

Public Agenda Pack



Minutes of a Meeting of the Licensing Sub-Committee held in the Committee Room, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 18 July 2023 at 1.00 pm

Present:

Cllr Brian Smedley (Chair)
Cllr Hugh Davis
Cllr Tony Robbins (online)

Also Present:

Olivia Denis	Licensing and Business Support Officer
Claire Dicken	Democratic Services Officer
Lesley Dolan	Legal Advisor
Jack Godley	Senior Licensing and Business Support Officer
Debbie Widdows	Democratic Services Officer

Applicants:

Ian Wilson
Chris Goodchild

Other Persons:

Rodney Stoke Parish Councillor Mike Sealey
Somerset Councillor Ros Wyke
John smith
Colin Symes
Valerie Bullen

5 Apologies for Absence - Agenda Item 1
None

6 Declarations of Interest - Agenda Item 2
None

7 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 3

The procedure was noted.

8 Objection Notice received in respect of application made for a Premises Licence for Bucklegrove Holiday Park, Wells Road, Rodney Stoke, Cheddar, BS27 3UZ - Agenda Item 4

The Licensing and Business Support Officer was invited to present her report. She explained the Council had received an application from Wookey Hole Limited for a new Premises Licence at Bucklegrove Caravan Park, Wells Road, Rodney Stoke, Cheddar, BS27 3UZ.

The report said the Bucklegrove Holiday Park was a family friendly park situated at the foot of the Mendip Hills on the outskirts of Rodney Stoke, which was just over 3 miles from the town of Cheddar. The Park was approximately 7.5 acres in size. The Park offered a range of accommodation including:

- 3 lodges with hot tubs
- 34 static caravans (of which 6 were privately owned)
- 40 seasonal pitches for touring caravans
- 2 woodland camping cabins
- 1 pod
- 36 camping pitches
- 25 touring caravan / motor home hard standing pitches

Park facilities included:

- A heated, indoor swimming pool and toddler pool
- Games room
- Outdoor play area
- Shop and guest reception
- The Lodge – Bar & Restaurant
- Guest toilets, shower facilities and laundrette

The premises already had a premises licence. However, a new application had been submitted for the sale by retail of alcohol, the provision of regulated entertainment and the provision of late-night refreshment. The timings for the licensable activities in the application were:

Supply of Alcohol, Monday - Sunday 08:00 - 02:00, On/Off the Premises
Regulated Entertainment, Monday - Sunday 06:00 - 02:00, Indoors/Outdoors
Plays, Monday - Sunday 23:00 00:00, Indoors/Outdoors Indoor
Sporting Events, Monday - Sunday 23:00 - 00:00
Late Night Refreshment, Monday - Sunday 23:00 - 05:00, Indoors/Outdoors

The Council had received 8 representations from Other Persons that related to at least one of the four of the Licensing objectives. Several site visits had been undertaken during the representation period with the applicant and the Licensing Authority, Somerset Council's Environmental Protection team, Avon and Somerset Constabulary's Liquor Licensing Officer and the Chairperson of Rodney Stoke Parish Council. At the end of the representation period the representations from Other Persons remained and were considered under the Act as relevant. The matter was therefore presented to the Licensing Sub-Committee to determine.

Included in the some of the representations were concerns/points raised in relation to Planning, but these were classed as not relevant as Planning and Licensing acted independently of each other. It was the responsibility of the premises to ensure they were compliant with both Licensing and Planning conditions. Residents had also raised concerns in relation to the highway and sewage networks, both of which were part of national infrastructure and under The Licensing Act 2003 were not classed as valid.

Relevant grounds for objection to the application included:

- The hours of operation which were seen to be excessively long and potentially operating every day of the year.
- Noise and disturbance until very late, particularly as the site was elevated,
- Large scale events would have to be held outside due to the limited capacity of the clubhouse, thus the noise may disturb neighbours.
- Lighting would be required in an area of dark skies, an AONB.
- Consumption of alcohol until very late.
- Increased traffic very late. Given the capacity of the site, events for 1500 people would mean lots of additional traffic movements. There were concerns for road safety.
- Lack of adequate parking for large events.

The report went on to state the applicant had arranged pre-application liaison with the Licensing Authority through a site visit on 25 April 2023.

The Police and Environmental Protection Officers visited the site on 12 May 2023. Following the visit, they were given a draft application to allow for any comments they may have wanted to make prior to the application being officially served on the Licensing Authority. Agreement was made with the applicant for relevant conditions to be attached to the licence, should it be issued, under the prevention of crime and disorder and public nuisance.

