

## Minutes

### Licensing Sub-Committee

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| Venue:                               | Microsoft Teams - Remote   |
| Date:                                | Thursday, 29 April 2021  |
| Time:                                | 10.00 am   |
| Present remotely via Teams:          | Councillors R Sweeting (Chair), J Chilvers and S Duckett   |
| Officers present remotely via Teams: | Jade Reynolds, Solicitor, Sharon Cousins, Licensing Manager; and Dawn Drury, Democratic Services Officer |
| Others present remotely via Teams:   | Apple Blossom Caravan and Camping, Lisa Howsam, Applicant  |

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#### **6 ELECTION OF CHAIR**

It was proposed, and seconded, that Councillor Richard Sweeting be elected as Chair for this meeting.

#### **RESOLVED:**

**To appoint Councillor Richard Sweeting as Chair for this meeting.**

#### **7 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **8 DISCLOSURES OF INTEREST**

There were no disclosures of interest.

#### **9 PROCEDURE FOR LICENSING HEARINGS**

The Committee noted the Licensing hearing procedure.

**10 APPLICATION FOR A PREMISES LICENCE FOR APPLE BLOSSOM CARAVAN AND CAMPING, 8 WEST BANK, HIRST ROAD, CARLTON, GOOLE, DN14 9PZ**

The Chair confirmed that the Sub-Committee had read and considered the additional information as set out in the supplementary agenda pack that had been circulated, following the publication of the agenda pack on Wednesday 21 April 2021.

The Chair introduced all the parties present at the meeting and summarised the Licensing hearing procedure which had been circulated as part of the agenda pack. All parties confirmed that they had received a copy of the hearing procedure.

It was noted that the two representors present remotely at the hearing were also representing other parties who had entered a representation in objection to the application but had been unable to attend the hearing.

The Licensing Manager presented the report which outlined the details of the application for the determination of a premises licence for Apple Blossom Caravan and Camping, 8 West Bank, Hirst Road, Carlton, Goole, DN14 9PZ. The hearing had been necessitated by representations which had been received from 24 members of the public.

The Sub-Committee heard that the application was to permit the sale of alcohol and regulated entertainment, namely, live music and recorded music at the designated premises, on any day of the week, between the times as detailed within the report. Members were asked to note that if permission for the sale of alcohol was to be granted for the hours of the application, live and recorded music would not be a regulated activity under the Licencing Act 2003, under the hours requested.

It was confirmed that a consultation had been carried out by the applicant in accordance with the Act and the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concerned the displaying of a notice on the premises and an advertisement in a local paper, giving details of the application and serving a copy of the application on all responsible authorities. It was further confirmed that the applicant had complied with all the statutory requirements.

The Licensing Manager informed Members that conditions had been agreed between North Yorkshire Police and the applicant and Environmental Health and the applicant following representations made by the responsible authorities. The necessary amendments had been incorporated into the operating schedule following these representations and formed the conditions of any granted licence.

Members noted that the 24 people who had made representations against the application had all objected on the grounds of the prevention of public nuisance objective. It was also noted that letters of support for

the application had been received and formed part of the supplementary agenda pack.

In response to a Member query regarding where the notice should be displayed, the officer explained that the notice should be displayed on the premises, but where it was visible to the public, without them having to enter the premises. It was further explained that initially the notice outside the premises was not displayed in the correct place, however this was rectified, and the consultation period was extended.

The Sub-Committee listened to evidence from the applicant, Mrs Howsam and evidence in support of the relevant representations from two of the members of the public.

Mrs Howsam firstly, thanked the Sub-Committee for allowing her the opportunity to correct the facts regarding an event which had been due to take place in September 2021 at the premises, under a temporary event notice. The applicant advised that information had been wrongly circulated which misinformed her neighbours that the proposed event would have been open to 200 caravans, and confirmed that the premises did not have, either the capacity to site 200 caravans, nor the permission to do so. The applicant confirmed that she had cancelled the event, and the temporary event notice, after listening to the concerns raised at a Parish meeting that she had attended; but that had the event taken place it was only ever intended to be a one-time event, not a regular occurrence.

Mrs Howsam explained that the aim of the application for the premises licence was to provide a simple, rustic on-site bar and small terraced area to enhance the main business of the campsite. It was further explained that, following an inspection by North Yorkshire Police, it had been indicated that the maximum standing capacity within the bar area would be 100 people, however this figure did not take into account the tables and chairs which would be situated in the bar.

Members heard that the site was predominantly used by families and therefore a “quiet down” policy was in place, and the noise levels monitored. It was confirmed that last orders would be taken at 10.30pm, with the bar doors to close at 11.00pm, in line with the “quiet down” policy. And, in terms of music, it was highlighted that the intention was to have a radio to play as background music within the bar area to add atmosphere.

Mrs Howsam commented that she was pro-active in being a good neighbour, and liaised regularly with her nearest neighbours, who had advised that they did not hear noise from the premises and who were in support of the application.

The Sub-Committee were informed that the noise level on the premises were monitored constantly, CCTV was already in place with an upgrade due imminently; and the lighting at the main entrance to the premises was

on dawn to dusk sensors. Additionally, the building intended for use as the on-site bar was in a sheltered area, facing away from West Bank, and would benefit from soundproofing and a new roof, subject to planning permission being granted.

The applicant explained that in response to concerns regarding the national speed limit on the narrow road adjoining the premises, she had written to North Yorkshire (NY) Highways and requested that the speed limit be reduced to 40 miles per hour. NY Highways had responded, and an inspection of the road was expected in the near future.

