

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 2 May 2018 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

Sub-Committee Mr P Moore (Chairman)
Mrs P Grove-Jones
Mrs M Millership

Officers in Attendance: Public Protection Manager, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

Senior Environmental Protection Officer for Minute 8

1 APOLOGIES

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5 Application for a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk (WK/180006081)

Present: Applicant

The Chairman introduced the Panel Members and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Public Protection Manager presented the report. The applicant had applied for a licence to drive hackney carriage or private hire vehicles in North Norfolk and his DBS check had revealed that he had previous convictions. She drew the Sub-Committee's attention to section 8 of the application form where the applicant had ticked "no" to all questions regarding convictions. She outlined the options for determining this application.

At the request of the Chairman, the Public Protection Manager explained that convictions were not considered spent when applying for a taxi licence. This

was explained on the application form and applicants were also advised at their initial interview that any previous offences would be revealed on the DBS check.

The applicant stated that he had not tried to deceive anyone. He did not think he had a criminal record or that the convictions would have an impact on his application for a taxi licence. He explained the circumstances of the convictions.

The Chairman invited the applicant to present his case.

The applicant said he did not know what to say, but expressed his dissatisfaction with the length of time it had taken to deal with his application and the way it had been handled. He had written to his MP about this matter.

The Public Protection Manager stated that the application had been received in March and this was the earliest possible hearing. The process was made clear in the Taxi Handbook. She confirmed that she had received correspondence from Norman Lamb MP on this matter and had sent a response explaining the process and that Officers did not have delegated authority to issue a licence in this case. She had not circulated the correspondence to the Sub-Committee as it was outside the scope of the grant of a licence.

The Chairman requested a copy of the correspondence and called a short adjournment for the correspondence to be copied and read by the Panel. A copy was also supplied to the applicant.

On resuming the meeting, the Chairman invited the applicant to comment further.

The applicant explained in detail what had happened during the application process. He could not work at the moment pending the outcome of the application.

Councillor Mrs P Grove-Jones asked the applicant about his previous employment.

In responding, the applicant mentioned a medical matter which had not been declared on the medical form. He explained this at the request of the Public Protection Manager and stated that he was fully recovered.

There were no further questions.

The applicant did not wish to make a closing statement.

The Sub-Committee retired at 10.10 am and returned at 10.40 am.

RESOLVED

That the licence be granted.

6 Application for a Vehicle Licence where the vehicle is over ten years of age (WK/180007999)

Present: Applicant

The Chairman introduced the Panel Members and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Public Protection Manager presented the report. The applicant had made an application out of time for the renewal of a licence for a vehicle over 10 years old. Vehicles over ten years of age did not meet the prerequisites of the North Norfolk Hackney Carriage and Private Hire Policy and Handbook and the application had been refused. The applicant had challenged this decision and requested that the Sub-Committee consider the application. A letter of support had been received from the National Private Hire and Taxi Association and the applicant had supplied an independent vehicle report and details of a passenger transport contract with Norfolk County Council, all of which had been circulated by email and copies made available at the hearing.

In answer to questions from the Sub-Committee, the Public Protection Manager confirmed that the law did not specify a maximum vehicle age. However, the Authority had determined that vehicles should not be more than 10 years old at first registration. There was no limit as to vehicle mileage.

The Chairman invited the Applicant to present his case.

The Applicant explained that he had to get some work done on the car and his nearest taxi test station was unable to carry out the required test until the day of the renewal deadline due to a backlog of work caused by snow. Following the test, due to work commitments he was unable to get to the Council to make his application until the following morning. The Council received test results direct from the testing station so he did not think there would be a problem. He had been amazed to be told the car had to be taken off the road. He considered that the application was a renewal and not a new application as the Council was aware that the car had passed its test. He accepted that there had to be a cut-off point in terms of vehicle age, but the car was immaculate, with low mileage and only used for a specific contract.

