

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 16 JANUARY 2018 AT THE WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE - FAIRWOOD LAKES HOLIDAY PARK, DILTON MARSH

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Sue Evans

Also Present:

Applicant

Mr Crispin Thomas

Those who made a relevant representation

Mrs Priscilla Gray
Mrs Kimberley Green
Mr Richard Gregory on behalf of Mrs Julia Underwood
Cllr Alison Irving on behalf of Dilton Marsh Parish Council
Councillor Jerry Wickham

Wiltshire Council

Carla Adkins (Public Protection Officer – Licensing)
Asifa Ashraf (Solicitor)
Lisa Pullin (Democratic Services Officer)
Councillor Ian Thorn

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 no apologies or substitutions.

3 **Procedure for the Meeting**

The Chair 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 5 - 11 of the Agenda refers).

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Fairwood Lakes Holiday Park Limited for a Premises Licence at Fairwood Lakes Holiday Park, Dilton Marsh

Carla Adkins (Public Protection Officer – Licensing) introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. Carla highlighted the following:

- This was an application by Fairwood Lakes Holiday Park Limited for a Premises Licence for the provision of regulated entertainment, provision of late night refreshment and sale by retail of alcohol (on and off sales). The following days/timings for licensable activities were requested:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films		
Live music	09.00 – 00.00 10.00 – 00.00	Mon-Sat Sun
Recorded music		
Performance of dance		
Provision of late night refreshment	23.00 – 00.00	Mon-Sun

Sale by retail of alcohol (on and off sales)	09.00 – 00.00	Mon-Sun
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- During the consultation process, five relevant representations were received – three from local residents and from Dilton Marsh Parish Council and Cllr Jerry Wickham, the divisional Councillor. Their representations were made over concerns about public nuisance and public safety;
- For clarification – as part of the Live Music Act 2015, a venue with a Premises Licence can provide live music from 08.00 to 23.00 every day. The playing of background music is not a licensable activity; and
- There was an error on page 15 of the Agenda – a representation had been received from Mrs Priscilla Gray (not Green).

In accordance with the procedure detailed in the agenda, the Applicant and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Mr Crispin Thomas on behalf of the Applicant were:

- The holiday park had opened in June 2017 and had proved to be successful. 8 new jobs had been created and the park was a mix of luxury lodges and pitches for tents and touring caravans;
- They have a café with an outside decking area and a small shop. They would like to offer the sale of alcohol to their guests and would control the sales. Security measures would be added as this was a family holiday park;
- They currently played background music on the café decking area and were not planning to stage music festivals at the site and would not be planning a huge amount of music to go on late into the evening. They want to be able to offer some entertainment to guests;
- The Applicants were happy to discuss any concerns with their local neighbours. They were a family park, who did not wish to cause disturbance to their neighbours; and
- The park was aware of their rights in relation to the Live Music Act 2015.

The Sub Committee were then given the opportunity to ask questions of the Applicant:

Q You mentioned security measures – what do you mean by this?

A If we were to have a bar open until late in the evening we would look to have someone who is SIA registered on site. We currently have our own security guard who can be contacted via a number given to our guests

Q Do you currently have any rules and regulations for your guests relating to the consumption of alcohol on your site?

A Yes, our rules around alcohol are in the welcome packs given out to our guests. At the last bank holiday, we had 110 guests on site and 65 of these were children. As a Park, we are aware of our responsibilities towards our guests our staff are appropriately trained.

Q From the representations I see that there was a concern about loud music last year – what do you say about that?

A When I read this in the Agenda papers I was aghast at hearing about this. It could not have come from us and just have been the guests playing their own music. We have wardens who live on site and keep a check on our guests to ensure that they are not playing loud music. The lodges on our site are 5* our guests that pay a lot of money to stay in them would not want to be disturbed by loud music.

Mrs Kimberley Green reported that she had heard the loud music during the day coming from the Café and had quite frequently heard the music during the summer months.

Carla Adkins was asked to clarify “background music”. She stated that background music should not be played at a level loud enough to penetrate a conversation.

Mr Thomas on behalf of the Applicant stated that he would turn the background music down if he was aware that it was creating a disturbance and would work with the Park’s neighbours to prevent this. If there was a disturbance it would need to be reported so that the Applicants were aware of it.

Those who had made a relevant representation were then given the opportunity to ask questions of the Applicant:

Q You have mentioned that you would wish to provide entertainment for your guests – what might that be?

A Possibly someone playing an acoustic guitar or another live music event on the decking area during an evening.

Q You are applying to sell alcohol from the café. Who are you intending to sell this alcohol to?

A It is intended to be sold to patrons on the site.

Q Who is a “patron”?

A There has been some confusion within the planning permission as to what a “patron” is.

The Chairman clarified that planning permission was not a relevant consideration for the Licensing Sub Committee and that they would not wish to discuss it at the hearing.

Q The Parish Council are concerned about off sales of alcohol to the general public that could potentially be from 09.00 to 00.00, Monday to Sunday – do you intend for it to become an off licence for those who are not staying at the site?

A I do not envisage it becoming an off licence.

Q Are you intending to open a bar?