Mrs Howsam concluded that her premises offered a small, friendly, family run, family campsite, and with an on-site bar area the noise would be controlled, there would be a reduction in the number of taxis needed to transport guests to local public houses; and less need for guests to walk on the narrow country roads.

In response to Member queries regarding what time the “quiet down” period started and what procedures were in place should a guest not comply with the campsite policies, it was confirmed that the music was turned off by 10.00 pm and the quiet time was from 11.00 pm onwards. It was further confirmed that Mrs Howsam patrolled the site and that in the summer months the campsite had a security officer who patrolled the area until 4.00 am in the morning to ensure the policies were adhered to. In addition, guests were made aware of the rules and policies upon arrival.

One of the representors queried if the on-site bar would be open to the public, it was confirmed that yes, the bar would be open for public use. A query was also raised regarding the mention within the application of a marquee for use during the summer months for themed weekends and karaoke, and if this would be similar to the themed weekend that had been held at the campsite previously. Mrs Howsam explained that it had been recommended that the marquee was added onto the application for a contingency plan, as an alternative should the area suffer a power cut for example. It was also confirmed that a themed weekend had never been held at the premises, and the day in question had been Halloween in 2019.

The first representor informed the Licensing Sub-Committee that she was representing other parties who had entered a representation in objection to the application.

The representor explained that West Bank was a rural hamlet which consisted of 46 residential properties, along with various horticultural, agricultural and husbandry businesses, surrounded by open fields. Since the opening of the premises, which had been in existence for two years, the current level of noise was high and continued throughout the day until the early hours of the morning. It was stressed that, regardless of the applicant’s assurances, the site was not monitored.

Grave concerns had been raised by local residents as given the acoustics of the area noise travelled, and if the sale of alcohol was made available then it must be a consideration that this would increase noise levels even more and be a public nuisance to the residents of West Bank. It was further noted that, if granted, the licence would also facilitate the playing of live and recorded music, the sound of which would travel for a number of miles, particularly if events and karaoke were allowed.

Local residents felt that granting the premises licence would exacerbate the issue and impact the local community detrimentally both in terms of the material effect on their lives and also possible financial loss due to falling property values.

The representor informed Members that building work had already commenced on the premises without the licence yet being granted or planning permission being sought.

In terms of the letters of support for the application, it was noted that the majority of the support letters had been written and submitted by people who were not residents of West Bank, and the letters had been received by the Council after the closing deadline for representations, once the applicant was aware of the letters of objection.

Mrs Howsam clarified that the building work which had commenced on the site was purely a repair to the building and re-iterated that she had been advised to add the marquee and karaoke onto the application as a contingency plan only.

The second representor informed the Sub-Committee that she lived next door to the premises, and that she was also speaking on behalf of her neighbours and local residents who were, in the main, elderly and infirm and unable to use the internet or email to register their concerns direct with the Council.

It was noted that the local resident's main concerns were the noise levels, as had been experienced during Halloween 2019, and also the possibility of accidents on the narrow, country roads. The representor explained that there had been a number of accidents between the villages of Carlton and West Bank, where there was no street lighting and on the narrow road from West Bank to the village of Hirst Courtney.

Members heard that all manner of rubbish had been thrown from the premises into the representor's garden, and although she agreed that this would be very hard for the applicant to police, it did happen, and she agreed with the previous representor that their properties may decrease in value.

The representor expressed concerns around the number of livestock in the immediate area, there were horses, young sheep, deer, and alpaca's, all of whom would be distressed by the noise of live bands and discos.

It was also noted that longer licensing hours had been applied for over the Christmas and New Year period which local residents felt would encourage guests into the public bar, this would mean late nights and with no footpaths or street lighting it would be dangerous as the narrow road was used by a lot of people; the representor could foresee an accident happening.

The Chair queried whether the premises was seasonal or open all year round, the applicant confirmed that the premises were open all year, however over the winter months, from October to March, the site was very quiet and only saw five to six caravans per week.

Mrs Howsam stated that she understood the concerns regarding the animals in the area and confirmed that she had approached her immediate neighbours regarding their animals, her neighbours had advised her that they didn't hear anything at Halloween 2019, and that their animals had not been in distress at that time.

In relation to the traffic on the road, Mrs Howsam stated that their guests were already on the site and therefore wouldn't increase the flow of traffic. In terms of the driveway between the campsite and the road, it was explained that this area was lit by lighting on a dawn to dusk sensor and full risk assessment packs were in place.

Mrs Howsam assured Members that her vision for the family campsite was for an on-site, rustic, country style bar to complement the rural area in which she lived and that she would not be advertising the bar as a public bar, the bar was only for the campsite guests and any local residents who wished to use the bar.

The Chair confirmed with all parties that they had said all that they needed to say in relation to the application.

The Chair thanked all parties for attending the Licensing Sub-Committee and requested that they leave the remote meeting. It was explained that the Members of the Sub-Committee would retire together with the Democratic Services Officer and Solicitor to consider the application, and in doing so Members would consider the written and oral representations as well as the operating schedule, the Licensing Act 2003 having regard to the Secretary of State's Guidance issued under section 182 of the same, and the Council's Statement of Licensing Policy when arriving at the decision.

It was further explained that all parties would be notified of the outcome of the hearing in writing, within five working days, along with the right of appeal.

The Licensing Sub-Committee considered that it was appropriate and proportionate, having considered all representations and all the evidence presented and the promotion of the licensing objectives to **grant** the Premises Licence, as applied for, to the applicant.

**RESOLVED:**

To grant the Premises Licence, as applied for, to the applicant.

**Reasons for Decision:**

The Licensing Sub-Committee considered that it was appropriate and proportionate for the promotion of the licensing objectives.

The meeting closed at 11.34 am.