

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD REMOTELY - VIA MICROSOFT TEAMS ON FRIDAY, 18 MARCH 2022 AT 10:00

Present

Councillor DRW Lewis – Chairperson

TH Beedle AA Pucella

Officers:

Julie Ellams	Democratic Services Officer - Committees
Mark Galvin	Senior Democratic Services Officer - Committees
Charles Holland	Counsel
Michael Pitman	Technical Support Officer – Democratic Services
Andrew Rees	Democratic Services Officer - Committees
Yvonne Witchell	Team Manager Licensing

21. DECLARATIONS OF INTEREST

None.

22. LICENSING ACT 2003 APPLICATION TO VARY A PREMISES LICENSE UNDER SECTION 34

The Chairperson opened the meeting and all those present introduced themselves. He then asked the Team Manager – Licensing to outline the report.

The Team Manager – Licensing advised that the purpose of the report, was to determine an application received from Upperbay Ltd to vary the premises licence in force at Trecco Bay Leisure Park Porthcawl.

She introduced the report, by explaining that the premises has the benefit of a premises licence BCBCLP535, which authorises the following licensable activities which relate to the application under consideration:

- Supply of alcohol
- Plays
- Films
- Indoor Sporting Events
- Boxing or Wrestling
- Live Music
- Recorded Music
- Provision of late-night refreshment

The current permitted hours for licensable activities relevant to this application were:

Provision of Regulated Entertainment (Live and Recorded Music). Live Music and Recorded music are currently authorised for both indoors and outdoors:

Standard Hours for Live Music:

Monday to Sunday: 1000 - 0200 hours
Outdoor area only:

LICENSING ACT 2003 SUB-COMMITTEE (A) - FRIDAY, 18 MARCH 2022

Monday to Sunday: 1000 - 2300 hours

Non-Standard Timings for Live Music:

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

Standard Hours for Recorded Music:

Monday to Sunday: 1000 - 0200 hours

Outdoor area only:

Monday to Sunday: 1000 - 2300 hours

Non-Standard Timings for Recorded Music:

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

Current opening hours specified on the premises licence:

Monday to Sunday: 0545 to 0230 hours

Incorporating:

Fish & Chip Shop and Papa John's;

Monday to Sunday: 0545 - 0300 hours

Non-Standard Timings for Opening Hours:

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

The Team Manager – Licensing stated that a copy of the current premises licence was attached at Appendix A to the report.

A copy of the current plan attached to the premises licence is attached at Appendix B.

The licensing authority has received an application to vary the premises licence. The application is attached at Appendix C.

A copy of the plan attached to the application was attached at Appendix D.

The terms of the application as submitted were as follows:

Provision of Regulated Entertainment:

To extend live and recorded music outdoors Monday to Sunday 1000 to 0200 the following morning (currently 2300 hours outdoors)

Opening hours to be extended Monday to Sunday 24 hours a day;

To amend /remove or update conditions due to the changes requested on the layout plans which are set out in Section 15 Box of the application form

To approve alterations at the premises both indoors and outdoors within the current licensed areas as shown on the proposed layout plans submitted to the Licensing Authority with this application, changes to include the following:-

Internal layout changes within the Funtasia building and Burger King;

The "Time Out" nightclub to be removed and replaced with an Indian Restaurant;

The "Coast" venue to have minor internal alterations.

External - in the area outlined in green already covered by the Premises Licence.

Addition of two new outdoor bars within the current licensed outdoor area - Beach Bar and Coffee / Bar

Reconfiguration of the outdoor seating area under the Canopy / Pavilion.

As part of further information, the premises licence currently authorises the sale of alcohol on and off the premises.

She further explained, that when discharging its licensing functions, the licensing authority must promote the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and,
- The protection of children from harm.

Each of the above objectives has equal importance, added the Team Manager - Licensing.

The application had been advertised in accordance with the regulations on site, in a newspaper and on the Council's website. The application had also been served on the Responsible Authorities.

The licensing authority has received representations from Shared Regulatory Services in its role as a Responsible Authority (environmental health functions) and other persons as defined in the legislation. All representations received were attached at Appendix E to the report. For information purposes only, a location plan was attached at Appendix F.

At the time this report was prepared none of the representations had been withdrawn and therefore a hearing of this application is necessary.

The remaining sections of the report and further appendices, gave information on statutory guidance, etc.

