visited the club to see the improvements;

- There had been 11 Temporary Event Notices during the year and the Licensee stated there had not been any complaints;
- The Licensee tried to be proactive in light of previous issues at the club and did the following things;
 - provided sand buckets for the cigarette butts;
 - had a system of sweeping up outside the club at the end of the night;
 - the doorstaff reminded customers to respect the neighbours and keep the noise down;
- There was a charge to enter the club after 11pm and no re-entry after 2pm;
- The Licensee confirmed there were a minimum of 2 doorstaff Monday to Wednesday, 3 on Thursday with more, possibly 4 or 5 on Friday and Saturday when it was really busy.

Amanda Habisrittinger who had made representations put her case as follows. She stated that she was a near neighbour and appreciated the improvements that had been made and the fact that the Licensee was liaising with the police, environmental health and residents. However for them there was no change to the litter, broken glass and vomit outside their property and the disturbance by noise, specifically from people queueing. The Nest attracted a younger clientele who created more of a public nuisance. She read out a number of dates when she had noted there had been problems. She concluded by stating she recognised they lived in an urban area and the Licensee was trying to run his business. She believed the dispersal policy should be agreed with the police and the whole of Bladud Buildings should be checked for cleanliness at the end of the night.

During questions the following questions were raised:-

- She did not know if the disturbances were when a Temporary Event was taking place;
- Since The Nest had opened there was more noise;
- She acknowledged there were other premises nearby but believed The Nest was isolated and the public nuisance was caused from their customers;
- She acknowledged the Licensee stated he had a cleaning regime but stated on occasion she had to clear up vomit off her steps;
- She had not complained to Environmental Health about the noise but had made a representation here;
- She was surprised that other residents had not complained but was aware that some had moved away.

In summing up the Licensee stated he took on board the points made. There was no further summing up.

RESOLVED that the application for the variation of an existing Premises Licence for The Nest, 7 Bladud Buildings be granted:-

- extend the opening hours on Fridays and Saturdays by an hour, to show:
Fridays and Saturdays: 10:00 – 03:30
- extend the sale of alcohol timings on Fridays and Saturdays by one hour, to show:

Fridays and Saturdays: 10:00 – 03:00

- extend the provision of recorded music on Fridays and Saturdays by one hour, to show:

Fridays and Saturdays: 10:00 – 03:00.

Reasons for decision

Members have determined an application to vary a premises licence at The Nest. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate and must only do what is appropriate and proportionate in the promotion of the licensing objectives. In this case, however, Members noted the premises are in the Cumulative Impact Area. As the Council has a Cumulative Impact Policy a rebuttable presumption is raised that such applications should be refused unless the applicant demonstrates the variation will not undermine the licensing objective and add to the Cumulative Impact experienced

In reaching a decision Members took account of all the relevant oral and written representations, disregarded the irrelevant and were careful to balance the competing interests of the applicant and interested party.

Members heard the applicant sought to extend the opening hours, sale of alcohol and provision of recorded music on Fridays and Saturdays by one hour. The applicant stated they have worked with responsible authorities and resident groups to ensure satisfactory management of the premises since the last application was refused. They had and taken steps with regards to drugs, public safety and crime to the satisfaction of the Police and had agreed a noise limit with Environmental Health. In consultation with the CARA they had taken steps to reduce the impact customers were having on neighbours when queuing and leaving the premises and had closed the smoking area at 2am and introduced a no re-entry policy.

With regard to Cumulative Impact it was suggested the proposed conditions and the no re-entry policy would ensure no additional cumulative impact would be experienced. This was evidenced during the Temporary Event Notices which did not attract any complaint from neighbours or responsible authorities. The applicant stated that, with regard to the objector, they had a policy of sweeping the street outside but could not be held accountable for customers from other premises in the vicinity. With regard to a dispersal policy it was stated that this is a working document being produced in consultation with the Police.

The objector stated she lived near the premises and experienced noise and litter from customers of the premises. There is frequently litter and vomit on the pavement together with broken glass which she had to cleaned up. A variation would exacerbate these problems as there had been no measurable improvement in the running of the premises. The objector suggested the dispersal policy should be agreed with responsible authorities and the premises should be made to clear the length of Bladud Buildings.

Members had regard to the Cumulative Impact policy and considered the premises were unlikely to have a significant detrimental effect on the licensing objectives. In light of the steps proposed Members grant the application with conditions consistent with the operating schedule and the following additional conditions to ensure the licensing objective of the prevention of public nuisance is promoted.

A minimum of 4 SIA door staff shall be on duty on Friday and Saturday after 23:00hrs until closing time.

The pavement frontage of the premises shall be swept and cleaned at the end of each trading day.

A dispersal policy shall be written and implemented on Fridays and Saturdays at a minimum and the policy shall be agreed by the Police and available on request.

Delegated authority to the public protection officer to issue the licence.

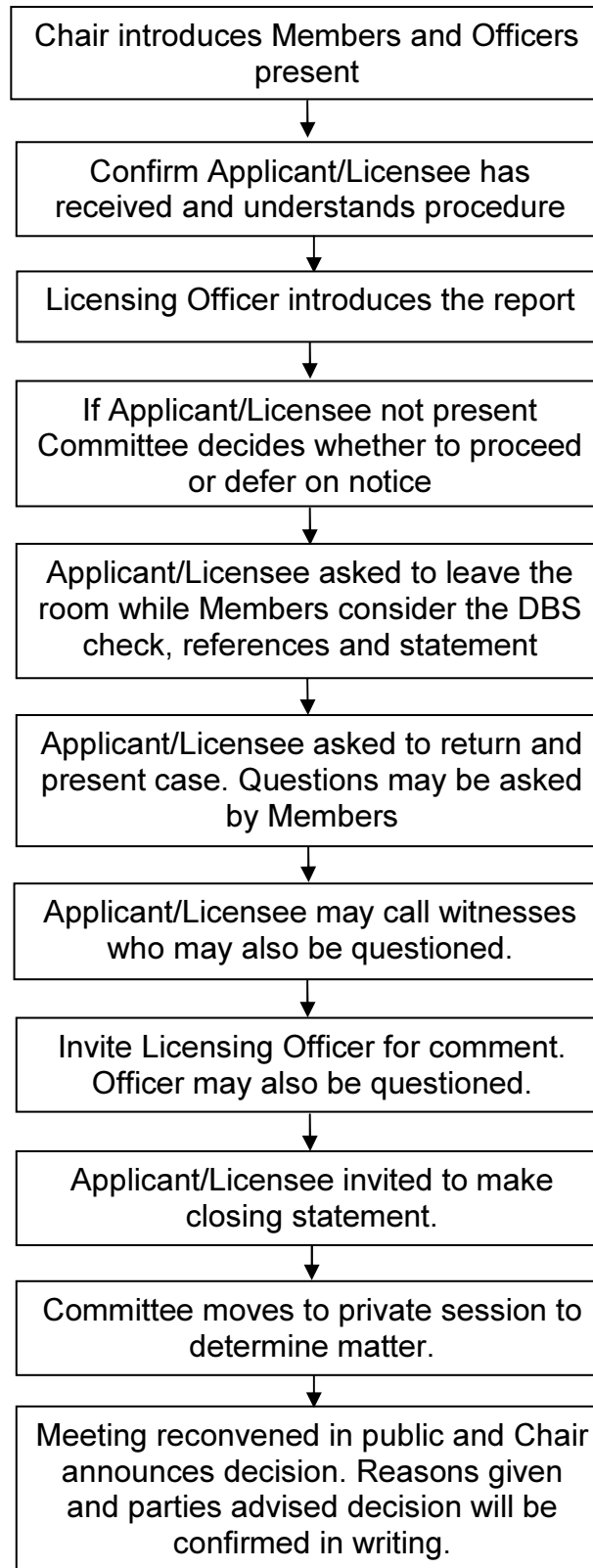
The meeting ended at 11.45 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**LICENSING SUB-COMMITTEE
HACKNEY CARRIAGE (TAXI) AND
PRIVATE HIRE VEHICLES DRIVERS' LICENCE PROCEDURE**



