

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

**Minutes of the Licensing Sub Committee Meeting
held on Tuesday 14th August at 10am
in the Committee Suite, King's Court, Chapel Street, King's Lynn**

PRESENT:

Sub-Committee Members:	Councillor R Groom (Chairman) Councillor R Bird Councillor D Tyler
Borough Council Officers:	Rachael Edwards - Senior Democratic Services Officer John Gilbraith - Licensing Manager
Legal Advisor:	Emma Duncan
Premises:	Hockwold Hall, Hockwold
Applicant:	Mr and Mrs Waddingham
Responsible Authorities:	Jo Garrod – Community Safety & Neighbourhood Nuisance Nathan Reed – Community Safety & Neighbourhood Nuisance
Other Persons:	Mrs Jarman (also representing Mrs Peckham)

1. WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting and declared that the Sub-Committee were sitting to consider a premises application in respect of Hockwold Hall, Hockwold. He introduced the Sub-Committee Members and the Borough Council Officers and explained their roles. He also introduced the Legal Advisor, Emma Duncan. The applicant and "other person" introduced themselves. Mrs Jarman confirmed that she would also be representing Mrs Peckham.

2. THE PROCEDURE

At the request of the Chairman, the Licensing Manager outlined the procedure that would be followed at the hearing and took over the proceedings.

3. THE APPLICATION

The Licensing Manager presented his report and explained that a premises licence was required under the Licensing Act 2003 for the sale of alcohol, regulated entertainment or for the provision of late night refreshment (i.e. the supply of hot food and drink between 11pm and 5am). The four licensing

objectives to be considered when determining the application, and relevant representations, were:

- the prevention of crime & disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm

Mr Richard & Mrs Rosemary Waddingham had made an application under Section 17 of the Act for a premises licence for Hockwold Hall for the licensable activities of 'regulated entertainment', 'late night refreshment' and the 'sale of alcohol by retail'. A copy of the application had been attached at Appendix 1 and if granted would allow the premises to operate as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
Regulated Entertainment: Performance of a 'play' (indoors only)	Friday & Saturday:	6pm – 10pm
Exhibition of a 'film' (indoors only)	Friday & Saturday:	6pm – 11pm
Live Music, Recorded Music & Facilities for Making Music (Both Indoors & Outdoors*)	Monday: Friday: Saturday: Sunday:	10am – Midnight 12 noon to Midnight 10am – midnight 10am – 10pm
	Bank Holiday Weekends & New Year's Eve	10am - 1am
*Outdoors to finish by 10pm		
Facilities for Dancing (Indoors only)	Monday: Friday: Saturday & Sunday: New Year's Eve:	10am – midnight 6pm – midnight 12 noon to Midnight 10am – 1am
Late Night Refreshment (Indoors only)	Friday & Saturday: New Year's Eve:	11pm – Midnight 11pm – 1am
Sale of Alcohol: (For consumption both 'on' and 'off' the premises)	Monday to Sunday: Residents:	10am – 00:30am 24 hours
	Bank Holiday Weekends & New Year's Eve	10am – 1am

Mandatory Conditions

The Licensing Manager explained that the premises licence, if granted would be subject to the following mandatory conditions:

- a) Under Section 19(2) of the Licensing Act 2003, no supply of alcohol may be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- b) Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- c) In relation to the sale of alcohol, the responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion means an activity carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.
- d) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- e) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- f) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale of alcohol. This policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- g) The responsible person shall ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - (i) beer or cider; ½ pint;
 - (ii) gin, rum, vodka or whisky; 25 ml or 35 ml; and
 - (iii) still wine in a glass; 125 ml;

And that customers are made aware of the availability of these measures.

- (h) Under Section 20 of the Licensing Act 2003, the admission of children to film exhibitions is to be restricted in accordance with film classification recommendations.