The Team Manager – Licensing, confirmed that further documents had been dispatched by the applicant since the summons for the meeting had been circulated, namely:

- A plan/photograph of the proposals;

- An Inacoustic Report (dated 11/2/2022);
- A Noise Management Plan;
- Some proposed (amended) Conditions to be attached to the Licence

The Chairperson at this point in proceedings, then asked the applicant's representatives to outline the application.

Mr. Smith, Lawyer from Popplestone Allen, advised Members that there were a number of aspects and reasons why his client wished to apply for a variation to the Premises Licence at Trecco Bay Leisure Park, Porthcawl, ie for the playing of recorded and live music up to 02:00am and he referred Members to the associated plans included with the application in order to explain this.

He advised that the central area of the premises in question runs east to west between two buildings and taking into account the works being undertaken to the premises, there was located a stage and a walkway that connected both.

If an application had not been made to open this area for 24 hours, Mr. Smith advised that guests to the premises would have to walk around the complex to gain access.

He assured the Sub-Committee that the sale of alcohol at the premises would be until 23:00 hours outside the building and until 02:00 inside. The 24 hours of opening would only apply for the access between the buildings for patrons.

The second part of the application he advised, was to carry out alterations to the various buildings situate in the park area, namely for restaurants and to the Pavilion itself. This would include the provision of a couple of bars, together with external seating areas. Music would be played but only until 23:00 hours.

The third feature of the application, involved revolved around the amendment of certain Conditions of the Licence. There had been no objections made in relation to this part of the application. For the benefit of Members, he then gave a resume of what these were. These were fully explained in one of the late documents that had been circulated to all parties.

Mr. Smith confirmed that under the current terms of the Public Entertainment Licence, there was already the ability to provide outside entertainment from 10:00 to 23:00 hours, with a suggested amendment being made to this, ie 10:00 to 02:00 hours (seven days a week). However, in light of the objections received to these amended hours, the applicant had been in consultation with the Shared Regulatory Services and made some modifications to these Conditions as circulated last night with other associated papers as referred to above.

He then referred to the Noise Management Plan that had been devised and again shared with all parties as one of the late documents and explained how any noise nuisance would be mitigated, ie when live and recorded music etc, would be played at the premises as part of future proposed events. He added that he was aware that there had been event held at the premises last year on the 28 July, which had resulted in a number of calls of complaint being made in respect of the noise levels emanating as a result of this and when these were received that evening, the music had been turned down immediately.

Mr. Smith advised that his clients had due to the pandemic, had relied more on outdoor events, The last complaint received other than the one last July, had been in 2018 – due to noise. Following the complaints coming through in relation to the July event, the function which was due to end at 23:00 hours was finished early at 22:30. He added that

the event of last July this year, was being held indoors as opposed to outdoors where it was held last year. All music etc, that was being played in any future events would be monitored hourly and the levels of this would be agreed with the Shared Regulatory Services. They would comply with levels that would not interfere or be a nuisance to the nearest habitable properties and the levels would be mitigated by noise limiters set under the relevant Code of Practice. Any events involving music or entertainment would not be audible in the outdoor area of the premises after the time of 23:00 hours.

In response to a question from an objector, Mr. Smith confirmed that the same principle would apply, if any complaints of noise nuisance etc, came from any residents in the caravans situate in the Park. He added that it would not be in the applicants interests to cause a nuisance to any residents on-site.

With regards to questions received regarding the effectiveness of the Noise Limiter, the applicant advised that it was set-up in such a way, that if noise levels exceeded the limit set by the Limiter were exceeded above the maximum levels, it would cut the power to the stage and/or not allow these limits to exceed 75 Db after the time of 23:00 hours. Noise levels at points near the nearest habitable properties, would also be monitored during the course of an evening when there is public entertainment taking place at the premises.

The meeting reconvened at 11.55pm following a brief adjournment.

Counsel to the Sub-Committee requested that in hearing objections from residents to the application for the variation of the licence that duplication be avoided, where possible.

Mr Simon Judd requested clarification that the noise level before 11.00pm would be no greater than after 11.00pm. The applicant's representative informed the Sub-Committee that noise limits are contained within the noise assessment report, but confirmed the application related to after 11.00pm and not before 11.00pm. Before 11.00pm, the noise level set was 79dba. Mr Judd asked whether 75dba was the noise limit before 11.00pm. The applicant's representative clarified that this would be the noise limit after 11.00pm, with the noise level before 11.00pm set at 79dba as recommended in the report. Mr Judd asked if the noise level was too loud for the residents, would it be assessed by the Council. The applicant's representative informed the Sub-Committee that when the system is commissioned the applicant would sit down with Shared Regulatory Services to look at the volumes during the day. He stated that the applicant already has a licence to play music until 11.00pm and this application was for beyond 11.00pm. Mr Judd asked whether the current application allows for the playing of music inside or outside. The applicant's representative stated that the current application allows for the playing of music inside until 02.00am and outside until 11.00pm. Mr Judd asked what levels are set currently. The applicant's representative stated there were currently no noise limiters in place.