The Applicant referred to communications he had had with staff at the Authority regarding this matter. He apologised that he could not submit the paperwork any earlier.

The Sub-Committee and Officers questioned the Applicant.

The Public Protection Manager asked why the applicant had not advised the Authority on the expiry date that the inspection paperwork was coming.

The Applicant stated that he did not think there was any need as the testing station had sent an email.

Councillor P Moore asked why the Applicant had not contacted the Authority for advice when he was having difficulty getting a test date.

The Applicant explained that he had been too involved in managing his business and accepted that he should have contacted the Licensing Team.

Councillor Mrs M Millership asked why the Applicant had not used a different testing station.

The Applicant explained that he always used the same testing station as it was convenient. He was aware of other testing stations but did not know if they were as busy.

Councillor Mrs M Millership commented that there had been other instances when the Applicant had submitted applications close to the expiry date.

In answer to a question by Councillor Mrs P Grove-Jones, the Public Protection Manager confirmed that the application related to a vehicle licence for one year.

In summing up, the Public Protection Manager stated that the Sub-Committee had heard additional information and an explanation from the applicant. She reminded the Sub-Committee that it could depart from policy if there was sufficient reason to do so, and its options for determining the application.

The Applicant was invited to make his closing statement. The Applicant stated that he would like to have the car working again and sought compassion from the Council. He commented that this issue was about paper and not people and their livelihoods. His business was large enough to carry on but he was concerned at the impact it would have had on a sole trader. He apologised again for lateness but had put forward his reasons.

The Legal Advisor informed the Applicant that the letter of support put forward by the National Private Hire and Taxi Association would be taken into account by the Sub-Committee when making its determination.

The Sub-Committee retired at 12.22 pm and returned at 1.07 pm.

RESOLVED

That the licence be granted.

7 Application for a new Premises Licence - The Old Park and East Raynham Hall, Raynham Hall, Swaffham Road, East Raynham, Norfolk, NR21 7EP

Present:

Tony Grover (representing the Applicant)
Tom Raynham (Applicant)
Vik Konash (Dunton Parish Meeting)
Steve Blazer (Dunton Parish Meeting)
Chris Brooks (Licensing Officer – Norfolk Constabulary)
Chris Curtis (resident of Helhoughton)
James Hickman (resident of West Raynham)
Cllr Becky Palmer (local Member)

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Public Protection Manager presented the report. The Applicant had applied for a new Premises Licence which would permit public access to a variety of country fairs and entertainment-based festivals. The Applicant had subsequently submitted amended conditions which had been circulated to all interested parties. An email had been received from Environmental Protection regarding the updated conditions and recommending the deletion of standard condition PN01 and adjustment to PN02. Norfolk Constabulary had withdrawn its comments in the light of the event management plan to be submitted by the Applicant.

The Public Protection Manager circulated a map indicating the location of residents who had made representations.

The Public Protection Manager also circulated details of the current valid premises licence for the Walled Garden at Raynham Hall and stated that this could affect the Sub-Committee's view of what was appropriate to licence. She stated that the applicant was prepared to review the licensed area and remove from the current application the area which already had the benefit of a licence.

The Senior Environmental Protection Officer stated that following recent discussions with the applicant, the Environmental Protection Team remained concerned at potential noise nuisance. The existing licence for the walled garden already allowed six events and she requested a condition to restrict the number of events to no more than six over the existing and proposed licensed areas. She also requested the exact siting of music events to be specified and suggested the centre of the site furthest away from local residents and a condition to prevent outdoor music after 10 pm.

The Public Protection Manager stated that the Government guidance quoted in the report had now been updated (April 2018) but this had not affected anything in the report.

The Public Protection Manager explained that there were a number of pieces of legislation outside the scope of licensing which would allow the Authority to deal with any issues which could arise.

The Chairman invited Mr Grover to present the case on behalf of the Applicant.