Conditions Consistent with the Operating Schedule

The licence, if granted would be subject to the following conditions which were consistent with the operating schedule:

- (a) Authorised regulated entertainment outdoors shall cease by 10pm.
- (b) When persons under the age of 18 are staying as residents at the premises all alcohol will be removed from the mini bar in the appropriate guest room(s).
- (c) For any public event held within the area of the licensed premises where the likelihood of numbers in excess of 250 are expected to attend, the Licence Holder (or person on behalf of the Licence Holder) must prepare an Event Management Plan indicating how the event will be run in accordance with the Licensing Objectives. The Licence Holder must notify the Police and the Licensing Authority of an event taking place at least eight weeks prior to that event taking place. At the same time, the Licence Holder must submit a copy of the Event Management Plan to the Safety Advisory Group for the area for consideration and act upon any advice that group imparts to them. Failure to act upon any advice from the Safety Advisory Group will constitute a breach of this condition.
- (d) Regulated entertainment outdoors shall only take place on 12 separate days per calendar year unless otherwise agreed in writing by the Community Safety & Neighbourhood Nuisance (CSNN) Team, a minimum of 14 days before the regulated entertainment is to take place.
- (e) Regulated entertainment outdoors shall only take place between the hours of 10am and 10pm on any day, unless otherwise agreed in writing by the CSNN Team, a minimum of 14 days before the regulated entertainment is to take place.
- (f) Regulated entertainment outdoors shall only take place on three separate days per calendar month, unless otherwise agreed in writing by the CSNN Team, a minimum of 14 days before the regulated entertainment is to take place.
- (g) A noise management plan shall be submitted within 28-days of the grant of the licence and shall be approved by the Licensing and CSNN Team and shall be implemented as approved thereafter.

Representation from Responsible Authorities

Section 13(4) of the Licensing Act 2003 defined the 'Responsible Authorities' as the statutory bodies that must be sent copies of an application. Representations made must relate to the licensing objectives.

The following has been received from the Responsible Authorities:

- (a) The Norfolk Constabulary would have objected to the application under the 'Prevention of Crime & Disorder' licensing objective if the applicants had not agreed to the conditions mentioned under the Operating Schedule at paragraph (b) and (c) above. A copy of their letter dated the 10th July 2012 had been attached to the report at Appendix 2 for information.
- (b) The Borough Council's CSNN Team would have objected to the application under the 'Prevention of Public Nuisance' licensing objective if the applicants had not agreed to the four conditions mentioned under the Operating Schedule at paragraph (d) to (g) above. A copy of their letter dated the 19th July 2012 had been attached to the report at Appendix 3 for information.
- (c) Representations from the other responsible authorities are as follows:

<u>Responsible Authority</u>	<u>Comments Received</u>
Norfolk Fire Service	None
Norfolk Trading Standards	None
Norfolk Safeguarding Children's Board	None
Public Health	None
Planning (BCKLWN)	None
Health & Safety (BCKLWN)	None
Licensing Authority (BCKLWN)	None

Representations from 'Other Persons'

As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This included any individual, body or business that were entitled to make representations to applications. Representations made must relate to the licensing objectives.

There were two letters of objection from local residents to consider. Copies of these letters had been attached to the report at Appendix 4.

Notices

The Licensing Manager explained that the applicant was responsible for advertising the application by way of a notice in the specified form at the premises for not less than 28 consecutive days and in a local newspaper. A copy of the public notice appeared in the Bury Free Press on Friday 6th July 2012 and should have been displayed on the premises until the 26th July 2012.

Plans

Plans of the premises had been attached at Appendix 5 and a location plan showing the approximate location of the premises and objectors had been attached at Appendix 6.

Borough Council of King's Lynn & West Norfolk's Licensing Policy

The current Statement of Licensing Policy was approved by full Council on the 25th November 2010 and the following extracts may be relevant to the application and assist the Sub-Committee:

3.0 Fundamental principles

3.1 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:

- (a) the prevention of crime and disorder,
- (b) public safety,
- (c) the prevention of public nuisance, and
- (d) the protection of children from harm.

3.2 Nothing in this 'Statement of Policy' will:

- (a) undermine the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its own merits;
- (b) override the right of any person to make representations on an application.

3.3 Every application will be dealt with impartially and on its individual merits. The Borough Council will not refuse to grant or vary an application unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident or local business, which is a relevant representation.

3.4 Licensing is about regulating licensable activities on licensed premises and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the control of the individual licensee or club, i.e. the premises and its vicinity.

Guidance Issued Under Section 182 of the Licensing Act 2003

Under Section 4 of the Act, Licensing Authorities must have regard to guidance issued under Section 182. The current Guidance was issued by the Home Office in April 2012 and offered advice to Licensing authorities on the discharge of their functions under the Act.