Mr Judd stated that Parkdean had taken a decision to close its nightclub and put an Indian restaurant in its place, thereby losing indoor entertainment space, the residents did not have an issue as noise was controlled, however what was of concern to the residents is that an application was being made in retrospect for an outside extension due to the loss of indoor entertainment space. Mr Judd expressed concern that the residents would bear the brunt of the noise, when Parkdean previously had capacity for entertainment prior to building the pavilion. The applicant's representative stressed that the application being made relate to safeguards that are built in and in agreement with

Shared Regulatory Services to limit the music beyond the 11:00 o'clock in that additional area. The applicant's representative stated that the residents will not suffer from the application.

Mr Judd questioned the need for Parkdean to have an outside party until 1.00am. He also referred to the dba level being set at 75dba following tests and questioned whether it allows for vocal levels and what would Parkdean do if people attending the event join in with the singing, particularly if a band was playing loud rock music. The applicant's representative stated that the noise made by customers could not be controlled, however lighter entertainment would be played later in the evening to wind down and will be commensurate with the time of day. Mr Judd asked whether a rousing anthem would be played late at night on the Elvis weekend. He referred to an event which took place on 28 July 2021, where the end of the set was louder than the main set and there was a crescendo of noise and he asked what guarantees Parkdean would put in place to ensure that type of entertainment did not happen late in the evening. The applicant's representative apologised on behalf of his clients where the music played in the square area was too loud. The event finished at 10.20pm to 10.30pm and the music was not going through a noise limiter. Mr Judd accepted the apology made but expressed concern in the event of a rousing finale, what steps would be taken to protect noise levels after 11.00pm incorporating the noise made by a crowd and prevent noise affecting residents. The applicant's representative stated there would be a choice of songs to ensure the winding down of entertainment and the audience rather than playing a great rendition at 1.00am to prevent the crowd from singing along to it. That would be down to Parkdean's crowd management as a noise limiter could not be placed on the audience. He stated that he was not aware of any other complaints from any of the specialised weekends held. Mr Judd stated that all other events had taken place indoors, which was now an Indian restaurant and would have been self-contained. He asked whether the listening post would detect the noise. The applicant's representative informed the Sub-Committee that he would have to check with acoustics if noise checks are being made at the other indoor entertainment venues on the site. Mr Judd asked if there is a rousing rendition of a song, would the monitoring equipment detect that the noise has gone above 75 dba and suppress it accordingly. The acoustics advisor stated that the monitoring equipment would be set for music only. However, he understood Parkdean are doing checks and noise monitoring during the events and that will be picked up by the sound level meters during the actual events. Mr Judd understood that the equipment will pick up a loud rendition of a song and asked will the system suppress the music down from 75dba to 65dba to quieten the crowd or would it maintain its level. The applicant's representative informed the Sub-Committee that crowd management would be changed as a result of the noise which had been monitored. Mr Judd asked if Parkdean could put something together to give residents some reassurance or could the plug be pulled on an event if the noise was excessive. The applicant's representative asked whether Mr Judd meant that Parkdean would stop it or otherwise it would get a review of the premises licence. Mr Judd stated that he meant stopping it completely and that the residents would let Parkdean know swiftly if noise levels are high.

The Chairperson asked the objectors to make their case.

Councillor Jonathan Pratt stated that his objection to the application was based on the vagueness of the original application and had Parkdean conducted themselves properly. He had received various concerns from residents in his capacity as a Town Councillor over what Parkdean had done in an unlicensed capacity with music being played until 2.00am. He was pleased to note that there would be a broader licence and that events will be contained within their remit. He expressed concern that events would go until 1.00am but was pleased to see that residents had been listened to and the hours had been reduced. He was also pleased that noise abatement procedures are in place to control noise. He asked for an assurance that no resident would be able to hear music.