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**Licensing Sub Committee
Hackney Carriage (taxi) and Private Hire
Driver Application Procedure**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant, representative and/or witness is asked to leave the room while the Committee consider the Disclosure and Barring Service report, references and statement.
4. The Applicant, representative and/or witness returns and presents the case to the Committee.
5. The Applicant may be questioned about the matter by the Committee.
6. The Applicant may call witnesses in support of their application and each witness may be asked questions.
7. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be asked questions.
8. The Applicant will be invited to make a closing statement.
9. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
10. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

Updated November 2013

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA - 2095-14

Meeting / Decision: Licensing Sub-Committee

Date: 16th December 2014

Author: John Dowding

Exempt Report Title: Consideration of Medical Condition

Exempt Appendix Title:
**Annex A – Current Combined Hackney Carriage/Private Hire
Drivers Licence.**

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any medical information is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the medical condition of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session.

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

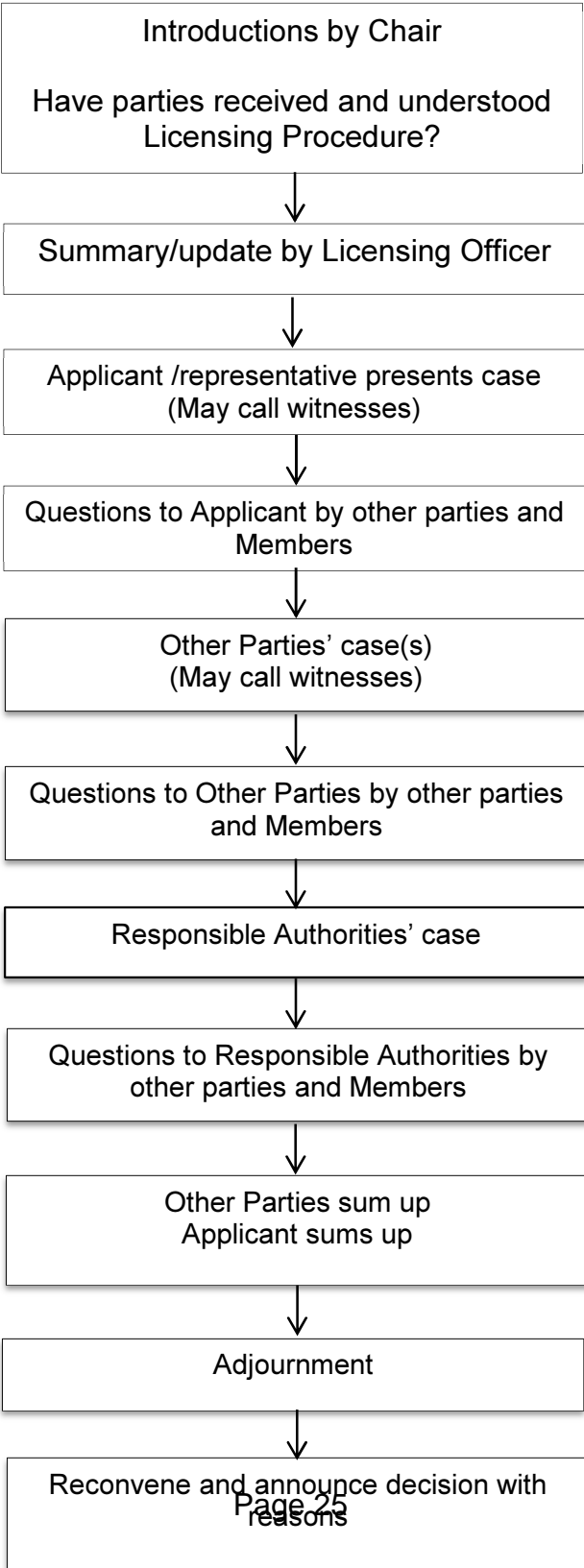
By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**

*The parties will be allowed an equal maximum period of time not normally exceeding **twenty minutes**. Where more than one party make representations the time should be split equally between them. Where several parties make similar representations one representative should be appointed avoiding duplication and making the best use of the available time*



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**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES
LICENCE OR FOR A VARIATION OF A PREMISES LICENCE**

*The Chair will allow the parties an equal maximum period of time in which to make representations that will not normally exceed **twenty minutes**. Where more than one party makes relevant representations this time will be split between the parties and where several parties make similar representations it is suggested one representative is appointed to avoid duplication.*

The term “party” or “parties” will mean anyone to whom notice of this meeting has been given.

1. The Chair will introduce Members of the Sub-Committee, the Officers present and explain the procedure to be followed.
2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.
3. (i) The Applicant/Licence Holder , or representative, addresses the Sub-Committee who may be asked relevant questions by the other parties and Members.
(ii) witnesses may be called in support of the application who may be asked relevant questions by the other parties and Members.
4. (i) Any party making relevant representations, or representative, will address the Sub-Committee who may be asked relevant questions by the Applicant, other parties and Members.
(ii) witnesses may be called in support of such representations who may be asked relevant questions by the Applicant, other parties and Members.
5. Responsible Authorities making representation will address the Committee and may be asked relevant questions by the Applicant, other parties and Members.
6. The other parties will be invited in turn to summarise their representations.

Responsible Authorities will be invited to summarise their representations

The Applicant/ Licence Holder will be invited to summarise the application.

8. *The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the room by all other persons.*

Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.

