

## LICENSING SUB-COMMITTEE

### DETERMINATION NOTICE

<b>Date of Hearing</b>	<b>18<sup>th</sup> November 2020 at 10:00am</b>
<b>Sub-Committee Members</b>	<b>Councillors S Sandell (Chair), L Bambridge and J Rust</b>
<b>Legal Adviser</b>	<b>Hema Patel</b>
<b>Licensing Officers</b>	<b>Marie Malt Johanna Riches (observing)</b>
<b>Democratic Services Officers</b>	<b>Rebecca Parker Sam Winter (observing)</b>
<b>Administration Assistant</b>	<b>Lauren Steele (observing)</b>
<b>Applicant's Name</b>	<b>Thomas Janes (accompanied by Jack Norton)</b>
<b>Other Persons present:</b>	<b>Cliff Anderson Peter &amp; Mamie Wills Tim MacMullen Adam Parkin Victoria &amp; Paul Plumridge Louisa Knapp Cllr Ryves</b>
<b>Premises Address</b>	<b>Dove Barn, Thetford Road, Northwold, Norfolk, IP26 5LU</b>
<b>Application</b>	<b>Application for a Premises Licence</b>

### APPLICATION

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application for a Premises Licence for Dove Barn, Thetford Road, Northwold, Norfolk, IP26 5LU.

During the 28 day representation period, the Council received representations from the following:

### RESPONSIBLE AUTHORITIES

There were no representations from any of the responsible authorities to consider.

### OTHER PERSONS

There were fifty eight representations from 'Other Persons' to consider. All fifty eight representations received were objections to the application. Details of the representations were attached to the Licensing Officer's report before the Licensing Sub-Committee at Appendix 2.

### HEARING

On 18<sup>th</sup> November 2020, a hearing was held to consider the application for the premises licence. Due to the coronavirus ('COVID-19') pandemic, the hearing was conducted remotely. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It

considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The Kings Lynn and West Norfolk Borough Council Licensing Policy;
- Statutory Guidance issued under the Licensing Act 2003.

The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Licensing Officer;
- The Applicant;
- Cliff Anderson (representing Northwold and Whittington Parish Council, Brian Hills, John Martin, Anne Sherman and Warwick Rodwell);
- Peter & Mamie Wills;
- Tim MacMullen;
- Adam Parkin;
- Victoria & Paul Plumridge (also representing Ilona Moss);
- Louisa Knapp;
- Cllr Ryves (representing Sheena Randall).

### **SUMMARY OF EVIDENCE**

The Licensing Officer presented her report and briefly outlined the documents contained in 'Reports marked to follow on the Agenda and/or Supplementary Documents.' The Licensing Officer explained that whilst there were no representations from any of the Responsible Authorities to consider a report was received from the Traffic Management Officer at Norfolk Constabulary. The Licensing Officer answered questions from all parties.

The Applicant referred the Sub-Committee to the written statement which he submitted rather than making any oral representations. The Applicant answered questions from all parties.

The 'Other Persons' present or their representative presented their case and responded to questions from all parties. Their concerns predominantly related to highway safety on the A134, the entrance and exit points to and from the site, noise nuisance and alcohol and drug consumption. It was also submitted that the fence surrounding the premises is dilapidated and allows easy access onto adjacent properties giving rise to the potential for crime and disorder on those properties.

The 'Other Persons' or their representative talked about their experience of an event hosted by the Applicant on 19<sup>th</sup> September 2020 which took place on the premises under a Temporary Event Notice ('TEN'). There had been noise nuisance (as a result of music as well as amplified shouting) attendees trespassing onto residents' land and in some instances urinating on residents' land.

Representations were made to the effect that there is already a licensed wedding venue, Wellington Wood, directly neighbouring the new premises. Mr & Mrs Plumridge, who run this business, stated that they do not oppose wedding celebration events but were concerned about

the ramifications of noise interruptions, nuisance and safety with easy trespass onto their site and disturbance to the weddings that are held outdoors on their premises.

Concerns were also raised as to events taking place in the midst of the COVID-19 pandemic.

Legal advice was provided to the effect that concerns relating to highway safety and COVID-19 fall outside of the scope of the licensing regime. In response to the COVID-19 concerns specifically, reference was made to the 'Revised Guidance issued under section 182 of the Licensing Act 2003' namely, the section relating to public safety which states that:

*"This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation."*

## **FINDINGS**

The Sub-Committee considered the report of the Licensing Officer, the Reports marked to follow on the Agenda and/or Supplementary Documents, the written representations submitted and the oral representations put forward at the hearing.

The Sub-Committee noted that the Applicant hosted an event under a TEN earlier this year but were inclined to cast this from their minds and focused on the application before them.

The Sub-Committee reflected on the concerns of the 'Other Persons.' They recognised that whilst the conditions consistent with the operating schedule (proposed conditions) would only enable the licensable activities to take place for a maximum of two days per calendar month, there is still a potential for disturbance. The Sub-Committee considered the impact that noise nuisance would have on the residents, particularly in a rural setting. They also placed weight on the effect this would have on the neighbouring wedding business, Wellington Wood.