The following extracts may be relevant to the application and assist the Sub-Committee:

Each application on its own merits

1.16 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy where, for example, its effect on cumulative impact is relevant. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Public Nuisance

2.33 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.34 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.35 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public

nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- 2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.37 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.
- 2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.
- 2.40 Beyond the immediate area surrounding the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

Other Persons

- 8.12 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious.
- 8.13 Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

Where Representations are Made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, (see paragraphs 9.4 to 9.10 below) the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, Vexatious and Frivolous Representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

Hearings

- 9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

- 9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - Its own statement of licensing policy.
- 9.35 The licensing authority should give its decision within 5 working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.
- 9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives.

Determining Actions that are Appropriate for the Promotion of the Licensing Objectives

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the

promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Conditions

10.12 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.13 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

10.14 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

10.15 Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.

Duplication with other statutory provisions

10.16 If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate to impose the same or similar duties as conditions.

Questions to the Licensing Manager

There were no questions in relation to the Licensing Manager's report.

4. THE APPLICANT'S CASE

The applicant, Mrs Waddingham presented her case and stated that the application was in joint names but she was the Personal Licence Holder. Firstly, she explained that she wished to acknowledge the feelings of the two objectors and apologised that they had been upset by the application. She empathised with their views and also with Mrs Jarman's anxiety in relation to her son's illness.

Mrs Waddingham explained that they were in their seventh year at Hockwold Hall and both she and her husband were now retired. She outlined both her and her husband's previous employment. As way of background information (and with the aid of photographs) she outlined the history of Hockwold Hall and explained it was a grade 2 listed house, with an Elizabethan E plan facing North at the front and a Victorian extension on the East. The location of the museum building was also highlighted and some of the previous owners of the Hall were explained. It was explained that Hockwold Country Fair had been held in the north field until 2000. The house itself was over 11,000 square feet.

Mrs Waddingham outlined their plans for the property and explained that they wished to continue to live in Hockwold Hall and keep it as a family home. However the nature of the property meant that the gardens benefited from a particular time of year to be "on display" and the bedrooms needed considerable upgrading. There were three areas of business activity which were planned. A bed and breakfast business using three or four of the bedrooms and to have a mini bar in the bedrooms for guests to buy alcohol. The alcohol licence needed to be a 24 hour licence, seven days a week because the alcohol in the bedrooms would be available for guests at any time. There would be no bar in the house or the sale of alcohol to the general public, but guests could request alcohol from a wine list.

Although only 3 or 4 rooms would be used, those rooms would rotate around the house to give an opportunity to upgrade the rooms, and in order to maintain the structure of the building. Mrs Waddingham explained that they had no desire to provide evening meals and would be recommending local pubs to their guests.

The second element of the plans for the property were in relation to an redundant outbuilding that had been converted into a museum to house a large collection of radios, televisions, valves which demonstrated the development of technology in the last century. The space in the museum was now quite atmospheric and it was felt that it could lend itself to occasional functions. The application had included this building in the area for which alcohol may be sold but no alcohol would be kept on the museum's premises. Local people had been used for carrying out work and providing supplies and it was hoped to offer employment to local people for the bed and breakfast business and functions.

Mrs Waddingham explained that they were members of the Historic Houses Association and that her husband was a member of the British Vintage Wireless Society. They would like to be able to invite groups of people for lunch or evening events such as radio groups, Historic Houses Association meetings, horticultural clubs, WI. It was envisaged that there would approximately 20 – 40 people at these events and alcoholic refreshments would like to be offered. Other

members of the Historic Housing Association had encouraged them to join a service called "invitation to view" which advertises and organises bookings to help attract tourists from abroad.

Mrs Waddingham stated that to date, they had held two wedding receptions for village people who had approached them with a request, neither of which was done on a commercial basis. The first wedding was in April 2006 and involved about 45 people and held within the house. The second wedding was in September 2010 and was a much larger event, with a marquee in the field. The marquee company and other trade people had accessed the field from the gate off Burdock Lane, which was well away from houses. Their role at both events had been to provide the venue and garden and no complaints had been received about noise. The two incidents referred to by Mrs Jarman came from a property on Cowles Drove. On the morning when "Roy Orbison" was played, Mr Waddingham went to find the origin of it and located it in a garage. He had spoken to the person concerned, who had not realised the sound travelled so far and the noise had immediately stopped.

