

Southern Area Licensing Sub Committee

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 13 APRIL 2021 VIA MICROSOFT TEAMS IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - GREEN HILL FARM CARAVAN AND CAMPSITE, NEW ROAD, LANDFORD, SP5 2AZ

Councillors Present:

Cllr Allison Bucknell, Cllr Ernie Clark, Cllr Jose Green

Also Present:

Applicants

Ross Birkett, General Manager - Applicant
Sean Power, Operations Director – Applicant

Others in attendance

Richard Higgins – Relevant Representation
Sam Smith – Relevant Representation
Stephanie Hildon – Relevant Representation
Gemma Wilks – Relevant Representation

Wiltshire Council Officers:

Katherine Edge, Public Protection - Licensing
Emma Batchelor, Public Protection - Licensing
Sarah Marshall, Senior Solicitor
Lisa Moore, Democratic Services Officer

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Allison Bucknell as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were none.

3 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 6 of the Agenda refers).

4 **Chairman's Announcements**

There were none.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Lovat Parks Ltd for a Variation to a Premises License in respect of Green Hill Farm Caravan and Campsite, New Road, Landford, SP5 2AZ.

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a variation to a premises license, presented by Katherine Edge (Public Protection Officer – Licensing) for which 5 relevant representations had been received. The application was for the following licensable activities:

- Consolidate two premises licenses in to one LN/8223 and LN/42197
- Extend the licensable area
- Extend current alcohol trading hours
- Include the addition of Film Indoor

It was noted by the Sub Committee that there were three options available to them:

- i) To grant the licence as applied for.
- ii) To modify the conditions of the licence.
- iii) To reject (refuse) the whole or part of the application.

The following parties attended the hearing online and took part in it:

On behalf of the Applicant

- Ross Birkett – General Manager
- Sean Power – Operations Director

Relevant Representations

- Richard Higgins local residents in objection to the application

- Sam Smith local residents in objection to the application
- Stephanie Hildon local residents in objection to the application
- Gemma Wilks local residents in objection to the application

The Chairman advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting.

The Chairman invited the Applicant to introduce their application.

Applicant's submission

The Applicant and his representatives (Ross Birkett, Raoul Fraser & Sean Power) spoke in support of the application, highlighting the following points:

- The site currently had 2 licences, these were for the café bar (2019) and the shop (2019).
- The applicant wished to consolidate the licenses and have an all year round license, rather than be limited to seasonal.
- Efforts had been made to strengthen the promotion of the Licensing Objectives, including reduced guest numbers, , reduced touring, less vehicular traffic, and increased warden activity on the park.
- The park had a different demographic, and now included lodges.
- The park was in a better position than it had been in the previous 2 years to ensure the objectives were met.
- The change to trading during all 12 months of the year would not alter the activity on the site as the existing 2 licenses already covered all of the months jointly.

Sub Committee Member's questions

In response to Members questions the following points of clarification were given:

- The park re-opened the previous day, operating under Covid regulations, some customers were using their own facilities. The site had 46 lodges 30 touring pitches and 15 tent pitches.
- The number of customers on site was less than in 2019.
- Touring had been reduced by half. Some areas of the site had been changed to allow larger areas for individual pitches, which resulted in less customers.
- Work had been carried out throughout the winter to improve the standard of the pitches and reduce the level of traffic on the park. There had been

a reduced footfall of 50%. It was not considered to solely be due to covid, and attendance figures were not expected to return to the pre-Covid level.

- The capacity of the clubhouse was explained (20 x seating under cover & 50 x outdoor seating).
- There had been no noise complaints reported to the Local Authority during the Managers time at the park (since 2019). The Park wardens issues a noise warning at 11pm to residents, who walk the park at 11pm.
- The park had a 24hr phone line which was provided to all customers staying on site. This was monitored out of hours, by the warden who also lived on site. In addition there was a 24/7 text SMS line available for customers on site.
- Receptions were open until 8pm and the telephone number for out of hours was also publicised on the website for neighbouring residents to use.
- Last year an open day for local residents was held
- Some tree clearance had taken place, some of this was described as removal of brash and dead trees, following a tree survey. There had also been an extensive planting programme, by Hilliers Nursery who had been on the park for the last 3 months and consultation with an Ecologist who was working with the park to introduce new species to the park.
- The onsite bar was for guests only.

