

LICENSING SUB-COMMITTEE

DETERMINATION NOTICE

Date of Hearing	24 August 2021
Sub-Committee Members	Councillors Nockolds (Chairperson), Chris Crofts and Colin Sampson
Legal Adviser	Hema Patel
Licensing Officers	Johanna Riches (Licensing Officer) Marie Malt (Senior Licensing Officer)
Democratic Services Officer	Rebecca Parker
Applicants	Jane Carter (not present) and Stephen Carter (present) John Jackson (Applicants' Representative) James Dobble (supporting Applicants' Representative)
Other Persons	Frances and Richard Johnson Catherine Carter Theresa and Colin Wills Clifford White
Portfolio holder for licensing	Councillor Paul Kunes
Premises Address	Croft Country Club, Green End, Lott's Bridge, Three Holes, Wisbech, PE14 9JD
Application	Application for a Premises Licence

APPLICATION

The Borough Council of King's Lynn and West Norfolk ('the Council'), being the relevant licensing authority, received an application for a Premises Licence for Croft Country Club, Green End, Lott's Bridge, Three Holes, Wisbech, PE14 9JD ('the Club').

During the 28 day representation period, which ended on 28 July 2021, 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 eighteen representations from 'Other Persons' to consider. Of those representations, three were objections to the application and fifteen were supporting the application. Details of the representations were attached to the Senior Licensing Officer's report before the Licensing Sub-Committee at Appendix 2.

Subsequent to the agenda being published, the Senior Licensing Officer became aware that one of the representations appended to her report was in fact received following the expiry of the consultation period. The Senior Licensing Officer communicated this error in writing to all parties

in advance of the hearing and asked that the content of this particular representation be disregarded.

HEARING

On 24 August 2021, a hearing was held to consider the application for the premises licence. 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 Council's 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 Applicants' Representative;
- Richard Johnson;
- Clifford White.

SUMMARY OF EVIDENCE

The Licensing Officer presented the Senior Licensing Officer's report and outlined the application that had been submitted. A copy of the application was attached to the report at Appendix 1. She explained that the Applicants made an application for the licensable activities of live music and recorded music and advised the Sub-Committee that there are no related mandatory conditions.

The Licensing Officer answered the questions put forward.

The Applicants' Representative circulated additional documents at the start of the hearing and later presented the Applicants' case. He explained that the Club has been operating for 30 years and has been providing live and pre-recorded music entertainment for around 20 years with no complaints or objections that they are aware of.

He explained that the site is ordinarily open from the end of March until the end of September/beginning of October. He informed the Sub-Committee that the majority of events are held indoors and that 2-3 events are held outdoors each year - this has been normal practice for 15-16 years. However, the Coronavirus ('COVID-19') outbreak caused some problems with regards to indoor entertainment. Prior to receiving notification of objection from the Council there have been four Saturday events this year. Since then, they have applied for three Temporary Event Notices ('TENs') which have been granted and they have had two subsequent events which, as far as they are aware, did not give rise to any complaints.

The Applicants do not feel that the indoor music will have a nuisance effect on the neighbouring properties and described the building materials that the clubhouse is made up of. The Applicants' Representative referred the Sub-Committee to the document labelled '2' and

explained that they had undertaken two separate decibel tests on site – one in relation to pre-recorded music in the clubhouse and the other in relation to the TEN event on 31 July 2021.

In relation to public nuisance and anti-social behaviour, the Applicants' Representative informed the Sub-Committee that access to the site must be pre-booked and that it is not open to the general public. Moreover, they do not serve alcohol and explained that site users bring their own food and drink. At the end of an event, site users return to their unit rather than leaving the site and upsetting neighbouring properties.

With regards to the outdoor stage, the Applicants' Representative submitted that the only building that it directly faces is Primrose Hall which is the Applicants' residence. He also made reference to an objecting comment that the site is flat and open land but refuted this by explaining that there are a number of buildings, trees and hedges which act as some form of sound barrier.