The Committee will reconvene the meeting and the Chair will announce the Committee’s decision with reasons and advise that the decision will be released in writing within the statutory time limits or advise that the decision will be

released in writing with reasons within the statutory time limit, in this instance, 5 working days.

PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion and parties will be able to ask questions as set out above. However, formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and make efficient use of the allocated time.
- Where an objection is made by an association or residents group, a duly authorised person – as notified to the Licensing Authority – may speak on behalf of that association or group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.

Bath & North East Somerset Council		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 6 January 2015	
TITLE:	Application for a Premises Licence for Farrington's Farm Shop, Home Farm, Main Street, Farrington Gurney, Bristol BS39 6UB	
WARD:	High Littleton	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for a new premises licence		
Annex B Plan of premises		
Annex C Site plan		
Annex D 'Other party' Representations		

1 THE ISSUE

1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of **Farrington's Farm Shop**, Home Farm, Main Street, Farrington Gurney, Bristol BS39 6UB.

2 RECOMMENDATION

2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.

4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".

4.3 The Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

5 THE REPORT

5.1 An application has been received for a new Premises Licence (*Annex A*).

5.2 The plan identifying the "premises" for the purpose of this application is attached at *Annex B*.

5.3 The application proposes:

1) **The Exhibition of Films**, indoors and outdoors:

Monday to Sunday	08:00 – 23:00
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2) **The Sale of Alcohol** for consumption both **on** and **off** the premises:

Monday to Saturday	08:00 - 22:30
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Sunday	09:00 – 22:30
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3) **Opening Hours**

Monday to Saturday	08:00 – 23:00
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Sunday	09:00 – 23:00
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5.4 A site plan is attached at *Annex C*.

5.5 The Licensing Act 2003 (*Section 4*) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

a) The Prevention of Crime and Disorder

b) Public Safety

c) The Prevention of Public Nuisance

d) The Protection of Children from Harm.

Each objective is of equal importance. As there are no other licensing objectives, these four are of paramount consideration at all times. When considering applications, representations or notifications, the Licensing Authority will have regard to these licensing objectives.

5.6 The Licensing Authority may grant the application with or without additional conditions.

5.7 Section 4(3)Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance

issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-

- a) Paragraphs 3, 5, 6, 9, 10, 17, 18, 20, 23, 24, 33 - 37, 41 to 44 of the 2011 policy.
 - b) Chapters 2, 8, 9 & 10 of the Statutory Guidance revised October 2014
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.8 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.9 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.10 In accordance with the requirements of the Act the applicant served copies of the application upon the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 5.11 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.12 Representations have been received from local residents and Farrington Gurney Parish Council. The representations allege that the proposals undermine the prevention of public nuisance, the protection of children from harm and public safety licensing objectives (*Annex D*).
- 5.13 This report has not been sent to the Trades Union because they would have no involvement.

6. RATIONALE

- 6.1 As a representation has been received the Licensing Sub Committee must determine the application in accordance with the Licensing Act 2003.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 In accordance with the Licensing Act 2003 (Premises Licence and Club Premises Certificate) Regulations 2005, the applicant has given notice of the application to all the relevant Responsible Authorities and has advertised the application in the manner prescribed, both at the premises and within a local publication.

8.2 Issues relating to Safeguarding have been considered in respect of this application.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Divisional Director-Legal & Democratic Services), section 151 Officer (Divisional Director-Finance) and the Divisional Director have had the opportunity to provide input to this report and have cleared it for publication.

Contact person	Kirsty Morgan, Public Protection Officer; 01225 396719
Background papers	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Farrington's Farm Shop Ltd
Address Home Farm Main Street Farrington Gurney Bristol BS39 6UB
Registered number (where applicable) 4901692
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01761 452266
E-mail address (optional) Paul@Farringtons.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)
 Farm Shop which consists of outside courtyard and garden area, Butchery, Deli, Warehouse, Shop, Small Farm Park, Cafe, Outside Seated Area, Play Barn Cafe, upstairs Meeting Room.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- | | |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	0800	2300	<u>Please give further details here</u> (please read guidance note 3)		
Tue	0800	2300			
Wed	0800	2300	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur	0800	2300			
Fri	0800	2300	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	0800	2230	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Tue	0800	2230			
Wed	0800	2230			
Thur	0800	2230	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	0800	2230			
Sat	0800	2230			
Sun	0900	2230			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Andrew Clifford Jeffery	
Address Home Farm Main Street Farrington Gurney Bristol	
Postcode	BS39 6UB
Personal licence number (if known) 07/01024/LAPER	
Issuing licensing authority (if known) BANES	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	2300	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Tue	0800	2300	
Wed	0800	2300	
Thur	0800	2300	
Fri	0800	2300	
Sat	0800	2300	
Sun	0900	2300	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

We Currently hold a premises licence which encompasses the Farm Shop and Cafe. The addition of a PlayBarn and meeting room has prompted the new licence application. We would like to be in a position to offer customers a choice of beverages which include alcohol primarily beer & wine, the vast majority of which will be served with food. We are not promoting or encouraging the premises as a drinking (alcohol) only venue.

b) The prevention of crime and disorder

The CCTV system will be fully operational and well maintained incorporating a full 30 day back up recording facility which is available to the Police on reasonable request.

Alcohol to be served by waiter or waitress in both the cafe and play barn primarily for and with food.

Alcohol sold to persons in the Farm shop will be for consumption off the premises.

c) Public safety

d) The prevention of public nuisance

Signs to be placed at the exits asking persons to vacate the premises quietly.

Any outdoor performance of films will only involve the use of in car sound or personal headsets i.e. no outside speakers

e) The protection of children from harm

Challenge 21 scheme will operate at the premises

A refusals register will be maintained in each building selling alcohol and records will be made available to the police upon reasonable request.