Questions from those who made a relevant representation

In response to questions from those that had made a relevant representation, the following points of clarification were given:

- The planting put in seemed quite small, how long before they reached a size where they could create a sound barrier?

The trees planted had to be put in at 1 meter to achieve a maximum growth. It was expected to take 16 – 18 months before they would create a screen. However there had been more noise than usual due to recent development on site, in a normal year when customers were present, the park had not been aware of noise complaints.

- Nearby resident had concern regarding the visibility of those going in and out of the site, which had not been an issue in previous years.

Concern was raised regarding the comparison of attendance figures during the quieter Covid period to future figures as it was felt that the last year did not truly reflect the situation.

- The map shown of the site and numbered pitches did not reflect the figures provided during the presentation made by the park.

The park confirmed that they had not applied to add 85 lodges to the campsite. However; they stated that planning applications were dealt with by the Board of Lovat, and not the manager at the park.

The Chairman noted that the Panel would look at the incremental changes of what a variation would entail.

- Notice was drawn to the front field at the site which it was stated could accommodate additional pitches, not currently included in the figures.

The option for group bookings had been removed from the website. With regards to the winter period, there were 55 seasonal owners who stayed between September to March. Tents were rarely used through the winter and the pods were rarely booked when it was cold. The main concern of the park was to be able to facilitate coffee, pastry and a beer in the months through winter.

- The removal of the trees now meant that noise permeated across the field to neighbouring properties, from 6.45am onwards. The site shop which had been moved, closed at 6.00pm and was approximately 42m from the original old timber building.

It was stated that the shop was now 217m from one of the neighbouring properties.

The Chairman noted that the Panel could only look at the additional elements that would be brought about if the application were to be approved and for noise to be a public nuisance it had to be substantial.

Responsible Authorities' submissions

There were no representatives of Responsible Authorities present.

Those who made relevant representations submissions

A summary of the points raised were:

- The removal of trees and shrubs between the campsite and local residents increased visibility of the campsite and associated lights and noise and had removed the natural sound barrier. Photos from pages 81 – 85 were explained.

- The relocation of the Off-License building meant it was now closer to neighbouring residents. There had been a lack of communication or consultation from Green Hill Farm.
- The noise disturbances which were now present from 6:45am had been previously subdued by natural shrub surroundings.
- The re-planted screening was ineffectual
- There were requests for an acoustic barrier
- There was a discussion on the size of the park as there was confusion over size of the park. Objections were raised on noise.
- During lockdown, residents had not walked past the site as normal, and had therefore missed the notices and were unaware of the changes at the park. They also did not live close enough to the campsite to have received a letter.
- Nearby residents had not previously been aware that the campsite was there, but last year this changed due to the excessive noise levels.
- Looking on the map, those who made representations accepted it appeared the residents were a long way away, but noise travels and due to the removal of the tree and shrub acoustic barriers the site noise could now be heard. With several hundred guests there, it was felt that the noise would be significant.
- Complaints to the Parish Council ('PC') had been made and included in the minutes of its meetings.

The Chairman advised those who made the representations that that unfortunately complaints to the PC were not the same as complaints made to the Council's Public Protection team.

- The consideration of future use and future numbers of visitors was requested as the site with fixed lodges and caravans would see more all year-round use. There was a lack of transparency of future use and plans for the site. The area had benefitted from totally dark and silent skies previously and concerns were raised that the forest would not be totally dark or silent in the future. Access to the open forest from the campsite was also a concern with regards to potential burglaries and thefts from forest access side to neighbouring properties.
- The Lovat boss was not respectful of the local needs and should come to park.

Sub Committee Member's questions

In response to Members questions the following points of clarification were given:

- Planning applications by the campsite had taken place during the lockdown. It was stated that because of this the neighbouring residents had been unaware.
- A number of the points made by those who made representations concern planning issues and are not relevant to Licensing or the licensing objectives and therefore cannot be considered by the Sub Committee.

Applicant questions:

In response to questions the following points of clarification were given:

- It was noted that one of the neighbouring residents owned and ran shops which were licensed to sell alcohol.
- The detail of the map was incorrect.
- The campsite hoped that after today the local residents would feel able to come to them to raise any concerns directly and would be invited to walk around the park to discuss matters.
- The applicant informed the Sub Committee that how they inform residents of open days may change and they may look at letterbox drops in the future.

