



# STROUD DISTRICT COUNCIL

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## LICENSING ACT 2003

### APPLICATION FOR A PREMISES LICENCE

<b>PREMISES NAME</b>	THE FARMERS YARD
<b>PREMISES ADDRESS</b>	WESTEND FARM, CHURCH ROAD, ARLINGHAM, GLOUCESTERSHIRE GL2 7JL
<b>APPLICANT NAME/S</b>	SOPHIE JONES
<b>APPLICATION TYPE</b>	APPLICATION FOR A PREMISES LICENCE
<b>APPLICATION REFERENCE</b>	25/00817/LAPRNW
<b>DATE OF HEARING</b>	16 <sup>th</sup> SEPTEMBER 2025
<b>DATE OF DECISION</b>	16 <sup>th</sup> SEPTEMBER 2025

### BACKGROUND

The application is a new application for a premises licence to permit the sale of alcohol for consumption on the premises and to permit live music. The times requested are as follows:-

Sale of Alcohol – daily – 11.00 to 00.00

Live Music – Friday and Saturday 23:00 – 00:00

(live and recorded music is permitted under the regulated entertainment exemption until 23:00 for premises with a premises license authorising sale of alcohol for consumption on the premises.)

Opening Hours – daily – 08.30 to 00.00

Accompanying the application was a plan. The plan shows a red line around the building and an outside area to the rear of the premises. The boundary is to include both the indoor and outdoor area. The application stated the sale of alcohol is restricted to this area and live music would take place both indoors and outdoors.

There have been no representations from the responsible authorities.

There have been twelve representations from local residents and Arlingham Parish Council, opposing the grant of the application.

There have been two representations received in support of the application.

## **HEARING**

The Panel comprised Councillor Martin Brown (Chair), Councillor Ian Hamilton and Councillor Paul Turner.

David Mason (Applicant's solicitor), Sophie Jones (Applicant) and Thomas Jones (Applicant's husband) attended.

Robert Langley (Resident), Tim James (Resident), Penelope Shield (Resident) and Richard Shield (Resident) also attended.

After the introductions the Chairman informed the residents that the Applicant's solicitor had provided written submissions on behalf of the Applicant and three pages of photographs. These were passed to the residents to allow them time to consider.

## **THE LICENSING OFFICER**

The Licensing Officer introduced the application and confirmed the application is a new application for the sale of alcohol for consumption on the premises and live music.

The Licensing Officer confirmed that representations had been received from local residents in Church Road and Arlingham Parish Council. No representations have been made from Responsible Authorities.

The Licensing Officer explained all premises that are granted on-sales of alcohol are able to play live and recorded music at the premises, during the times that on sales are permitted, provided it is between 08:00 and 23:00. The Licensing Officer further confirmed the legislation gives licence holders an automatic right to the music exemption and music does not need to be included on the licence or in an application and that the Panel cannot refuse or condition sales of alcohol on the grounds of potential disturbance caused by music under the exemption.

The Applicant has agreed certain conditions with the Police which will be put on the licence if granted.

The Licensing Officer explained that there is reference in the representations by the residents that there was a lack of consultation but confirmed the Applicant had complied with all statutory obligations.

The Licensing Officer further explained that the Panel cannot take into account planning issues. The Panel are considering the licensing activities of alcohol and live music. Any breach of planning permission is dealt with by the planning team

## **OTHER PARTY REPRESENTATIONS**

Tim James spoke to the Panel. He stated the area was different between day and night. He said there was no street lighting, it was single track and limited CCTV. He explained that you leave by car or on foot. Mr James was concerned about threat of crime and disorder. He said he had no issue if the licence was for the day, the issue was a licence for the night. Mr James said he could hear a guitarist and speaker from within his property and cannot mitigate the noise as he lives in a listed property. He said public nuisance will keep his son awake. He said there had been no engagement from the applicant to the neighbours. The application for late night Friday and Saturday is out of kilter with the business model. He said the risk was too great and out of character in a rural area. Mr James asked the Panel to balance the business thriving with the needs of the local residents. Mr James said it is a uniquely isolated place where a café operating at night will change the environment they live in.

