

At a meeting of the Licensing Panel held in Zoom Virtual Meeting on Wednesday 2 December 2020 at 2.00 pm

Members

Councillor Allan Daniels
Councillor Alan Smith

Councillor Peter Gaston

Staff Present

D Fletcher, J Irving, L Jardine and J Morgan

224. Election of Chair

Councillor Gaston was elected Chair for the ensuing meeting

225. Declaration of Interests

None declared

226. Questions

None received

227. To consider representations received in relation to an application for a premises licence

The Licensing and Compliance Officer submitted a report to consider representations received in relation to an application for a premises licence.

This report concerns an application for a premises licence for the premises known as Ponderosa, Broughton Lodge, Little Broughton, Cumbria.

The applicants are Beth Faulder and Ray Faulder.

The applicants have applied for a premises licence with the following description:

The premises is a completely blank canvas, which is a field which overlooks the Lake District mountains. The field will be hired out by the couple and used as instructed by us. We have situated where the event will take place on the designated area within the field. The alcohol will be placed behind the tent in a locked van and only accessed by the personal licence holder.

The application is to allow live music, recorded music and the sale of alcohol in the following terms:

Live and Recorded Music Monday to Sunday 11:00 to 23:00

Sale of Alcohol

Monday to Sunday 10:00 to 23:30

3 representations were received in respect of the application.

Members were then advised of the options available and that they were to decide in line with the licensing objectives. Members also had plans of the application site.

A noise assessment and wedding diversification report were also attached to the members reports.

Cumbria Constabulary and Environmental Health recommended conditions, the applicant agreed to implement these conditions if the Licence was granted.

The applicant (Beth Faulder) made representations, explaining the background for the application.

The proposal is that the site be used for wedding receptions, encouraging a new style of wedding with the couple being able to plan all aspect of the day. All plans will be presented to the events coordinator for approval to ensure irresponsible activities do not go ahead.

Other aspects of the wedding reception include the option for the couple to spend time away from the wedding to enjoy views and have a walk.

The venue will be part of a family business, and the package can include photography, as one of the applicants is a professional photographer.

The applicant went on to explain that the land has been neglected for 20 years and the land is currently used for livestock. This application will ensure diversification of the site and enable to applicants to secure funding for essential works to the site.

Since farming the land the applicant explained that criminal activity has reduced and it planting crops have created a habitat for wildlife to return.

The applicant then went on to explain that they have worked with the Police and Local Authority and a noise limit has been agreed. The applicant is also keen to work with the local community to improve the green area and to gain support.

The applicant explained that Soddy Gap will not close and clarified that the application is for one field, which will be a secure site and include a secure car park. The bridleway would not be obstructed and notices will be displayed in advance of any event, a traffic management has also been produced including a 5mph speed limit and guests will be advised to access the site via A66/A594 only.

The applicant then explained the intention to work with local businesses within the hospitality industry including hotels and taxi companies.

Members then asked questions of the applicant, in relation to noise pollution, water and toilet facilities. The applicant confirmed that the noise limiter will

ensure sound does not reach above the agreed decibel limit and drinking water and hired portaloos will be brought to the site.

Further questions came in relation to transport and car parking, the applicant explained that 25-50 hardstanding car parking places would be created with guests encouraged to attend the event using pre booked taxi/coach hire. The car park will also be managed by a supervisor and include sufficient lighting.

The panel then heard representations on behalf of residents, from Councillor Nicky Cockburn.

Councillor Cockburn was objecting on behalf of the residents in relation to noise, transport and car park issues and loss of amenity.

In relation to noise, the noise report was undertaken during haytime/bailing so is not a fair reflection of the background noise on site. Vehicle noise is also a concern, not only from vehicles using the car park but from commercial and large vehicles, including noise which comes from reverse alarms. Noise which emits live music and the diesel generators are also disruptive factors for residents, the latter of which has also not been taken into consideration in the report.

Councillor Cockburn went to explain that the car park does not have sufficient turning areas and the number of spaces is inadequate, this will lead to vehicles parking on public bridleway.

Councillor Cockburn then highlighted concerns in relation to public safety. The access roads to the site are not suitable for large vehicles and could cause harm to users of the Public Right of Way.