Closing submissions from those who made relevant representations

In their closing submission, the those that made a relevant representation in objection to the application highlighted the following:

- Noise was a key factor
- Future plans and attendance figures for the Park were not transparent
- The lack of communication with residents.
- The loss of dark skies and quietness of the forest.

Applicant's closing submission

In their closing submission, the Applicant highlighted the following:

- Some of the objections were planning matters rather than licensing.
- The campsite already had a license to sell alcohol
- The park had less numbers on site than previously.

- They had learnt from residents feedback.
- The park now specialised in luxury caravans and mobile homes.

Points of Clarification Requested by the Sub Committee

No points of clarification of the final submission were requested by the Sub Committee.

The Sub Committee then adjourned and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Sub Committee reconvened at 13:15.

The Senior Solicitor advised that she gave no significant legal advice to the Sub Committee.

The Southern Area Licensing Sub Committee,

RESOLVED:

To GRANT the application by Lovat Parks Ltd for a Variation to a Premises License in respect of Green Hill Farm Caravan and Campsite as detailed below;

- 1. A Variation to license LN/8223 to consolidate the two previous premises licenses (LN/8223 & LN/42197)**
- 2. To extend the licensable area – as per plan submitted**
- 3. To extend alcohol trading hours to those set out in the table below and increase to all year round.**
- 4. To include the addition of Film Indoors between 09:00 – 22:00hrs**

AND to include the activity and timings detailed below;

Licensable LN/8223 - Green Caravan and & Reception Shop	Activities Hill Farm Campsite	Timings	Days
- Alcohol - Campsite	ON/OFF Sales:	11:00 – 23:00	Monday – Sunday
- Alcohol - Shop	ON/OFF Sales:	11:00 – 23:00 12:00 – 18:00	Monday – Saturday Sunday

AND subject to the following additional conditions:

- 1. That the out of hours 24/7 number be made available to local residents**
- 2. Sales of alcohol be restricted to site residents only**
- 3. A Log of noise complaints will be kept by the Applicant**

Reasons for Decision

The Sub Committee carefully considered the representations received from local residents. However, it was established law that any decision to refuse the grant of a premises licence had to be evidenced based. Having regard to all the material before it, the Sub Committee did not consider there to be evidence that if the licence were granted in accordance with the application and the imposition of the conditions referred to above that one or more of the licensing objectives would be undermined.

In reaching its decision, the Sub Committee took account of and considered all the written evidence and representations in addition to the oral arguments presented at the hearing and made on behalf of the Applicant, and parties who had made relevant representations. The Sub Committee also took account of the photographic evidence contained on the Agenda pack and referred to during the hearing.

The Sub Committee noted the concerns raised by the parties who made representations at the hearing relating to public nuisance, with regards to noise and lighting. Several of the concerns raised by the parties were found by the Sub Committee to be outside of the remit of Licensing because they concerned planning or highway matters or a statutory nuisance and which would need to be dealt with separately by Planning or Environmental Health.

The Sub Committee noted no noise complaints had been received by the Responsible Authority - Environmental Health. The Chair also clarified the scope of the variation as applied for and explained that as the Applicant already held licenses to sell alcohol, at both the shop and the on-site bar, it was only the impact of the hours and days/months of the year applied for as an addition to the premises licence which could be considered.

The Applicant acknowledged that there was scope for improved communications with neighbours living near to the Campsite and welcomed further discussions outside of the hearing to discuss concerns and invited those who made representations to a walk on the Campsite to alleviate their concerns. The Sub-Committee took the view that it would be appropriate to require the applicant to ensure a 24/7 phone line was made available to local residents in addition to the campsite guests which would enable any future incidents should they arise, to be reported and addressed efficiently.

This along with a log of any noise complaints received by the Campsite, would create a documented reference which could be provided should it be required by the Responsible Authority.

The Sub Committee noted that if evidence of noise nuisance arose from the use of the premises for the licensable activities in future then it was open to any person (including Responsible Authorities) to request a review of the licence under the provisions of the Licensing Act 2003 and the matter would come back to the Sub Committee.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of the written decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of s.51 of the Licensing Act 2003. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

7 **Appendix 1 - Licence Variation Application & Premises Plan**

8 **Appendix 2 - Current Premises licenses**

9 **Appendices 3, 3a & 3b - Representations and Maps**

10 **Appendices 4, 4a and 4b - Representations**

(Duration of meeting: 11.00 am – 1.20pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services, direct line 01722 434560, e-mail lisa.moore@wiltshire.gov.uk

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