All staff involved in the sale of alcohol will receive training on licensing issues

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. x
- I have enclosed the plan of the premises. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. x
- I understand that I must now advertise my application. x
- I understand that if I do not comply with the above requirements my application will be rejected. x

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	Mr Andrew Clifford Jeffery
Date	24 October 2014
Capacity	Director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Paul Castle Home Farm Main Street Farrington Gurney			
Post town	Bristol	Postcode	BS39 6UB
Telephone number (if any)	01761452266 option accounts		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Paul@farringtons.co.uk			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

Mr Andy Jeffery

I

.....
[full name of prospective premises supervisor]

Of Farrington's Farm Shop Ltd
Main Street Farrington Gurney
BS39 6UB

Home Address. Home Farm Main street Farrington Gurney
BS396UB

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

New Premises licence

.....
[type of application]

by

Farrington's Farm Shop Ltd

.....
[name of applicant]

relating to a premises licence

.....
[number of existing licence, if any]

for

Farrington's Farm Shop Ltd

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Farrington's Farm Shop Ltd

[name of applicant]

concerning the supply of alcohol at:

Farrington's Farm Shop Ltd

Home Farm Main Street

Farrington Gurney

BS39 6UB

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

B&NES/07/01024/LAPER

[insert personal licence number, if any]

Personal licence issuing authority

Bath & North East Somerset Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

✓



Name (please print)

✓

A JEFFERY

Date

✓

23.10.14

FARRINGTONS

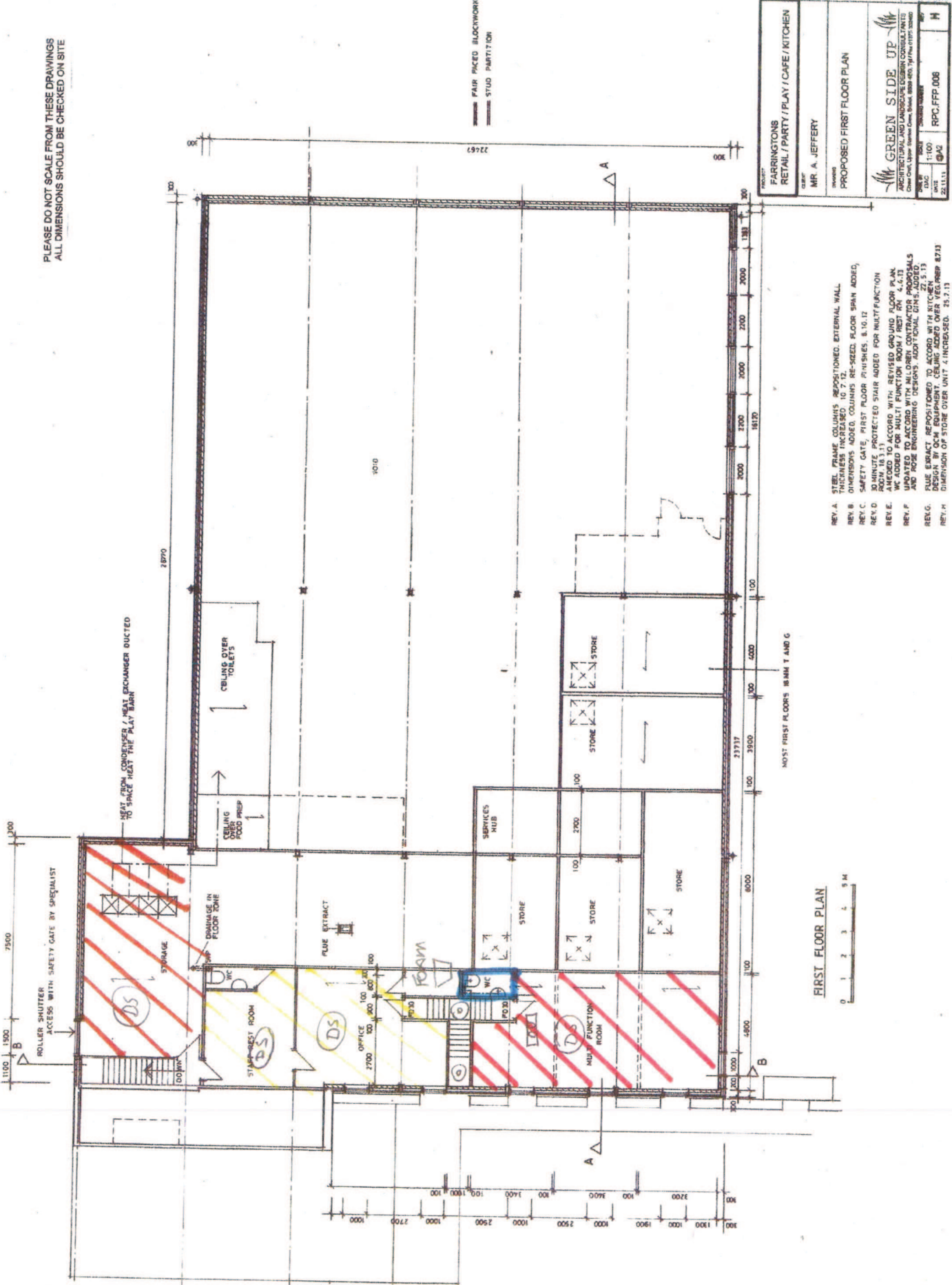
UPPER FLOOR Function Room ONLY



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LOCATION PLAN 1:1250

PLEASE DO NOT SCALE FROM THESE DRAWINGS
ALL DIMENSIONS SHOULD BE CHECKED ON SITE



- REV. A STEEL FRAME COLUMNS REPOSITIONED, EXTERNAL WALL THICKNESS INCREASED 107.12.
- REV. B DIMENSIONS INCREASED 107.12.
- REV. C SAFETY GATE, FIRST FLOOR FINISHES, 8.10.12
- REV. D 30 MINUTE PROTECTED STAIR ADDED FOR MULTI-FUNCTION ROOM.
- REV. E AMENDED TO ACCORD WITH REVISED GROUND FLOOR PLAN.
- REV. F WC ADDED FOR MULTI-FUNCTION ROOM / REST RM 8.4.13
- REV. G UPDATED TO ACCORD WITH MILNER CONTRACTOR PROPOSALS AND HOSE ENGINEERING DESIGNS, ADDITIONAL GNS, ADDED.
- REV. H FUSE EXTRACT REPOSITIONED TO ACCORD WITH KITCHEN EXTRACT. EXTRACT TERMINAL ADDED OVER VEG. PREP. DIMENSION OF STORE OVER UNIT 4 INCREASED. 25.713