The Applicants' Representative highlighted that they are not seeking an all-day licence. He provided examples of past events and informed the Sub-Committee of the usual start and finish times of those events. He also explained that around February of each year the Applicants publicise details of their entertainment programme and indicate the weekends on which there will be live music and, in particular, outdoor events.

The Applicants' Representative and the present Applicant answered questions from all parties.

The 'Other Persons' present, who were all supporters to the application, presented their case.

Richard Johnson explained that they also run a holiday park within a mile of the Club and feels strongly that the Club should be able to operate in the manner that it has done in the past. It is very important to the local community to have holiday makers who support the tourism in the small part of West Norfolk. Mr Johnson added that at no point have they or their holiday makers experienced disturbance from the Club.

Clifford White informed the Sub-Committee that he had travelled from Leicestershire to support the licence being granted if that helped to show his commitment to the Club. Mr White is a member of the Club and frequents it on weekends and the odd week. Mr White spends a lot of money in local restaurants and shops – he is not alone in this, there are many people like him who spend a lot of money in the local area. From a charity point of view, the events held by the Club generate significant funds for charities. The music is the key for that to continue. Like his own business, Mr White is sure that the Club has struggled through COVID-19 and made reference to recovery.

The additional 'Other Persons' present had nothing further to add and there were no questions for those present.

No persons objecting to the application were present. In their written representations, the objectors described their experiences with loud music and primarily raised concerns about public nuisance in a quiet and peaceful area. There were also concerns as to the finish time of the music. Additional correspondence received from objectors stated that they have no objection to the continuation of indoor music events but object to outdoor music events. They expressed their concerns that a large number of music events during the year would impact significantly on their ability to use their holiday cabin in the adjacent compound.

The parties all summed up.

FINDINGS

The Sub-Committee considered the report of the Licensing Officer, the written representations submitted and the oral representations put forward at the hearing.

The Sub-Committee felt it was a pity that the objectors did not attend the hearing as they were unable to put questions to them.

The Sub-Committee had regard to the fact that the Applicants recently held an event authorised under a TEN without any problems. In the Sub-Committee's view, this demonstrated that the Applicants are able to hold a full licence. Furthermore, the Club appears to be well organised with everyone on site pre-booked.

The Sub-Committee considered that the Club is a specialist organisation and therefore has tighter controls than an ordinary Country Club. Essentially, the Sub-Committee were of the view that the Club is well regulated.

Accordingly, the Sub-Committee grants the application but imposes the following conditions.

CONDITIONS

The following conditions were found to be appropriate:

1. The conditions consistent with the operating schedule (proposed conditions) as detailed on page 9 of the Senior Licensing Officer's report, save for:

- Item (c)

Provision of recorded music indoors will only be permitted –

Monday to Thursday	12:00 Noon – 23:00hrs
Friday	12:00 Noon – 00:00hrs
Saturday	12:00 Noon – 01:00hrs
Sunday	12:00 Noon – 22:30hrs
Bank Holiday Sundays	12:00 Noon – 23:00hrs

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

2. The imposed conditions.

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

Condition 1

The licence holder must publish details of all their evening events including the start and finish time of each event.

The Sub-Committee impose this condition so that individuals in the area are aware of the Club's events.

Condition 2

Provision of recorded music indoors will only be permitted –

Monday to Thursday	12:00 Noon – 23:00hrs
Friday	12:00 Noon – 00:00hrs
Saturday	12:00 Noon – 01:00hrs
Sunday	12:00 Noon – 23:00hrs
Bank Holiday Sundays	12:00 Noon – 23:00hrs

The Sub-Committee revise this condition for ease of administration.

DETERMINATION

The Sub-Committee does grant the application subject to the conditions as detailed.

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.....E. Nockolds.....
Councillor Elizabeth Nockolds
(Chairperson of the Licensing Sub-Committee)

Date: 27 August 2021