A Yes as shown in the plan in the application, we intend to sell alcohol in the care and from a mobile bar on the decking area of the patio.

Q What experience do you have in selling alcohol?

The Chair answered that this was not relevant and the Applicant did not have to have experience in the sale of alcohol. What was required was a Designated Premises Supervisor who was responsible for the sale of alcohol this named person would be a personal licence holder and would have undertaken a relevant qualification to hold this licence.

Key points raised by Cllr Jerry Wickham who made a Relevant Representation were:

- That he was speaking on behalf of some residents in this small community;
- He had met with the Applicant prior to the hearing and made a request for a compromise with there being reduced hours sought for regulated entertainment and the sale of alcohol. Cllr Wickham didn't feel there was a need for there to be entertainment beyond 23:00. The Applicant had initially appeared to agree with the proposals but then reported that he wished for the hearing to go ahead as planned;
- He reported that the residents don't want there to be outside entertainment at the holiday park as this would have a detrimental effect on their amenity and as this site is in open countryside a number of properties would be affected by this public nuisance;

- When the retrospective planning application was considered in June 2017 it was agreed that the café should only be used by patrons of those using the site; and
- It was acceptable for there to be music played in the café but if it was played outside it would be a public nuisance.

The Applicant made the following statement in response to Cllr Wickham's representation:

What we said following our meeting was that we would come to the hearing to discuss as we could reach an agreement around the issue of the music. The residents don't object to the alcohol provision. I said I would consult with the Licensing Officer and following advice I decided that the compromise was not for me.

Mr Richard Gregory (who was speaking on behalf of Mrs Julia Underwood who made a relevant representation) made the following points:

- Mrs Underwood had received a call from the Applicant to discuss her concerns but felt his tone was bullying and aggressive;
- She felt that it should have been possible to reach a consensus on what would work for all involved and that she felt it was not in the Applicant's interests to have a lot of music; and
- Obtrusive levels of music may cause substantial damage if the licence is granted in full.

Key points raised by Mrs Kimberley Green who had made a relevant representation were:

- I live next door to the site and for me sound is a major issue. The area is in open flat countryside and I have heard loud music coming from the decking area – I should have complained about this. I did have a contact number to report concerns, but I believe this member of staff no longer works at the holiday park; and
- The scale and degree of intrusion I am anticipating concerns me. The proposed mobile bar would be close to my property and a marquee is mentioned and it is not clear what the frequency of this use would be. The days/hours that have been applied for are huge and if fully used would have a large potential impact on us.

The Chair clarified that in her experience that although applications are made for a large range of days/hours, they are never fully used as it just wasn't practical or economically viable, but enabled Applicants to have the ability to put

on events when they wanted to without the need to apply for a Temporary Events Notice (which they could still do at any time).

Key points raised by Cllr Alison Irving on behalf of Dilton Marsh Parish Council who made a relevant representation were:

- They were concerned about potential off sales with members of the public driving in to purchase alcohol to consume off site. There are road issues in the area as the roads are narrow in this small rural hamlet;
- The holiday park had been a massive change to the area and the anticipated noise generation was inappropriate for the area. The hours proposed were very extensive and if the licence was to be granted they could well be used in full;
- The Parish Council asked for consideration to be given to limiting the extension of hours and the selling of alcohol to those off site.

All were then give the opportunity to make points in summation:

Dilton Marsh Parish Council – We are mainly concerned with the noise disturbance and members of the public coming into the site to purchase alcohol and using the facilities as an off licence.

Mr Thomas (Applicant) – We are very sympathetic to the concerns raised and wish to work with our neighbours.

The Sub Committee then adjourned at 10:30 and retired with the Solicitor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 11:20.

Following the deliberations of the Sub Committee Members, it was

Resolved:

The Western Area Licensing Sub Committee resolved to GRANT the application for a Premises Licence for the activities and timings detailed below:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films		
Live music	09.00 – 00.00 10.00 – 00.00	Mon-Sat Sun

Recorded music		
Performance of dance		
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Subject to the following additional condition:

1. The Applicant to provide a telephone contact number (which will be responded to within the hours that the licensable activities take place) for residents to report any concerns relating to public nuisance.

Informative

The expectation is that any off sales of alcohol are intended for the users of Fairwood Lakes Holiday Park for consumption within the curtilage of Fairwood Lakes Holiday Park.

Reasons

After taking into account the written representations from all parties and the oral submissions received at the hearing, the Sub Committee considered the concerns raised by various parties regarding the application. These concerns related to the perceived public nuisance from live music and noise from the premises after 23:00 hours, extending the hours to midnight for sale of on and off sale of alcohol.

The Sub Committee noted that although the parties raised concerns relating to public nuisance, there had been no recorded complaints from other residents or any of the responsible authorities and no other evidence relating to these concerns had been presented to the Sub Committee.

In reaching its decision the Sub Committee also considered the relevant provisions of the Licensing Act 2003, (Sections 4 and 18); 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 receipt of the written decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 9.30 - 11.25 am)

The Officer who has produced these minutes is Lisa Pullin, Tel 01225 713015 or email lisa.pullin@wiltshire.gov.uk, of Democratic Services

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