FIRST FLOOR PLAN

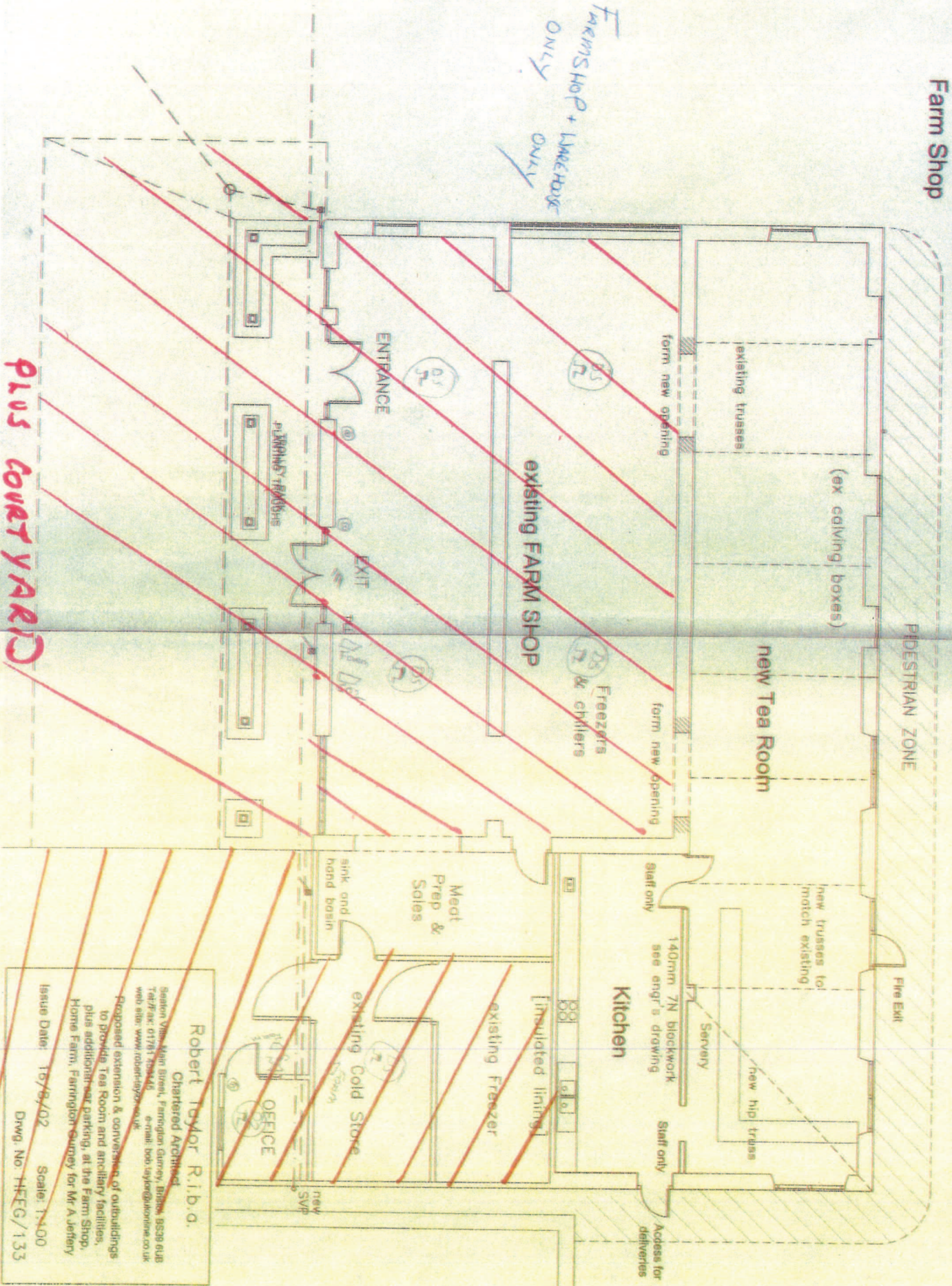


PLEASE DO NOT SCALE FROM THESE DRAWINGS
ALL DIMENSIONS SHOULD BE CHECKED ON SITE

- REV J: JOINTS, REINFORCING, CONCRETE WALL, SOLID BRICK TO 100mm
- REV H: DRAINAGE UPDATE 26.7.13
- REV L: DRAINAGE, ACCESS, RETENTION, REINFORCING, CONCRETE, WALL, TO RETAIL 2 PLAY AREA, UPDATE 25.7.13
- REV K: UPDATED TO ACCORD WITH MILLER CONTRACTORS PLAY ZONE AND ZONE ENGINEERING DESIGN
- REV M: REPOSITION DOOR NEAR PLAY 7.5.13
- REV N: REVISION TO ACCORD WITH REVISION DESIGN BY OCM DOOR INTO EXISTING BALCONY CONNECTED WITH WALL STRIP, UPDATE TO ALLOW FOR EXISTING STRIP WALL STRIP, REV. 10.1.13
- REV E: SPECIFICATION, UPDATE TO STAIR AND PARTY ROOM DOOR
- REV F: SERVICES, REPOSITIONED, TOILETS, REVISIONS, RETAIL 5/6 REINFORCING, REVISION MOVED
- REV A: DWARF WALL, DRAINAGE, GLAZED SCREEN, 23.11
- REV B: STEEL FRAME COLUMN, REPOSITIONED WALL
- REV C: DIMENSIONS ADDED, STRUCTURAL COLUMNS RE-SEED, 17.7.13
- REV D: PROVIDED WATER, ACoustic, ROOM RISK CHECKS, 24.11.13

PROJECT:	FARRINGTONS RETAIL/PARTY/PLAY/CAFE/KITCHEN
CLIENT:	MR. A. JEFFERY
DESIGNER:	PROPOSED GROUND FLOOR PLAN
DATE:	1-10
SCALE:	1:100
APP. NO.:	PPC/GFP/007
REV. NO.:	002
DATE:	23.11.13
BY:	L