The Council had not received any representations from any Responsible Authority.

The Chair thanked the Officer for her report.

Questions:

In response to questions the Officer confirmed the application had been made for the hours of supply of alcohol from 8 am until 2 am.

She further confirmed that each application was treated on its own merits. And was not affected by other licences in the area. Each application was made subject to its own consultation.

She confirmed the proposed conditions had been circulated with the agenda. An amendment to these had also been circulated namely, that proposed condition 12 would mean regulated activities outside would cease at 23:00 except for films which would cease at midnight where they occur outside.

Applicant:

Ian Wilson was invited to speak on behalf of the Applicant. He said the caravan park was operating in a competitive market. The guests brought an economic benefit to the local area. The Applicant believed they had proven themselves to be a responsible neighbour. However, the current licence had proven to be too restrictive for their needs. For instance, the bar currently closed at 11 pm. They believed the requested times would give them flexibility and be able to respond to needs such as events. He said the Applicant was trying to future proof the premises licence in order to keep the business going.

He explained, whilst the Applicant had requested an end time of 2 am, it would not mean the bar would always stay open that late. However, their guests were on holiday and would appreciate the bar. As holiday guest most of them would be staying on site thus not creating additional vehicle movements or noise leaving the site.

With regard to events, the Applicant explained the figure of 1500 people, had been requested by the Police during discussion with them. This number of people meant the premises would be required to supply an Event Management Plan and be subject to additional guidance and a police inspection. However, there were no immediate plans for events of this size.

Questions:

The Chair asked the Applicant to answer questions from others as they arose.

Representations by Other Persons

1 Somerset Councillor Ros Wyke was invited to speak. She said that historically the campsite had been a good neighbour. However, in recent times there had been a firework display which the village had not been told about in advance. She was concerned that visitors who were not staying at the site would come and cause a noise nuisance as they arrived and left. She said the licensing activities had moved beyond the planning permission for it. She felt the application was too much of a change from the current licence. She was concerned that the number of events could move from 10 events a year, to an unlimited number of events during the year. She said several local residents had contacted her with concerns about the application. She suggested that noise levels be set in the conditions.

She said the site was very rural site which was situated within the AONB. It was important that the area continue to have dark skies. She was suggested that lighting be limited by condition. She said LED lights could be harsh and they should be set low.

She said it would have been helpful for Westbury Sub Mendip to be sent detail of the application as the village neighboured the site and residents would be affected by it. She said it would be useful for residents to know when events were going to be held. She was concerned that the campsite continue to attract families.

The Applicant replied by saying the firework display had not been held at the caravan park and had not organised by them.

The Licensing and Business Support Officer was invited to speak. She said the Licensee would be subject to a condition where they must provide a telephone number for neighbours to call in the event of problems. She explained that any premises which were causing a nuisance could be subject to a Review in accordance with the Licensing Act. She said noise levels could be assessed by the Council's Environmental Protection Team.

2 Colin Symes was invited to speak. He said was concerned whether the residents who lived on the site had been consulted. He was particularly concerned about potential noise nuisance. He suggested that the volume be set so that it could not

exceed an acceptable noise level.

The Applicant confirmed that there were no permanent residents on the site. He further said the Applicant had consulted with the Environmental Protection Team and they had not required noise limiting equipment.

The Legal Advisor explained the Environmental Protection Team had been consulted on about the application and they had not made any objection to the application, subject to recommended conditions which had been circulated with the agenda.

3 Valerie Bullen was invited to speak. She was very concerned about events where 1500 people may be in attendance. She felt this would cause noise and have a negative impact on the area. She wondered where they would all stay. She was further concerned about the length of the operating hours. She noted that soft refreshments could be available 23 hours a day. She was concerned how the site would be lit. And she was concerned about noise nuisance if people were outside all night, given the facilities could not accommodate 1500 people inside.

The Applicant explained the site was very large. He said if there were to be a large event then additional measures would have to be used. But there were no immediate plans to hold a large event.

The Applicant said investment had been made into providing a modern lighting system. The lights were LDC and low lit at night.

4 Rodney Stoke Parish Councillor Mike Sealey was invited to speak. He agreed the park had been good neighbours historically. He said residents in Rodney Stoke enjoyed living in a quiet area. He said this was a rural campsite. Therefore, he was concerned about the possibility of events for 1500 people because the site did not have the capacity for them. He was concerned where guests would park. He said there was no clear justification for the numbers.