As well as the prevention of public nuisance, the Sub-Committee were also mindful of public safety and the prevention of the crime and disorder.

The Sub-Committee acknowledged that the Applicant had made an attempt to reassure the local residents but felt that they could not completely disregard the concerns raised.

To that end, the Sub-Committee grants the application but imposes the following conditions.

## **CONDITIONS**

The following conditions were found to be appropriate:

1. The mandatory conditions applicable under the Licensing Act 2003;
2. The conditions consistent with the operating schedule (proposed conditions) as detailed on pages 9-11 of the Licensing Officer's report, **save for:**
  - Prior to the commencement of any licensable activities including the provision of recorded and live music at any time, an acoustic assessment shall be carried out which includes a site specific background noise survey, an assessment of predicted noise sources (including vehicle noise on entry and exit), mitigation

recommendations and a detailed noise management plan. The acoustic noise survey and any relevant mitigation measures shall be submitted to and approved by the Community Safety & Neighbourhood Nuisance Team (CSNN) and recommendation implemented before licensable activities, including the provision of live and recorded music at any time shall commence (item (b)); **and**

- Functions or events which include the provision of alcohol, live or recorded music shall not exceed 12 occasions per year and 2 per calendar month (item (c)); **and**
- Functions or events which include the provision of alcohol, live or recorded music shall take place on Fridays or Saturdays only (item (d)); **and**
- The sale of alcohol for consumption on the premises and the provision of live and recorded music, shall be limited to the following times only:

11am until 11pm on Fridays and Saturdays (item (e)).

These conditions are varied and set out in the imposed conditions below;

3. The additional conditions offered up by the Applicant as detailed on page 2 of the Reports marked to follow on the Agenda and/or Supplementary Documents, **save for:**

- Functions or events which include the provision of alcohol, live or recorded music shall be limited to wedding type events only; including weddings, civil partnerships, wedding blessings and renewal of vow celebrations. No music, concert or festival type events can take place under this premises licence (item (2)).

This condition is varied and set out in the imposed conditions below;

4. The imposed conditions.

The following additional conditions were imposed by the Sub-Committee:

#### Condition 1

Prominent and clear signage shall be displayed at all entry and exit points to the premises requesting guests and staff to respect the needs of local residents and to leave the premises and the area quietly and with consideration.

#### Condition 2

A professional security company shall be employed by the licence holder whilst licensable activities are taking place at the premises. There must be a minimum of one security staff per fifty guests. Furthermore, at least 50% of the security staff present whilst licensable activities are taking place must be SIA accredited.

### Condition 3

The entertainment marquee must be positioned in such a way so that it is not directly adjacent to or bordering a residential property or business.

### Condition 4

Prior to the commencement of any licensable activities including the provision of recorded and live music at any time, an acoustic assessment shall be carried out which includes a site specific background noise survey, an assessment of predicted noise sources (including vehicle noise on entry and exit), an assessment of the erection of a fence surrounding the premises (including an assessment of the erection of an acoustic fence where the premises borders the neighbouring business, Wellington Wood), mitigation recommendations and a detailed noise management plan. The acoustic noise survey, assessments and any relevant mitigation measures shall be submitted to and approved by the Community Safety & Neighbourhood Nuisance Team (CSNN) and recommendation implemented before licensable activities, including the provision of live and recorded music at any time shall commence.

### Condition 5

Functions or events which include the provision of alcohol, live or recorded music shall not exceed 12 occasions per year and 2 per calendar month and shall not take place over two consecutive days.

### Condition 6

Functions or events which include the provision of alcohol, live or recorded music shall take place on Fridays or Saturdays only and shall not take place over two consecutive days.

### Condition 7

The sale of alcohol for consumption on the premises and the provision of live and recorded music, shall be limited to the following times only:

11am until 11pm on Fridays and Saturdays

and shall not take place over two consecutive days.

### Condition 8

Functions or events which include the provision of alcohol, live or recorded music shall be limited to wedding type events only; including weddings, civil partnerships, wedding blessings and renewal of vow celebrations. No concert, rave or festival type events can take place under this premises licence.

The Sub-Committee impose these conditions to promote the prevention of public nuisance, public safety and the prevention of crime and disorder.

Whilst not a condition, the Sub-Committee encourages the licence holder to communicate with the neighbouring wedding business, Wellington Wood.

The Sub-Committee acknowledges the relevant steps that the Applicant intends to take to promote the four licensing objectives as set out within the operating schedule of his application. He is reminded that should he fail to observe these steps, his licence could be brought back for review by the Sub-Committee.

**DETERMINATION**

The Sub-Committee grants the application subject to the conditions as detailed above.

**RIGHT OF APPEAL**

There is a right of appeal against this decision to the Magistrates’ Court. An appeal must be commenced within 21 days beginning with the day on which you receive notification of the decision. You may wish to seek independent legal advice from a solicitor or the Citizens Advice Bureau regarding this.

Signed.....S. Sandell.....  
Councillor Sam Sandell (Chair of the Licensing Committee)

Date: 23<sup>rd</sup> November 2020