Penelope Shield spoke to the Panel. Mrs Shield has concerns over the surge of events. She also expressed concerns about the single-track road and grass verges. She said children use the verges to walk to the nearby playground. She said that parking and passing places are issues. Mrs Shield said her concerns are whatever the Applicant might promise, it might escalate. She said the noise will be inflicted upon them. She said it was not family friendly, relaxed and rural. She accepts steady traffic in day and alcohol in the day but not extending alcohol and music into the evening at this location.

Richard Shield spoke to the Panel. He agreed with all that had been said by the other residents. He had concerns about parking on grass verges. He has a milk tanker that uses this road and it would cause difficulties with the parking on the verges. He said he was also concerned over wildlife.

Robert Langley spoke to the Panel. He agreed with the other residents' comments. He said he had supported the Applicant up until now. Mr Langley was concerned about the likelihood of the increase in the activity if the premises licence was granted.

Councillor Hamilton asked the residents if there had been any dialogue with the Applicant. Tim James replied there hadn't and he felt it was for the Applicant to make the approach. Mrs Shield said there was a Parish Council letter in July but they only heard about it on 21<sup>st</sup> August 2025 and the deadline for representations was 26<sup>th</sup> August 2025. She said there was a sense of confusion.

Mr Mason did not have any questions for the residents.

## **APPLICANT'S REPRESENTATIONS**

Mr Mason, solicitor for the Applicant explained that the statutory consultation had been met and the Applicant had engaged with the Parish Council. He said that the nuisance the Panel need to consider is in relation to humans and not wildlife.

Mr Mason said in relation to the escalation and the suggestion that this was the start of something bigger, this was a concern of the residents and not evidenced. He said there

was no evidence on the conduct of the business so far that there is likely to be nuisance. Mr Mason said there had been no complaints. He said his client would be silly to use the premises licence to cause nuisance knowing the council had adequate powers to refuse and review the licence. He said it would not be in accordance with how the Applicant runs the business model. Mr Mason said this would be for walkers and locals, not for groups of people who would cause trouble. Unlikely to cause a public nuisance.

Mr Mason said in relation to traffic calming measures, adequate policing and CCTV, this was not something within the Applicant's control and they would not be required in any event. Mr Mason said this was not a good reason to refuse the application.

Mr Mason outlined some events in the last month, which included a candle making workshop and a baby shower. He explained these are the kind of events for the evening. The numbers would be limited and therefore as they are self-limiting, there would not be the production of noise. He explained that alcohol was not the main focus. He said this is family friendly, for walkers, local residents not groups that might cause difficulty for the neighbours.

Mr Mason said the farm had been in the family for over 100 years and this was not a business that was being built up to sell on. He said the Panel could rely on what the Applicant was saying, they are not going to sell and move away.

Mr Mason said all alcohol sales would be managed by trained staff, there would be refusal logs and incident logs. He said there was onsite parking and parking on fields.

Mr Mason in conclusion submitted that the conditions need to be proportionate and there needs to be evidence. He said it speaks volumes that the responsible authorities have made no representations. He said there was no evidence of any previous difficulties and asked the Panel to grant the application applied for.

Councillor Turner asked whether the submission until midnight was a fair and reasonable one on local residents. Mr Mason said it was two days a week and wouldn't be fully utilised every Friday and Saturday but there may be an event that the Applicant needs to accept for those hours.

Councillor Brown asked how many Temporary Event Licenses had been granted. Mr Mason replied there had been one.

Councillor Hamilton asked when the Applicant would stop the sale of alcohol in the evening. Mr Mason replied this would be 30 minutes before and he agreed the hours could end 30 minutes earlier to allow for this.

Councillor Hamilton asked about the car parking. Mr Mason said there is a car park that can accommodate 20 – 25 cars in the yard and a field that could fit about 100 cars. He said the field would not be used, if not suitable, and the Applicant would not arrange events over the capacity of the car park.

Councillor Hamilton asked about third parties running the events. Mr Mason said every event would be managed by the applicant who would sell the food and alcohol directly.

Councillor Hamilton asked what assurances could be given to the residents about the concerns of security, prevention of crime and nuisance in relation to active intervention, for example if music needed to be turned down.

Mr Mason said the Applicant would welcome this and would give notice to the residents of upcoming events. Mr Mason said a point of contact could be provided.