He understood the licence could be subject to a Review. However, he thought that once it had been granted it would be very difficult to have it rescinded.

He said the residents of the Parish were concerned about the application.

The Applicant confirmed the clubhouse would be open to the public.

The Licensing and Business Support Officer confirmed the Parish Council had been sent a copy of the site notice.

5 John Smith was invited to speak. He was particularly opposed to the condition that films could be showed outside until midnight. He felt this was too late.

The Applicant said they would look at the content of the film before they were shown in order to ensure they would not cause a nuisance.

In response to queries from the Sub-Committee the Licensing and Business Support Officer read aloud the proposed conditions that related to drugs. This included a drugs Prevention Policy and zero tolerance of drugs.

The Chair thanked all of the participants for their comments and moved the meeting to the summing up.

Closing Submissions:

The Chair asked each part to make their closing submission.

Other Persons

Parish Councillor Mike Sealey was invited to speak. He said the problem was the scale of the change between the application and the current licence and the permanency of the licence once it was granted. He said if the applicants had made a staged approach, then there may not have been any objection.

He said conditions should be restrictive so as to ensure the interests of the residents.

Applicant

Ian Wilson was invited to speak on behalf of the Applicant. He said the Applicant was trying to stay competitive in a very competitive industry. He noted none of the Responsible Authorities had submitted an objection. The premises were well managed. They had been a good neighbour and would continue to be so.

The representative of the Applicant went on to say that as a result of the discussion

at the meeting they would be willing to offer amendments to the application, namely:

- That all regulated activities outside cease at 23:00 including the cinema
- That an Event Management Plan be required for events of 1000 and more people .

The Licensing and Business Support Officer

The Licensing and Business Support Officer reminded the Sub-Committee they must consider this application on its own merits and from the information contained within the application and the report.

Members were reminded that the duty of the Licensing Authority was to take steps necessary to promote the licensing objectives in the interests of the wider community, the Licensing Objectives, as follows:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In its decision-making process, the Licensing Sub-Committee must have regard to:

- Licensing Act 2003, and subsequent amendments
- The Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- Somerset Council's Statement of Licensing Policy.

The options available to the Sub Committee were as follows:

- Grant the application with no modifications, and only attach conditions as required by the 2003 Act. These shall include mandatory conditions and conditions consistent with the operating schedule.
- Grant the application, modified to such an extent as the Licensing Authority considers appropriate for the promotion of the Licensing Objectives
- Refuse the application, giving reasons for its decision.

Should the Committee be mindful to attach conditions to the licence, they must only do so if they are:

- Appropriate, necessary, and proportionate
- Precise, clear, and unambiguous
- Practical, realistic, and enforceable
- Non-duplicative of existing statutory requirements or offences

- Modern and fit for purpose.
- Consideration must also be given the number of conditions being attached.

Finally, the Officer stated that all relevant parties to the decision of the Licensing Authority had the right of appeal to Magistrates Court, in connection with this matter. This must be done within 21 days of being notified in writing of the relevant decision.

The Chair thanked everyone for attending. He said the decision of the Sub-Committee would be made known within 5 working days of the hearing.

Private Session

The Chair then closed the meeting, and the Sub-Committee considered the application in private session.

RESOLVED:

On the evidence before it, having considered all the circumstances, in particular the business interests of the applicant against the interests and concerns of the Other Persons, the Sub-Committee grants the Application for the Premises Licence as applied for subject to the offered amendments as set out below and with the conditions as contained in the Operating Schedule:

The amended conditions are:

- The amended conditions from the operating schedule, circulated by the Democratic Services Officer in the email to relevant parties on the 13 July 2023 at 21:17
- At condition 10 under the Public Safety Objective, the applicant was prepared to reduce the number of people from 1500 to 1000 to require an Event Management Plan to be produced.

At condition 12 under the Prevention of Public Nuisance objective, the wording “except for films which will cease at 00:00 where they occur outside.”

to be removed, so that the condition now reads –

“Regulated activities outside will cease at 23:00.”

The mandatory conditions required by the Licensing Act 2003.

The Sub-Committee delegates the authority to the Licensing Officer to add these to the Operating Schedule on the License as issued.

(The meeting ended at Time Not Specified)

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CHAIR