HOME FARM - EMERGENCY EXITS
Proposed new Tea Room & store to
Farm Shop

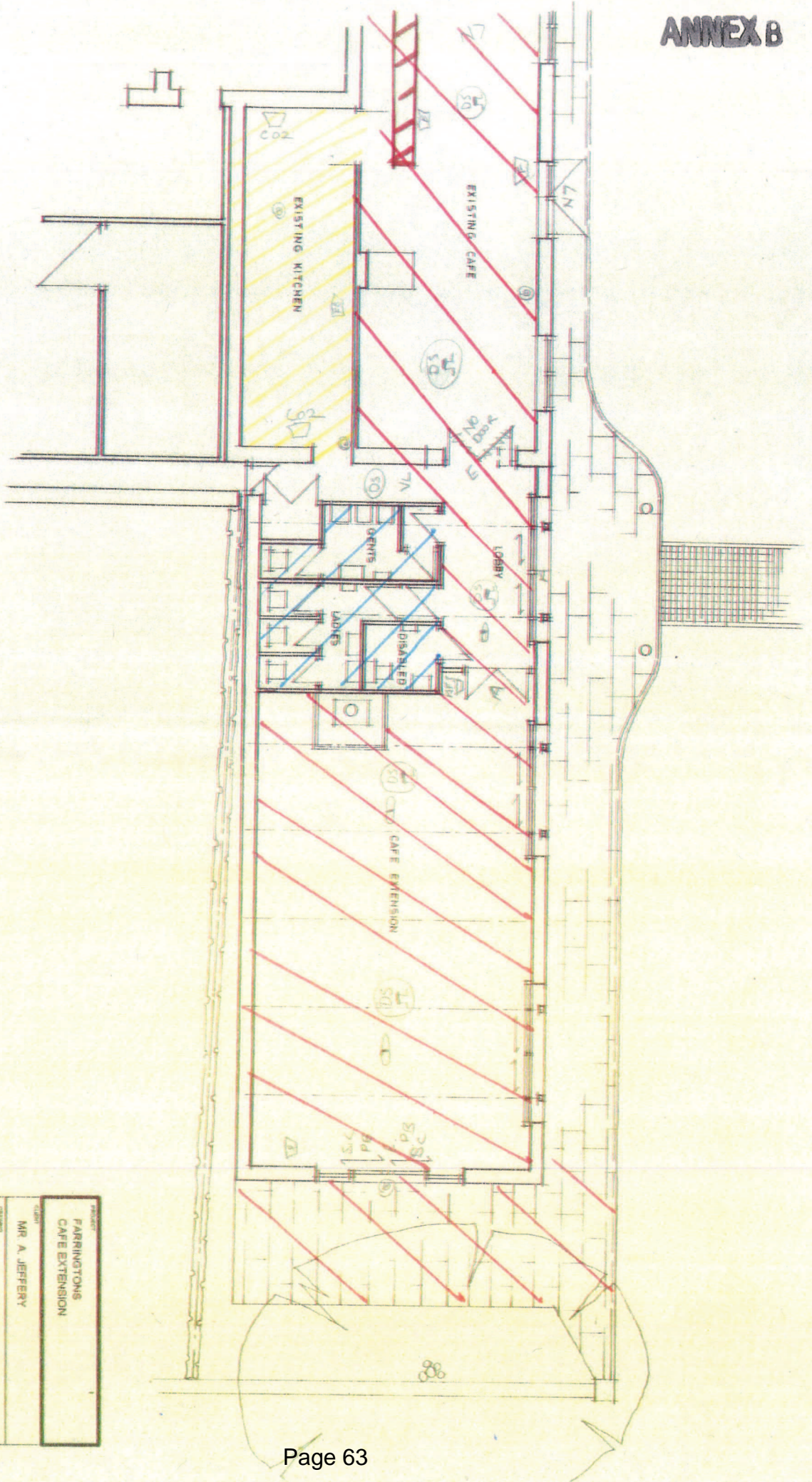


Robert Taylor R.I.b.o.
Chartered Architect

Seaton View, Allen Street, Farmington, Curry, Basing, B339 6UB
Tel/Fax: 01781 528416 e-mail: bob.taylor@roberttaylor.co.uk
web site: www.roberttaylor.co.uk

Proposed extension & conversion of outbuildings to provide Tea Room and ancillary facilities, plus additional car parking, at the Farm Shop, Home Farm, Farmington-Emmey for Mr A Jeffrey

Issue Date: 15/8/02 Scale: 1:100
Dwg. No: HEEG/133



REV A 5.3.08 18FE ADDED WALL MOVED
 REV B 5.8.08 PLANNING AMT MOMENTS
 REV C 30.10.08 WINDOWS, DOORS AMT NDFO

GREEN SIDE UP ARCHITECTURAL AND LANDSCAPE DESIGN CONSULTANTS <small>Chapel Court, Upper Street, Clerkenwell, London, EC2A 4DU, Tel: 020 7324 8666</small>			
PROJECT:	FARRINGTONS CAFE EXTENSION	DATE:	1/1/00
DESIGNER:	MR. A. JEFFERY	SCALE:	CAFE PRP 005
TITLE:	PROPOSED PLANS	NO:	C



LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	14/04744/LAPRE
Applicant's name:	Farringtons Farm Shop Ltd
Premises name and address:	Home Farm Main Street Farrington Gurney BS39 6UB
Application for a:	Licence to show films

Objector Details:

Objector's Name:	Phil Wade
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	2 Manor Cottage Main Street Farrington Gurney BS39 6UB
Organisation name if applicable:	

Objection Details:

My/our representation is relevant to the following licensing objective(s):

Prevention of crime and disorder

Prevention of public nuisance

Protection of children from harm

Public safety

-
-
-
-

ENVIRONMENTAL SERVICES
2 8 NOV 2014
Post Log No:
Receipt No:
CH/CA £.....

Making Bath & North East Somerset an even better place to live, work and visit

Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

I am very concerned that this application for a cinema / drive in movies would create noise disturbance all day, but especially in the evenings until 11pm. It is wholly inappropriate activity in a rural village.

The noise disturbance would not only be from uncontrolled sound levels (as the application is for individual car stereos to control the sound level), windows wound down on cars with sound pouring out; but also increase traffic levels that would also result in further traffic noise and disturbance to the whole village, as well as increase the risk to public safety by increasing the traffic movements around the village, especially around the entrance to the site which is already a dangerous junction.

The light pollution from a large screen is also likely to disturb local wildlife particularly bats, badgers and owls that are all resident within the village. Not to mention the increase in litter associated with the use.

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.

Signed



LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	14/04744/LAPRE
Applicant's name:	Farrington's Farm Shop Ltd
Premises name and address:	Home Farm, Main Street, Farrington Gurney, Bristol, BS39 6UB
Application for a:	Sale of alcohol / Exhibition of film licence

Objector Details:

Objector's Name:	Farrington Gurney Parish Council
Objector's Address:	8 Meadow Close Farrington Gurney BS39 6UY
Organisation name if applicable:	

Objection Details:

My/our representation is relevant to the following licensing objective(s):

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm
- Public safety

ENVIRONMENTAL SERVICES
3 DEC 2014
Post Log No:
Receipt No:
CH/CA £.....

Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

This application was discussed at the November meeting of the Parish Council. The Applicant was present to provide some background to the application and members of the public were also present to make comment and ask questions

Following on from discussion at the meeting the Parish Council object to the application of a film licence due to the following:-

Farrington Gurney is a small and rural village set in the Somerset Countryside and many families have lived here for generations.

Farrington Farm has developed from being a working farm and farm shop selling a small selection of local produce to becoming a shopping village with a farm park with many childrens attractions. This has already been a significant change and seen increased activity in and around the premises with large nos of visitors and customers attending the site.

The further addition of a film licence is of concern to the Parish Council. Note no restrictions on how often films can be shown so this could potentially become a regular or even daily occurrence should the Applicant choose to fully utilise their licence with films being shown both inside the premises but also outside in the open air late into the evening. There is a concern that any outside screen would omit high levels of light causing disruption and annoyance to those residents living around the farm shop. The lighting is also likely to illuminate surrounding fields, countryside and the village church and graveyard. This is not welcomed in a small and rural environment.

There is also a concern that increased nos of visitors into a working farm at night may also have health and safety issues as visitors are unlikely to be monitored through out their visit and could access outside areas.