Councillor Hamilton asks about the hours requested, and whether there were other hours, arrangements of hours or business propositions shorter on certain days. Mr Mason replied that it was difficult as the Applicant required flexibility.

Councillor Brown asked if the Applicant was willing to state how many events in the year. Mr Mason said this could be limited to 20 in a 12-month period and would be until 10pm. Mr Mason said the Applicant had held evening events just without alcohol and this was an indication events can be run without disturbance.

Councillor Hamilton asked if the Applicant would be prepared, when running evening events, to close the outdoor area at 20:00. Mr Mason said the Applicant would be prepared to do this. Mr Mason also confirmed that the Applicant would agree to keeping windows and doors of the inside bar area shut after 20:00.

Other parties were invited to ask questions of the Applicant.

## **CONCLUDING COMMENTS**

In summing up the residents said it was striking a balance for the Farmyard and the residents. The concern was how many events will run and residents' children will hear them.

The Applicant's solicitor said they had covered all matters.

## **LEGAL MATTERS**

The Panel had due regard to:-

1. The provisions of the Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application;
2. The obligation to promote the four licensing objectives; and
3. The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.

The Panel considered that it must carry out its functions with a view to promoting the four licensing objectives, as set out in Section 4(2) of the 2003 Act. The Panel cannot take into account any matters or representations which do not relate to one or more of those licensing objectives and acknowledges that any representations which are received must be relevant and evidenced-based.

## **DECISION**

The Panel considered all the representations received from the local residents and Arlingham Parish Council. They noted the concerns that have been raised. The Panel also noted the explanation given by the Applicant in terms of what was planned for the business.

The Panel when considering the licensing objectives did have concerns about the prevention of public nuisance. They considered that a premises licence granted for the times specified in the application would create a noise nuisance for nearby residents in this rural location. This was in relation to noise from events and from people leaving. The Panel considered noise emanating from the outside area after 20:00 would cause disturbance to local residents in a very quiet rural area. However, the Panel were satisfied that a balance could be made of supporting the business and protecting local residents from late night noise disturbance.

In order to promote the licensing objective of preventing public nuisance the Panel are satisfied that the application can be granted with the following amendments and additional conditions:-

- 1) Sale of alcohol Sunday to Thursday - 11:00 to 20:00
- 2) Sale of alcohol Friday to Saturday – 11:00 to 22:00
- 3) A condition to be added to the licence that the outside area is closed at 20:00 to customers with all windows and doors to remain closed in the building after this time except for access and egress.
- 4) Opening hours Sunday to Thursday 08:30 to 20:30 to allow for drinking-up time.
- 5) Opening hours Friday and Saturday 08:30 to 22:30 to allow for drinking-up time.
- 6) Those conditions agreed between the Applicant and the Police in relation to the adoption of a challenge 25 scheme, staff training in relation to the sale of alcohol and operating a refusal log and incident log.

The Panel is satisfied with these amendments and conditions the licensing objectives have been met.

Due to the Panel's concerns already mentioned above in relation to noise from events impacting local residents and the times stated above for the premises licence, the application for the live music from 23:00 to 00:00 hours daily is not granted. The Panel noted the evidence from the resident who stated that he could hear music from one of the events clearly in every room in his house.

The Panel noted that the Applicant stated that they would provide residents with a single point of contact should they need to contact them and the Panel would welcome this proposal.

The Panel would encourage the Applicant to join the Stroud Safe Scheme.

## **APPEAL**

All parties were reminded of their rights of appeal against the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal

must be made to the Magistrates' Court and commenced within 21 days of notification of the authority's decision.

## **REVIEW**

All parties are reminded of the procedures contained within the Licensing Act 2003 relating to the potential review of a premises licence.

This provision allows the public, businesses or Responsible Authorities to apply for a review of a premises licence where problems arise, such as: crime and disorder, risks to public safety, public nuisance or failure to protect children from harm.

The Licensing Authority respectfully reminds all parties that for any review to be successful in restricting a licence, evidence would need to be collected of incidents occurring that demonstrated that the licensing objectives were not being adequately promoted. The Council's Environmental Health Service can be contacted out of hours to report complaints of excessive noise nuisance.