The application, before amendments, requested for a 10pm finish time for outdoor events, which included marquees. Any reception having music would take place inside the museum building after 10pm. The application had also included two of the fields around the property to the North and West. Occasional events might be held in the fields, such as the Hockwold Country Fair should it ever return. The West field was an ideal location for events with a marquee, as it was well over 200 yards to Station Road and was screened by mature trees and shrubs. A draft noise management plan had been prepared and would be implemented. In response to a query raised by Mrs Jarman, the exact location of the field was clarified.

The application included the formal gardens to allow serving of wine for summer evenings. The property had a 500 metre herbaceous border and a croquet lawn.

Mrs Waddingham explained that to date they had agreed to all of the conditions that had been put forward to them. A draft noise management plan had been sent to Jo Garrod and initial background sound measurements at the boundary with Station Road, had been taken. There were two entrances off Station Road to Hockwold Hall; the southern entrance was situated opposite the objectors' properties. It was explained that it would be preferred to use the North entrance off Station Road for business activities. The entrance had clear site lines, an easy access off the road and was well away from the objectors' properties. The driveway allowed a picturesque approach to the house. The only large-scale event that had been held at the Hall had used Burdock Lane for access.

In conclusion, Mrs Waddingham stated that historic houses, such as Hockwold Hall could easily decline and needed to find a niche for their continued survival. She explained that she felt the application would allow them to structure an ongoing improvement and maintenance plan for the property and also benefit the community by providing employment and a potential venue for local and charitable events. They had no wish to disturb or distress their neighbours in any way and hoped that the Committee would feel able to approve their application.

Questions to the applicant

In response to questions from Mrs Jarman, Mrs Waddingham explained that if the licence was granted, regulated entertainment outdoors would be limited to a maximum of 12 separate occasions and access would be directly through the field (which was well drained) straight off Burdock Lane which was away from residents' properties. With the aid of "google earth", the access route and exact location of where the marquee would be sited was explained. The marquee would also be screened by a row of large leylandii trees. The land situated nearest the village had not been included in the licence application.

Mrs Jarman clarified which house, Mrs Peckham actually lived in.

In response to a question from Councillor Bird in relation to how many staff were currently employed and how many were envisaged to be employed, if the licence was granted, it was explained that a full time gardener was currently employed and domestic staff were employed to carry out work on a two weekly cycle. Since their retirement, they had undertaken the majority of the gardening themselves, however a gardener had been maintained to look after the hedges and topiary. It was explained that it was difficult to give an exact number that maybe employed but currently people from the village had been employed on a casual basis for such jobs as raking the gravel/up leaves. Staff would be needed to support the bed and breakfast side of the business.

There were no questions from members of the Community Safety & Neighbourhood Nuisance (CSNN) Team.

5. OTHER PERSON'S CASE

Mrs Jarman presented her case and stated that she did not want to be awkward but had concerns with the application. She explained that the applicants had written to neighbours to inform them that they wished to develop a small bed and breakfast business which she had no concerns with. However when the application notice had been put up she did have concerns with the number of days, 208 out of 365 that potentially events could be held. She referred to the illness that her young son suffered from and the importance of ensuring that he got undistributed sleep. Her husband also worked anti-social hours and had to sleep when he could and any form of noise could prevent him from doing this which could impede on his ability to work safely. She hoped that there could be a mutual agreement reached.

Mrs Jarman explained that she was not aware of the wedding that took place in 2006 but had heard noise from the wedding held in 2012. She had not complained as she had thought that it was a one off family wedding.

Mrs Jarman explained that she also had concerns that the application would have the impact on road safety and referred to a serious accident that had

happened a few months ago. Station Road was already a busy road. She however, stated that after hearing the applicant's case she felt more reassured.

For clarification, the Licensing Manager explained that the applicant had agreed to a condition put forward by the CSNN Team that would only allow regulated entertainment outdoors to take place on 12 separate days per annum and questioned the figure quoted (208 days) by Mrs Jarman. Mrs Jarman explained that she was referred to both outdoors and indoors and with a Friday, Saturday, Sunday and Monday being applied for, this would equate to 208 days for the provision of entertainment. Noise had been experienced on two previous occasions from Cowles Drove, which was a greater distance away, so any noise experienced from events held at Hockwold Hall being that much closer, was likely to be louder.