Councillor Cockburn also shared concerns in relation to the number of days the venue would be in use, the applicant stated 10-15 per annum, however this would increase when loading/unloading of supplies was factored in, thus increasing the number of days to 45+ between March and October, further increasing vehicle use on inadequate access roads.

Councillor Cockburn summarised the points from the representations and highlighted further concerns over the site plans. As part of the summary Councillor Cockburn explained that granting of the licence would not only be detrimental to public safety and amenity but stated that the area in question is not an open mine, but a wildlife area which is registered community asset used in great numbers by members of the public.

The second objector (Mary Bradley) spoke on behalf of Broughton Parish Council.

The Parish Council accepts diversification however this proposal is unsuitable. Mrs Bradley reiterated points raised by Councillor Cockburn in relation to noise, access, traffic and the disruption and unsuitability to the bridlepath.

Mrs Bradley explained that access is a major concern to the Parish Council as the bridleway is not suitable for increased numbers of vehicles. The bridleway

had deep potholes and would need regular maintenance, which will be the responsibility of the landowner and the County Council. Mrs Bradley also questioned how taxis would enter and exit site as the bridleway is not suitable for more than one vehicle, Mrs Bradley also stated that the introduction of passing places would not be feasible, and that she doubts the access would be suitable for emergency vehicles.

Planning consent is a concern for the Parish Council as extensive works may need to obtain relevant authority.

Mrs Bradley also stated that the area is of community value and has high public use.

In summary Mrs Bradley stated that the proposal is not supported by the Parish Council and that the Licence should not be granted until all concerns are mitigated or eradicated and planning and access issues are resolved.

The Licencing and Compliance Officer provided clarity to members in relation to planning issues and that the Licensing application can be determined with or without any relevant planning consent.

The applicant (Beth Faulder) then summarised the merits of the application and provided a response to the concerns raised by the objectors including noise, access and the bridleway in particular concerns raised over maintenance of the bridleway.

Further questions were raised from members in relation to the bridleway.

Both objectors then had the opportunity to summarise the points raised in the meeting.

The meeting was then adjourned for member deliberations.

The panel considered all information provided including the representations from objectors, written representations from Cumbria Constabulary and Environmental Health, the applicants and the applicant. The panel also considered the relevant legislation.

Councillor Smith moved the to grant the premises licence

The motion was by Councillor Daniels seconded

A vote was taken on the motion 3 voted in favour, 0 against and 0 abstentions.

The motion was carried.

Decision/Reasons

In making its decision, the Panel had regard to the Licensing Act 2003 and the four licensing objectives under that Act: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Panel also took into account the responses from Cumbria

Constabulary and Environmental Health following consultation, and the representations received from the interested parties. In addition, the Panel has had regard to the information provided by the Applicant and the information set out in the report by the Licensing and Compliance Officer.

The Panel considered the Secretary of State's guidance under section 182 of the Licensing Act 2003, the Council's Licensing Policy and Human Rights.

The Panel sought to balance the interests of the licence holder and the interested parties.

The Panel considered the options available to it, which were:

- a) To grant the licence subject to the conditions mentioned in the operating schedule, modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and any mandatory condition;
- b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) To refuse to specify a person in the licence as the premises supervisor;
- d) To reject the application.

The Panel felt that it was reasonable and proportionate to take the following steps to promote the licensing objectives:

To grant the licence subject to the conditions mentioned in the operating schedule, modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and any mandatory condition.

This means that the Panel has agreed to:

- grant the licence subject to the following conditions:
 - The conditions proposed by the applicant as outlined in the report, as amended by the conditions included at Appendix C as agreed with Cumbria Constabulary and the Environmental Health Department
 - The mandatory conditions
 - The following additional condition: "A dispersal policy must be put in place which requires the presence of a minimum of three traffic marshals prior to, during and after any event. This policy should include arrangements for car parking, guiding commercial vehicles and emergency access".

In making its decision, the Panel considered the fact that the Responsible Authorities raised no concerns with the amended conditions which have been agreed with the applicant. It also considered the representations made by the interested parties and gave sufficient weight to these concerns. It considers that the conditions as outlined are sufficient to promote the licensing objectives.

If any party is aggrieved by this decision, they were advised that they have the right to appeal to the Magistrates Court within 21 days of receiving written notification of the decision.

The meeting closed at 4.05 pm