He requested that if there were concerns with noise levels that contact numbers from Parkdean be passed on to Porthcawl Town Council in addition to Shared Regulatory Services and Licensing, as there is representation at both levels of local government at County Borough and Town Council level. If a complaint is received by a County Borough Councillor or a Town Councillor, they have the ability to pass on those complaints on to the relevant or authorities and Parkdean. He was pleased to see that the application had been amended with a reduction in hours being requested. He stated that the caravan park at Trecco Bay is good for Porthcawl, bringing employment to the town and that Parkdean has had a history of being good neighbours and he hoped that relationship would be maintained. He hoped that all the relevant controls are there and that it would not be a steppingstone for extending licences.

The applicant's representative having taken further instructions stated that he was more than happy to provide contact details for the Town Council.

The Sub-Committee heard an objection from Mr Ken Bonham who had been a resident for over 40 years and had owned businesses in the town. He stated that the prevailing wind is from the southwest and that noise from the caravan park ends up in in the gardens of properties in Newton and inside properties when windows are open. He also stated that noise from the caravan park had been relatively controlled for many years, although there have been instances where the problem has been excessive as referred to earlier. He referred to a television programme which had been broadcasted in the 1960s which talked about the negative effect the caravan park had on the town of Porthcawl, bringing with it serious crime. He stated that it had been brought about due to excess alcohol and allowing another venue would encourage the consumption of more alcohol.

Counsel to the Sub-Committee advised that this was an application to vary the licence. The Sub-Committee can only deal with changing conditions, changing internal layout and adding regulated regulated entertainment. It was not a review of the licence or seeking to extend the licence. He stated that he would advising the Sub-Committee that it could not have regard to representations about increases in alcohol supply because this application did not deal with an increase in in alcohol supply. He requested that the submissions be confined to what is going on in relation to the application.

Mr Bonham stated that noise levels get louder as the entertainment goes on in order to satisfy the crowd, with acts starting off slow and ending up fast and therefore there would be a lack of control over the sound generated by the crowd. He suggested that the control of the audience and the sound produced by the audience could not be guaranteed, and he felt that this application should be completely thrown out.

Mr Jonathan David was given an opportunity to present his objections to the Sub-Committee. Mr David informed the Sub-Committee that his objections to the application were as set out in writing which the applicant had seen. He sought clarification that there were between 24 to 26 specific days per year and sound levels throughout the pavilion would be limited to 75dba and not limited to 75dba after 11.00pm. The applicant's representative clarified there are different sound levels and different codes of practice apply which govern how loud music should be at nearest sense, noise sensitive points within the code of Practice on concerts, so they use guidelines which means that it needs to be lowered as the day wears on. He stressed that the application for the variation of the licence is confined to noise levels beyond 11.00pm. Mr David stated that his major concern related to the concert held on 28 July 2021 and that noise levels were excessive constantly throughout the day once the concert had started. He believed that the 75dba limit should apply throughout the day and not just after 11.00pm.

The Chairperson invited all parties to sum up.

Councillor Pratt stated that it was the responsibility of the Trecco Bay Holiday Park to have a healthy relationship with its residents, just not in Newton and across the whole of Porthcawl. He also stated that apart from last year, everyone was learning from the implications of Covid, and that Trecco Bay had maintained those relationships reasonably well over the many years of their time in Porthcawl. He requested that the applicant in mind that any changes in their applications are met with good faith and to maintain the good relationship that it has with residents.

The applicant's representative in his closing submission referred to the serious crime which had been brought to the attention of the Sub-Committee in Mr Bonham's objection and stated that this was many years ago. He was grateful to Councillor Pratt for putting more context on Parkdean's relationship with residents and that the representation refers to the fact that the good relationships that the Town Council has enjoyed with Trecco Bay and the applicant lives in peace and harmony with local residents. He stated that it was not in the interest of Parkdean to cause disturbance and it wanted to be good neighbours and he took exception to the objection made that Parkdean does not have any good effect. He believed the Holiday Park to have a positive effect on the local economy and that it had good working relationships in the past. He apologised for the incident in July 2021 as it was not done through a noise limiter and had taken place on the square in the Holiday Park, although there was nothing illegal about it, the music was too loud.

The applicant's representative informed the Sub-Committee that this was not an application to extend the hours for the supply of alcohol, although an application may be made in due course for the Tiki Bar in the pavilion but that was not being done today. He stated that the application would allow the corridor between East and West to be used by people so that they can walk through without needing to walk around. He referred to paragraph 5.16 of the policy where the Council can specify the number of events to be held per year. He stated that if the applicant applies for music at more noise sensitive times, there is a key protection at paragraph 12 of the policy.