Questions to Mrs Jarman

Mr Waddingham explained that he had gone to investigate where the noise was emanating from and discovered it was coming from a garage located in Cowles Drove. The noise had been deafening, however the person concerned had taken immediate action and no problems had been experienced since the incident. He referred to the construction of the museum building which had 36 inch thick walls and was heavily insulated. A measurement of the attenuation of the building would be taken, however all the doors and windows faced towards the actual Hall and not towards resident's properties, so in the unlikely event of them being opened, any noise would travel towards the Hall. The applicant's had no wish for the continuing "boom boom" of disco music to be played/heard.

There were no specific questions from Jo Garrod, CSNN but she explained that in her professional opinion, the construction of the museum was one of the best examples she had seen and the improvements that had been carried out by Mr and Mrs Waddingham went far beyond that what would be expected. She confirmed that the doors and windows faced the Hall and that she had no concerns with the applicant's abilities to manage the site.

In response to a question from Councillor Bird, Mrs Jarman confirmed how long that she had lived at her property.

Mrs Peckham's Representation

Mrs Jarman, on behalf of Mrs Peckham, explained that her concerns were that her husband was a HGV driver and spent time driving abroad and when he returned it was important that he got enough sleep to enable for him to start his next shift safely. Mrs Peckham's property was situated directly opposite the entrance gates to Hockwold Hall and was a small property which did not have double glazing. Mrs Peckham was disabled and did not have any off road parking facilities and therefore needed to park on the side of the road close to her property as she was unable to walk any distance.

In response, Mrs Waddingham expressed sympathy for the views expressed but reiterated that they had no wish to distress their neighbours.

For clarification purposes, the Legal Advisor referred to page 4 of the Agenda and the licensable activities would had been applied for and questioned why the applicant had applied for live music etc, both indoors and outdoors, on a Monday until midnight. In response Mrs Waddingham stated that it was unlikely that events would go until this time on a Monday, but wanted to take advantage of any Bank Holiday Weekends or other one off celebrations weekends that may occur in the future (such as the recent Jubilee weekend). The Legal Advisor questioned whether the applicants were willing to consider removing Mondays from their application to help appease some of the concerns raised by Mrs Jarman. Mrs Waddingham confirmed that she was agreeable to removing Mondays from the application but to retain Bank Holiday Weekends.

Representation from CSNN

With the permission of the Chairman, Jo Garrod, CSNN addressed the Sub-Committee and referred to the fact that the biggest concern appeared to with the prevention of public nuisance, in particular to regulated entertainment outdoors. She did not envisage any problems with entertainment inside due to the make up of the building. CSNN Team had not received any complaints in relation to the two wedding events that had been held.

Jo Garrod explained that she had visited the Hall and had held extensive discussions with Mr and Mrs Waddingham. She referred to Appendix 3 (page 35 – 36) which outlined the conditions that had been proposed by CSNN and subsequently agreed to by the applicants. She felt confident with the frequency and timing of events which would not permit regulated entertainment outdoors more than on 12 separate days per annum. Local residents may hear some noise but unlikely to be greatly disturbed. The applicants had been very conscientious and had gone above and beyond the requirements to prevent public nuisance. There needed to be a balance to allow the applicant's an opportunity to build a successful business and keep the Hall in a good state of repair. By agreeing to the conditions put forward by the Police and CSNN, this would achieve that balance.

6. SUMMING UP

Other Persons

Mrs Jarman summed her case and reiterated that she understood the need to build a business but was concerned about the number of nights, if granted, the application would permit. She requested that the Sub-Committee consider putting a condition on the licence which would not permit regulated entertainment outdoors on two consecutive nights, therefore minimising her son's potential to be disturbed.

Applicant Summing Up

Mrs Waddingham summed up her case and explained both and her husband loved Hockwold Hall and saw their foreseeable future there. She explained that she wanted everybody to enjoy the venue and the gardens. If events were planned, it did give the impetus to ensure that the venue and gardens were maintained and looking their best.

7. OUTSTANDING MATTERS

The Licensing Manager addressed the Sub-Committee and stated that they had listened to his report, the submissions put forward by the applicant and other person. He advised that any conditions should be reasonable and proportionate and within the control of the licence holder.

He requested that the Licensing Sub-Committee consider the application and take such steps as it considers necessary for the promotion of the licensing objectives. The steps were:

- a) To grant the licence under the terms and conditions applied;
- b) To grant the licence with additional conditions that the Sub-Committee considers necessary for the promotion of the licensing objectives;
- c) To reject all or part of the application.