This additional attraction could attract increased nos. of visitors and vehicles on to the site late into the evening together with the related activity and noise levels. Note licence is up to 23.00. There is concen over increased noise with large nos. of vehicles on the premises, manouvering, parking etc. This will cause nuisance and disruption to residents living around the farm shop and surrounding area

The Farm shop is successful already providing home to in excess of 10 small business units, a cafe, restaurant, play area, large play barn together with other outside and animal attractions and has evolved from the original Farm shop opened in 1991. But the village of Farrington Gurney remains very much the same, a quiet rural Somerset village and the Parish Council have concerns over this application and the impact it will have on the countryside, neighbouring residents and village.

The Parish Council do not wish to comment on the sale of alcohol part of the application as we understand this is subject to a planning appeal.

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.

Signed

Teresa Marston - Parish Clerk

Date

28th November 2014

Contact telephone number(s)
(This is essential as we may need to contact you at short notice)

07476984244

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the _____

hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name _____

I will be attending the hearing I will not be attending the hearing

I will be represented at the hearing by _____

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>
	/

Please delete as appropriate: I consider a hearing to be necessary/unnecessary

Form to be returned to:

Licensing Team
Public Protection and Health Improvement Service
Lewis House
Manvers Street
Bath BA1 1JG

LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	14/04744/LAPRE
Applicant's name:	Farrington's Farm Shop Ltd
Premises name and address:	Farringtons Farm Shop Home Farm Main Street Farrington Gurney
Application for a:	

Objector Details:

Objector's Name:	Sara Chiffers
Objector's Address:	Bridge Dairy Farrington Gurney BS39 6UL
Organisation name if applicable:	

Objection Details:

My/our representation is relevant to the following licensing objective(s):

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm
- Public safety

ENVIRONMENTAL SERVICES
4 NFC 2014
Post Log No:
Receipt No:
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Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

This application seeks to extend the current alcohol license to include new areas of development at the site. This includes the Play barn and the outside playarea - or farm park. the primary function of both of these areas are for young children to play in. It is my view that the application of an alcohol license for these areas would be incompatible with this use. Children will be exposed to alcohol and to adults drinking. Alcohol is already very 'normalised' in today's society and so the few places that are aimed primarily at children should be protected from these influences. As there intends to be a blanket 7 days a week, 8 until 23.00 license, there is also a higher risk of small children accidentally consuming alcohol due to the high numbers of children present. For anyone visiting these types of places, they will be familiar with the manic nature of children running around everywhere and that a parent will often leave things unattended in order to deal with incidents/ toilet stops etc. I do not feel that extending the alcohol license to cover the playbarn and the farm park supports the statement 'protection of children from harm' .

The application also seeks to add showing films to the license. It does not state where or when these film showings will take place or what types of films they would be. The license would cover 7 days a week, 8 -23:00 hrs which if films were to be showed everyday in the evening for instance, it would significantly increase the use of the site in the evening. It would increase the public nuisance factor such as traffic noise, and ancillary noise from people laughing, car doors etc which would a result of 100 cars sitting in the car park watching a film. These types of noise are difficult to regulate under other legislation available. As such it is difficult to assess how the licensing objectives of prevention of public nuisance and protection of children from harm will be achieved. The application states that in car sound would be used for any outdoor films. This infers a 'drive-in movie' type of arrangement - however the application does not include the car park in the 'licensable' area. Shouldn't this be included? If the carpark is potentially to be used for a drive in movie- how will access for other users be facilitated? This has an implication for public safety around the site. Especially as the car park is very poorly lit in the hours of darkness. There is no indication of a film policy which would outline types of films to be shown and therefore how children maybe protected from harmful or age-inappropriate images.

Overall, I do not see how it is possible to assess whether this application can fulfil the licensing objectives of public nuisance, public safety and protection of children from harm, when there is little or no information included on the application form as to how the exhibition of films will be facilitated on this site.

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.

Signed

Sara Chiffers

Date

2 Dec 2014

Contact telephone number(s)

07973714491

(This is essential as we may need to contact you at short notice)

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name

I will be attending the hearing I will not be attending the hearing

I will be represented at the hearing by _____

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary/unnecessary

Form to be returned to:

Licensing Team
Public Protection and Health Improvement Service
Lewis House
Manvers Street
Bath BA1 1JG

Kirsty Morgan

From: Patricia Layzell <patricialayzell@hotmail.com>
Sent: 05 December 2014 12:33
To: Kirsty Morgan
Subject: new premises licence application 14/04744/LAPRE Farrington's Farm Shop

New Premises Licence Application 14/04744/LAPRE

5/12/14

Dear Kirsty Morgan,

We wish to object to this licence application for the following reasons

Prevention of Public Nuisance

Showing films outdoors would have to be at night. This would involve extra traffic movements, noise, extra lighting, flashing lights, outside of the normal trading times of the farm shop. This would be detrimental to the rural environment and to quality of life for immediate neighbours.

This is after all a rural farm shop and it is in danger of expanding beyond it's status which would not enhance the village. We want to live next to a farm shop not a mini Alton Towers.

Protection of children from harm

The playbarn is primarily a leisure facility for children. Parent/carers have to be there to supervise their own children at all times. It is not appropriate to serve alcohol in this part of the complex.

We understand that our comments will be available as a public document and may be shown to the applicant.

Andrew and Patricia Layzell

Timna, Main Street, Farrington Gurney, Bristol, BS39 6UB

From: David Teal <dave_teal@hotmail.com>
Sent: 05 December 2014 16:41
To: Licensing
Subject: FAO Lauren Latta re: 14/04744/LAPRE

Lauren,

I would like to object to this application for a liquor and cinema license.

1. Why do they need a license until 11pm when the site is restricted to only operate until 7pm. I know there have been applications to open later but the early closing time is there for a reason; to protect the neighbours amenities.
2. There is something quite distasteful/ inappropriate about wanting to sell alcohol in designated children's play areas when there is a licensed cafe on the same site.
4. We are all aware that people who choose to take their children to some pubs have access to soft play. However, this mix of alcohol and small children is highly unusual in a farm shop/ shopping village.
5. There seem to be a number of units that do not have planning approval and I presume building regulations (e.g. the bakery, hairdressers, furniture store, fishmongers, gift shop, static caravans etc.) and outdoor changes of use (agricultural land to plant nursery and outdoor children's play area). Surely it makes sense to ensure the site is respecting planning laws and conditions before considering a liquor license that could increase use?
6. Traffic is already a problem. If anyone from BANES came to visit, it would be crystal clear how many customers use their cars. Surely no-one can spin the fact that a drive-in movie venue is all about sustainable transport?!!
7. The application for a cinema licence to allow a drive in movie is outrageous. This would have to operate outside the existing operating hours permitted. It would have a serious affect on the amenities of the local residents. Some in car systems are extremely loud. Add to this the coming and going of cars/ engines starting/ headlights etc/ light on site for longer etc.

I hope these points will be taken into account when considering this application.