He also informed the Sub-Committee that built into the Licensing Act 2003 there is a review process, which his client would not want to risk. Through this, there could be a review of the premises licence to remove any permission for entertainment and it could be even worse than that, the review of the licence in its entirety to include review on alcohol sales etc. There were also all sorts of mechanisms, with powers in the Noise Act 1996 whereby warning notices can be issued and fines can then be issued if they are breached. Equipment can be seized and taken away by Shared Regulatory Services. There is also protection in the Environmental Protection Act where the applicant was to create a statutory noise nuisance, then a noise abatement notice is served. He informed the Sub-Committee there are plenty of ways in which his client can be held to account, but he did not want to get to that point. This was about the prevention of public nuisance and not causing it in the first place. He asked Counsel to refer the Sub-Committee to refer to paragraphs 9.12. He also brought to the Sub-Committee's attention paragraph 9.15 of the guidance, which relates to crime and disorder and to the fact there have been no representations received to the application by the police, which are the main source of advice on matters relating to the promotion of the crime disorder objective.

More particularly, the applicant's representative asked the Sub-Committee to look at paragraph 9.15 which stated that as a licensing authority, it can reasonably expect the authority to intervene, exercising environmental health functions to make representations where they are concerned about noise nuisance. He stated that is exactly what Shared Regulatory Services did, they considered the application, made a representation and dialogue took place with them to discuss conditions, and they saw

and considered the noise management plan and they withdrew their representation. The applicant's representative informed the Sub-Committee that the noise limiter will be commissioned and agreed with Shared Regulatory Services.

The applicant's representative referred to the case of Manchester City Council v Taylor, in that the Sub-Committee is not here to review the existing licence. The application is to vary the licence to permit entertainment between 11.00pm and 2:00am. He stated that the Sub-Committee is not here to review what his client does before 11.00pm. He acknowledged that his client did not do a great job of it on the 28 July 2021. He stated that it was not a review of the licence, but the grant of the variation of the licence and to impose any conditions that are appropriate and proportionate. Those conditions had been gone through in some detail and he suggested that on the balance of probabilities before the Sub-Committee and the fact Shared Regulatory Services was not objecting, they would be working with Parkdean on the limitation of noise.

The applicant's representative informed the Sub-Committee that to ensure sound was not audible in the nearest noise sensitive premises after 11.00pm with the window open and on that basis, what was known there will not be any public nuisance caused to that to the residential dwellings in terms of crowd noise. Noise checks would be made at that point and other points and a crowd event management plan will be in place. He stated there would be a lot more certainty in terms of the hours and days applied for. He stated that nobody would be doing a rendition of a rousing song at 1.00am and there would be a wind down of entertainment and crowd management. He commended the application as amended to the Sub-Committee. He stated that it had been amended and it gave his clients the freedom to have events without notification, but it appreciated what the Council's policy says.

He thanked the Sub-Committee for the opportunity of presenting the application.

The Sub-Committee retired to consider the application and, on their return, it was:

RESOLVED: The Sub-Committee has determined to grant the application subject to the modification of the conditions on the licence as set out in the appendix to this Decision (changes marked up for the purposes of clarity).

Reasons

The narrowing of the Application to limit the provision of external regulated entertainment to a defined area with 6 events per calendar year (plus New Year's Eve) with earlier terminal hours is, in our view, a drastic change from what was initially applied for. When combined with advance notice of events, it is an approach that aligns with paragraph 5.16 of the Council's statement of licensing policy.

The Applicant has further provided noise control and mitigation measures.

The noise management plan, which by way of condition offered by the Applicant will apply to the whole of the Premises, provides in paragraph 3.11 for the following noise control measures in the Pavilion:

The Pavilion is a tensile covered structure located between two buildings. Both ends of the structure will be closed by fabric mesh infill panels and lower level glazing and entrance double doors. This will further reduce any noise breakout from the area.

The sound system within the Pavilion is a Bose Room Match system consisting of 24 small satellite speakers to create a designed “dispersion system”. Speakers are controlled in 12 groups, which allows for active control and monitoring.