The Sub-Committee were reminded that reasons for its decision must be given as both the applicant and objector had a right of appeal against that decision to the Magistrates' Court.

The Legal Advisor addressed the Sub-Committee and stated that she had no further specific legal advice to offer other than that contained within the report. She advised the Sub-Committee that when determining the application, they should give consideration to the Council's Licensing Policy, the four licensing objectives and the Guidance issued under Section 182. She explained that she, along with the Senior Democratic Officer would retire with Members but would not take any part in the decision making process but would offer advice as appropriate.

8. REACHING A DECISION

The Sub-Committee retired to consider their decision in private, accompanied and advised by the Legal Advisor on specific points of law and procedure and the Senior Democratic Services Officer. On all parties returning to the room, at the request of the Chairman, the Legal Advisor stated she advised the Sub-Committee to ensure that their decision and reasons provided were in line with the promotion of the licensing objectives.

9. PRELIMINARY DECISION

The Chairman read out the preliminary decision.

Decision

The Panel have decided to grant the application subject to the conditions contained in the report with the following amendments:

- In relation to regulated entertainment the application shall be amended to remove “Mondays” and allow Bank Holiday Mondays instead.
- That in relation to regulated entertainment outdoors (Condition D) be amended to “12 separate and not consecutive days”.

The reason for the imposition of the conditions is the prevention of public nuisance.

Reasons for Decision

The Panel considered the Licensing Manager’s report and presentation, the presentation by Mr & Mrs Waddingham and the representations from Mrs Jarman and Mrs Peckham.

The Panel also considered the Council’s Licensing Policy and the Guidance issued under Section 182.

The Panel took particular note of the following during evidence:

- The nature of the barn construction and it’s suitability for events involving music.
- The movement of HGVs and the proposed routes.
- The ability of the licence holders to comply with the licence conditions.
- The type of business that the applicant’s were proposing to run.

Comments on the Decision

At the invitation of the Chairman, the Licensing Manager confirmed he had no comments on the preliminary decision.

Mr Waddingham however stated that the condition restricting regulated entertainment outdoors to “12 separate and not consecutive days” would have a severe commercial impact on his business as erecting and taking down a marquee incurred considerable costs.

In response, the Legal Advisor stated that Mrs Jarman had raised her concerns about regulated entertainment outdoors on consecutive days during the hearing and suggested this be considered by the Sub-Committee. The applicant’s had at had not raised any concerns during the actual hearing in relation to this proposal. She explained if no problems were experienced, the applicants would have the opportunity to apply for a variation to their licence. The applicant’s business plan did not include catering for wedding functions over a 24/48 hour period.

Mr Waddingham explained that if they were able to hold a wedding on say both a Friday and Saturday night this would allow them to achieve cost savings in relation to hiring/erecting a marquee and subsequently offer customers a more competitive package. They had no intention of holding continuous events over two days. Mrs Waddingham also explained that they were also keen to make the most of the gardens, which were at their best end of June/July and therefore it was envisaged the majority of weddings would take place at this time of year.

Mrs Jarman explained that she would like to see whether there was any disturbance from noise prior to any review (variation) was considered.

The Legal Advisor advised that there needed to be balance when determining the application between the two parties and in order to achieve the licensing objectives. The applicants would have the opportunity to apply for a variation. It was a new business venture in a rural area and she considered the condition not to be unreasonable.

10. CONFIRMED DECISION

The Chairman therefore confirmed the decision as previously announced as follows:

Decision

The Panel have decided to grant the application subject to the conditions contained in the report with the following amendments:

- In relation to regulated entertainment the application shall be amended to remove "Mondays" and allow Bank Holiday Mondays instead.
- That in relation to regulated entertainment outdoors (Condition D) be amended to "12 separate and not consecutive days".

The reason for the imposition of the conditions is the prevention of public nuisance.

Reasons for Decision

The Panel considered the Licensing Manager's report and presentation by Mr & Mrs Waddingham and the representations from Mrs Jarman and Mrs Peckham.

The Panel also considered the Council's Licensing Policy and the Guidance issued under Section 182.

The Panel took particular note of the following during evidence:

- The nature of the barn construction and its suitability for events involving music.
- The movement of HGVs and the proposed routes.

- The ability of the licence holders to comply with the licence conditions.
- The type of business that the applicant's were proposing to run.

The Meeting closed at 11.30am