Mr Grover explained application, which he stated was in line with licences for similar venues. An amended plan was circulated showing the area of the walled garden which was to be deleted from the application. He stated that the reason for the application was to allow flexibility, save the time and expense of applying for Temporary Event Notices, and to allow diversification of the farm business. He indicated the type of events which could take place.

Mr Grover stated that his client had met with local residents to explain the application and had attempted to reassure them. His client recognised the responsibility that went with being granted a premises licence.

Mr Grover stated that events would be subject to event management plans (EMPs). He explained the purpose of EMPs, the type of issues they covered and the level of scrutiny that EMPs were subjected to by Safety Advisory Group (SAG). This would ensure that events were run as carefully as possible to prevent disturbance.

Mr Grover explained that a broad permission was requested to cover any eventuality and it was almost impossible to be specific in the application. He stated that the request for permission to sell alcohol was in line with most licences granted by NNDC.

Mr Grover referred to the amended conditions which had been submitted on behalf of the Applicant following the meeting with residents and taking into account their concerns. He clarified that music festivals would entail one or more genres of music over a number of days which would continue beyond midnight. However, these would not be on the same scale as Glastonbury.

Mr Grover referred to the representations by the Environmental Protection Team. The deletion of condition PN01 and amendment to PN02 had been agreed. However, his client had requested that the existing licence for the walled garden remain as previously granted to allow flexibility. He also considered that staging all music events in the centre of the site would not allow flexibility to use the whole of the licensed area, and that some events could be suitable for other parts of the site.

Lord Raynham explained his intention that siting would be relative to the type and nature of events. Some events would have less impact than others, e.g. opera over the lake. It was difficult to demonstrate the broad nature of events within the application but they would not all be music festivals.

Mr Grover highlighted that the Police had withdrawn their concerns on the basis of the EMP heads of terms. He stated that an EMP was the primary means of control for events. It would deal with concerns which had been raised with regard to disturbance, traffic etc and would require monitoring of the event and compliance with all conditions.

Mr Grover responded to issues which had been raised by the objectors in their correspondence and outlined measures to deal with many of the concerns.

The Applicant and his Representative answered questions.

The Public Protection Manager asked if additional car parking would be provided above that already included in the licence for the walled garden.

Lord Raynham explained that the location of the parking would depend on the event, but for the majority of events traffic would come directly off the A1065 so it would not impact on local roads. The existing access off the A1065 would be improved and laying the majority of the licensed area down to grass would provide more locations for parking within the site.

In response to a question by the Public Protection Manager regarding a contact for local residents if problems occurred during an event, Lord Raynham stated that the point of contact was likely to be himself or the event organiser.

With regard to the siting of the events, Lord Raynham confirmed that he was happy to have discussions with Environmental Health provided it was understood that there would be a preference for specific locations for certain types of music concerts. It was not his intention to cause nuisance to anyone and he was not planning to organise noisy music events next to the village.

Mr Konash referred to the difficulties which were currently experienced with the A1065, particularly during the summer, and expressed concerns as to how traffic could be managed and the impact of additional traffic on local residents.

Mr Grover stated that he was aware of the concerns regarding holiday traffic and considered that blockages were minimal unless a vehicle broke down. Traffic was slower but continued to move. He considered that a good management plan and regular patrols would ensure that problems were minimised.

Lord Raynham stated that guidance would be sought from the relevant authorities. Vehicles leaving the site would be phased. He was aware of recent issues at another venue and gave assurance that there would not be two events on one day. He was aware of the nature of the road and would ensure that there would be minimal impact on people's lives.

Councillor Mrs P Grove-Jones stated that the music festival element was causing the most concern to people and a 2-4 day festival could be an annoying noise inconvenience. However, this had been taken into account in the EMP. She commented that such events could cause major damage to the land and result in only one event being held.

Lord Raynham stated that the application was for a premises licence which covered everything, but music festivals would be limited to a maximum of two per year. This did not necessarily mean that two festivals would be held but he was requesting the opportunity to do so. The condition of the ground would be a natural limiting factor and applying for a large area would mean that events could be held in different locations which were unaffected by previous events.