Regards

David Teal

AMICA 0

Manor Farm
Main Street
Farrington Gurney
Bristol
BS39 6UB

ENVIRONMENTAL SERVICES	
5 DEC 2014	
Post Log No:
Receipt No:
CH/CA £

2nd December 2014

Dear Ms Latta,

Please find outlined below my 3rd party representation for licensing application
Reference:14/04744/LAPRE

The application itself relates to the request for two separate licenses, an exhibition license for films and a premises license for the sale of alcohol on and off the site. I would like to take this opportunity to make a representation for each application individually.

The Exhibition License for Films

I find it impossible to see how the licensing department can even consider this application as there is absolutely no information given, except the type of license requested and the proposed hours. There is no information about the type of films being shown (e.g educational or mainstream box office), what age groups the films will be aimed at, the exact location within the shopping village where they will be shown, the frequency they will be shown, the size of audience they will be shown to. This list is by no means exhaustive but should demonstrate the point.

Please could you answer the question below:

Did the licensing department recommend to applicant to apply for this exhibition license alongside the alcohol license?

The reason I ask is, at the last Farrington Gurney Parish Council meeting (17/11/14), in front of 10 or so witnesses, the applicant mentioned on several occasions that the exhibition license application was not his idea but it was in fact it was the licensing department that had suggested that he should also apply for this license at the same time. Is this true? I would be grateful if you could look into this matter and inform me of the department's version of events as I cannot understand why licensing would do this.

As little thought and time has been put in to this application compared to the alcohol license, of the 8 conditions proposed, 7 related to the sale of alcohol and only one to the exhibition of films, I hope this application has not been put in as a red herring to allow the council to refuse the film license, potentially appeasing the objectors and permit the alcohol license giving the applicant his desired outcome. I request and fully expect that each of these applications are judged on their own individual merit.

My concerns relating to the licensing criteria are:

Prevention of Public Nuisance

Public nuisance as a result of permitting this license may occur due to:

- Light pollution from outdoor film screen, outdoor films will have to shown at night to be visible. Late film showings would go on beyond the sites current permissible hours determined by the planning department. These opening hours are in place to protect the amenity of the nearby neighbours. I would request that should any exhibition license be permitted, the hours granted should mirror those of the rest of sites for exactly the same reason. Consequently, should the sites hours be extended at any point in the future, the exhibition license can be reassessed at that point rather than being automatically in place, therefore minimising public nuisance long term.
- Light pollution from patrons vehicles travelling around the site
- Noise pollution from patrons vehicles travelling around the site
- Litter being generated by people dropping rubbish out of their car windows

Public Safety

- There may be a public safety issue generated by potential influxes of large volumes of traffic just before a film begins and when a film ends, whether it is one being shown indoors or outdoors. I do not feel the transport infrastructure within the farm shop complex would be able to adequately cope with this and it could lead to an accident.

Protection of Children from Harm

- As it is not detailed where the outside films are to be shown, it could be possible that a child could see the screen from their bedroom or garden and end up viewing a film which is not suitable for them
- There is no detail as to how the car park will be policed to ensure it is not gate crashed by children trying to watch an unsuitable film

Premises License for the Sale of Alcohol on and off the Premises

I am fully in support of alcohol being sold in the Farm Shop, Café and function room, although I feel the hours being applied for are excessive. However, I do feel exceptionally disappointed and have serious concerns at the suggestion that the applicant is proposing to sell alcohol at venues on the site which are primarily aimed at children, namely the Play Barn and the Cowtastic Farm Park. These are clearly designed to attract and give pleasure to children. It does not seem right to sell alcohol in establishments such as these, just as you wouldn't sell alcohol in a play group or a youth club. Alcohol is available elsewhere on the site should an adult be that desperate for a drink!

My concerns relating to the licensing criteria are:

Prevention of Public Nuisance

- I am deeply unhappy about the licensing hours requested by the applicant, these are far in excess of the sites current permissible opening hours granted by the planning department. After speaking to the licensing department, I am aware that these hours requested are already in place for the Farm Shop and café but obviously not for the rest of the site. Although my property shares a boundary with the Farm Shop, I unfortunately do not receive a postal notification from the council regarding applications which my neighbours have submitted. Consequently I was not aware of the licensing application which they submitted in 2012 and therefore did not make a representation. The licensing department have informed me that in fact no representations were made in respect to this application in 2012 and as a result they had no choice but to award the applicant the hours which he requested. As this application is for a brand new license, rather than a variation of the existing license, I

believe the licensing department has the opportunity to consider and decide upon which hours are suitable for the alcohol license for the site and consequently I would like to take this chance to submit my representation to this new application. The current hours and the hours requested in the application seem unnecessary and excessive, as the site is not able to actually use them as the opening hours granted by the planning department have precedence over those from the licensing department. Planning put the current permissible opening hours in place to safeguard the amenity of the nearby residents. Therefore I would request that should any license for the sale of alcohol on and off the premises be permitted, the hours granted by licensing should mirror those determined by planning for exactly the same reason. This would make far more sense as the site is not able to use all of the hours requested anyway. It would also put nearby resident's minds at rest that should the sites opening hours be extended for any reason in the future, the site would not automatically be able to sell alcohol and we would have a further opportunity to make a representation to this change in circumstances. The sale of alcohol is well known for causing a public nuisance particularly late at night. We have two young children who are in bed by 8 o'clock and it would give us great peace of mind, living next door, that alcohol could not be sold beyond this time. It is currently very reassuring, as the Farm Shop is situated within a residential area of Farrington Gurney, that the whole site starts to quieten down from 7 o'clock onwards.

Public Safety

- An adult attempting to rescue their child from some climbing apparatus in the play barn or farm park is more likely to injure them self if they have been drinking. If they fell, as well as injuring themselves they could land on an unsuspecting child.

Protection of Children from Harm

- I find it hard to fathom why a license to sell alcohol in venues such as the Play Barn and Cowtastic Farm Park should be permitted. On the Farringtons website, the play barn is described as being focussed on healthy food and healthy play, surely the sale of alcohol cannot be seen to embrace this motto. These venues are aimed specifically at children and consequently the food and drink in these venues should suitably reflect that. I think venues aimed primarily at children should be kept alcohol free. There are other outlets on the site from which alcohol can be purchased should an adult wish to do so.
- By not selling alcohol in the Play Barn and Farm Park, the business would be promoting an excellent ethos for these venues, again putting the child first and foremost.
- Parents who haven't been drinking are likely to be more vigilant and alert when supervising their children and better able to judge if their child requires assistance. Hopefully this will keep the number of accidents involving children and adults for that matter in these venues to an absolute minimum.

I would be grateful if you could give my representation some detailed consideration when presiding over this licensing application.

Yours sincerely,

Dr M J Thomas.