The benefits of the system over a traditional system means that by having so many speakers it can create an even dispersal of sound, so that, the overall sound level can be more accurately controlled and used. (Traditional system e.g. 2 speakers either side of a stage where a large sound level must be used to reach an entire space)

The sound system has a main processor by Soundweb which is a London Blue product. The system is configured by remote PC/laptop and operated under an [administrator] password. All control entries are logged to provide an audit process of system users. It allows for tamperproof operations to prevent sound levels being adjusted locally. The system cannot be adjusted without the PC/laptop and the administrator’s plugin.

The system is a sound limiter and can be automatically configured to reduce dB levels at pre-set timings e.g. 1900 (day to evening transition) and at 2300 (evening to night transition).

Monitoring, automatic sound level readings can be taken and documented by the system. Records will be maintained for 12 months and made available should then be requested.

The key requirement of the configuration of the sound limiter and the documentation of monitoring are the subject of a further offered condition. Paragraph 3.3 of the conditioned noise management plan further materially provides:

Operations within the Pavilion will be in accordance with Noise Assessment Report produced by Inacoustic dated 11 March 2022 or, at a level set and agreed, in conjunction with Shared Regulatory Services on setting, of the noise limiter.

Automated noise monitoring will take place after 2300 (at the noise limiter), during any periods of live and recorded regulated entertainment in the Showdome and in the outdoor Pavilion area.

Additional noise monitoring by way of hand held noise meter will take place on an hourly basis at points P1 and P2 on the attached plan, when the Pavilion is used for regulated entertainment by way of live and recorded music after 2300.

Noise level readings will be documented and the records will be maintained for a period of 12 months

Paragraph 9.12 of the s.182 guidance provides that “each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority’s main source of advice in relation to a particular licensing objective”.

Here, Shared Regulatory Services made representations in relation to its concerns about noise nuisance (as envisaged by paragraph 9.15 of the guidance) and has now withdrawn those concerns on the basis of the conditioned mitigation measures.

The Sub-Committee noted in particular that the level at which the noise limiter set will be subject to the agreement of Shared Regulatory Services: this in the view of the Sub-

Committee is a robust safeguard to add to the restrictions on the number of occasions when external entertainment may be provided beyond 23:00.

The requirement for Shared Regulatory Services to be given prior notice of events should engender a working relationship between the Applicant and this responsible authority, and will allow for dialogue and (if necessary) enforcement approaches in the event that the aim that night-time noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation (paragraph 6 of the Inacoustic report) is not being achieved.

The Applicant accepted that a karaoke event operated in the “square” (further to the east) in July last year resulted in a number of complaints and its solicitor apologised for that. Various representations had issue with the manner in which the Premises dealt with complaints, and the Applicant’s solicitor rightly accepted that it would not be acceptable for complaints not to be properly responded to. The Sub-Committee noted that the noise management plan (which relates to the entire venue) includes in paragraph 3.2 a complaints procedure, and that the further conditions include specific complaint procedure obligations in relation to entertainment provided at the Pavilion after 23:00. It is plainly in an operator’s own interest to deal with complaints properly, because should it fail to do so it invites a review or other enforcement action.

In terms of karaoke itself, The Sub-Committee notes the condition prohibiting this style of entertainment in the Pavilion after 23:00.

There was an issue raised at the hearing as to crowd noise, which of course cannot be controlled by a noise limiter in the way amplified sound can be. Late night crowd noise has the potential to give rise to nuisance. The Sub-Committee would expect the operator to implement suitable management controls to avoid that happening (as the Applicant’s solicitor indicated would be the case). Should those controls not be effective, then the operator would of course risk a review or other enforcement action.

The conversion of what an adult nightclub to a restaurant, and that has resulted in the deletion of conditions limiting that area to adults only. No such condition is offered in relation to the Pavilion and no representation was received in relation to the protection from children from harm. Nonetheless, the Sub-Committee must carry out the function with due regard to all licensing objectives, and to the Public Sector Equality Duty. The Sub-Committee notes that there is a condition that the venues at the Premises (including the Pavilion) are family orientated, designed to attract families and provide family entertainment. Parkdean is subject to statutory and regulatory obligations to undertake risk assessments and implement measures concerning the health and safety of visitors to the Leisure Park, including children, and we assume that the introduction of the Pavilion facility will give rise to an appropriate review of the risk assessments in place.

In the view of the Sub-Committee the narrowing of the application and the resulting withdrawal of the representation by Shared Regulatory Services, and the offering of what it considers to be robust conditions are all factors which lead the Sub-Committee to the view that it is appropriate to grant the application as now varied, subject to minor changes and redrafting of the conditions.

The meeting closed at 12:31