Lord Raynham confirmed that he was not against limiting the location of music events but would like the opportunity to use different settings for some events, in discussion with Environmental Health.

Councillor Mrs M Millership asked if the Applicant would hold events in the walled garden and the wider site at the same time.

Lord Raynham stated that this would be subject to discussions with SAG and Environmental Health. Raynham Events did not organise all events and he was trying to encourage other organisers to bring their events to the site. Some events, eg. village fete and pop up restaurant could possibly be run at the same time.

In response to a question by Councillor Mrs M Millership regarding the type of camping that could take place, Lord Raynham stated that he was considering organising camping elsewhere on the estate but all types of accommodation would be considered and it would be event specific.

The Chairman requested clarification of the access points on the map supplied.

Lord Raynham explained that vehicular access would come directly off the A1065 into the Old Park and the majority of parking would be in the fields directly adjacent to the road. Any checks would be done once vehicles were parked.

The Chairman invited the objectors to make their representations.

Mr Konash reported that the local consensus was that the need for a broad application was understood, but it was considered to be too broad and did not allow for any representations to be made regarding specific events. There was concern as to how events could be policed adequately during the night. The site was located in an area of low noise pollution and therefore noise which was acceptable in Environmental Health terms would be obtrusive and a nuisance to the local population. The topography of the area enabled noise to travel a long way and affect a large number of people. He raised concerns regarding noise from people attending festivals, equipment and the impact of noise on local businesses eg. holiday lets. He considered that lighting would impact on the dark sky area. He expressed concern at traffic nuisance and overloading of the A1065, which was a feeder route and used by emergency vehicles. Local people were concerned that 24-hour music events would lead to additional crime and disorder and at the ability of Norfolk Constabulary to police issues which took place beyond the site.

Mr Konash stated that he was speaking on behalf of local Parishes and had also been asked to speak on behalf of people who had made representations and those who had not had the opportunity to comment. Additional information which had been supplied by the applicant had addressed some of the points regarding consultation, but there was still no opportunity to have a say as to how people would be affected by specific events. He considered that a separate licence for each event would be preferable so that local people could express their views.

Mr Hickman stated that the area to the west of the lake was very close to West Raynham village and music in that area would be disturbing to local residents. He requested that the sensitivity of that area be taken into account.

Councillor Mrs P Grove-Jones asked if the Police had any concerns regarding drugs or crime at festival events and whether or not there would be a Police presence during such events.

Mr Brooks confirmed that the police had responsibility for these matters. The Police would work with event organisers to address problems. Security arrangements would be provided through event security, the designated premises supervisor and SAG.

The Public Protection Manager summarised the main points of this case and drew attention to the guidance in the report. She stated that licences could be subject to review in the event of issues arising. She outlined the options for determination of the application.

Mr Grover made a closing statement, explaining that events would be run responsibly and respectfully in terms of the local community and environment to minimise any issues. Stringent conditions had been offered to ensure that events were properly run and the risk of not doing so was understood. He drew attention to the guidance in the Licensing Act regarding determination of this application. Flexibility was required to provide many types of events. He stated that the Police no longer policed events but there would be sufficient security and procedures in place to deal with any incidents of crime which occurred. It was not proven that crime rates increased in the vicinity of festivals and any crime was most likely to be on the festival site itself. Stringent search procedures would be put in place, including a drugs dog. No evidence had been produced by the objectors to demonstrate that their lives would be affected and there was an opportunity at a later date to revoke or amend the licence if problems occurred.

Lord Raynham stated that the licence would give him an opportunity to diversify his business. It was not a festival licence, but a premises licence which would cover all types of events. He understood the concerns regarding music and the 24 hour nature of the licence. However, the intention was not to run the music festival for 24 hours but to give flexibility to allow food to be served over the 24 hour period. He addressed the concerns which had been raised regarding noise, light pollution, accommodation of festivalgoers and traffic and gave assurances that he would abide by all conditions of the licence and work with the authorities and Safety Advisory Group to ensure that problems did not occur. He did not wish to compromise his business and would do everything he could to ensure the licence was upheld.

Mr Konash made his closing statement. He stated that the general view was that there was no real objection to Lord Raynham trying to improve and diversify his business. However, the objection was to the granting of a broad spectrum licence for 24 hour events. These would be music events which would create the greatest nuisance to people who had made representations. Potential 24 hour events, regardless of how many took place, would be a nuisance to people living miles away. It would be preferable for applications for 24 hour licences to be made individually.

There being no further statements, the Sub-Committee adjourned at 3.35 pm. Due to the lateness of the hour, the decision was given in writing.

RESOLVED

That the licence be granted, subject to mandatory and imposed conditions and to the following additional conditions which the Sub-Committee considered to be appropriate and proportionate to promote the licensing objectives of the prevention of public nuisance:

Condition 1

Events planned to extend beyond midnight on any day will only take place between March and November and be limited to a maximum of 6 such events each year. With regard to such events, a minimum period of 4 weeks must elapse between the end of any one event and the beginning of another.

The reason for this condition is to limit the effect of noise disturbance to other members of the public throughout the year.

Condition 2

Events commonly referred to as "Music Festivals" will be limited to a maximum of 2 such events per calendar year.

The reason for this condition is to limit the effect of noise disturbance to other members of the public throughout the year.

Condition 3

The Licence Holder will plan for each event to be held within the licensed area by formulating an Event Management Plan (EMP). For events permitted to be organised and staged by guest promoters there will be a requirement that they produce an EMP which will include site specific requirements supplied to them by the Licence Holder and will be approved by the Licence Holder prior to the event taking place. Every EMP produced for an event will cover all aspects of the provision of entertainment and alcohol, including noise and traffic management issues and the health and safety and security of structures and persons attending. The content of the plan should also address all the concerns of the current Licensing Act in order to promote its Licensing Objectives. The EMP will be available for inspection if required. The Licence Holder (or representative) will undertake to attend Safety Advisory Group (SAG) meetings if required.

The reason for this condition is to limit the effect of noise disturbance, health and safety risks and traffic congestion issues associated with events to other members of the public throughout the year.

Condition 4

For events planned to cater for numbers in excess of 500 a minimum of 4 weeks' notice prior to the event taking place will be given to the North Norfolk District Council Licensing Authority & Environmental Health Teams and the Police. This notification will be accompanied by an event specific Event Management Plan (EMP) for onwards forwarding to the Safety Advisory Group (SAG) for their information and approval. Where agreed, recommendations made by the SAG concerning an EMP will be incorporated into the EMP. The Licence Holder (or representative) will undertake to attend SAG meetings if required.

The reason for this condition is to allow input from responsible authorities in respect of larger events.

Condition 5

Similarly, as in Condition 4, for events planned to cater for numbers in excess of 500 a minimum of 4 weeks' notice prior to an event taking place will be given to the local Parish Councils which have boundaries situated within 5 kilometres of the licensed area. For these notifications there will not be the requirement to submit a copy of the EMP with the notification.

The reason for this condition is to ensure channels of communication between the licence holder and the local community are kept open and that members of the public are sufficiently informed of upcoming events.

Condition 6

Controls must be implemented to minimise the risk of noise nuisance for all events that include the provision of live and/or amplified music irrespective of the time of day or numbers attending.

The reason for this condition is to limit the effect of noise disturbance to other members of the public throughout the year.

Condition 7

Where an event which hosts more than 500 people takes place on the premise to which this licence pertains, an event shall not be allowed to take place on the adjoining land which is covered under the licence named as the Walled Garden.

The reason for this condition is to limit the effect of noise disturbance and traffic congestion to other members of the public throughout the year.

Chairman