

HAMBLETON DISTRICT COUNCIL

Report To: Licensing Hearings Panel
15 August 2012

From: Director of Leisure and Health

Subject: APPLICATION TO VARY PREMISES LICENCE – WHINSTONE VIEW COUNTRY CLUB, GREAT AYTON

Great Ayton Ward

1.0 SUMMARY:

1.1 This report asks the Panel to consider an application to vary the premises licence at Whinstone View Country Club, Great Ayton.

2.0 PROCEDURE:

2.1 The procedure for Premises Licence hearings is attached as an annex to the agenda.

3.0 THE APPLICATION TO VARY THE PREMISES LICENCE

3.1 The application was received by the Licensing Team on 28th June 2012 (Annex 1). The application is to:-

- Add live music, recorded music (including karaoke) and ancillary dancing to the premises licence from noon to midnight 7 days a week;
- Extend the daily hours for service of alcohol in the bistro and the marquee from 11.00 a.m. to midnight and from noon to midnight on Sundays;
- To extend the daily hours of opening to the public from 11.00 to 00.30 a.m. and from noon to 00.30 a.m. on Sundays; and
- To ensure the marquee is an area for licensable activities.

3.2 The current licence covers the bistro only and permits:-

- late night refreshment daily from 23.00 to midnight and from 23.00 to 23.30 on Sundays; and
- supply of alcohol on weekdays from 11.00 to 23.00 and noon to 22.30 on Sundays. Variations to these times are listed in the attached Premises summary (Annex 2).
- The current opening hours are not stated on the licence.

3.3 The application was forwarded to the three District Councillors for the Great Ayton ward and to Great Ayton Parish Council.

4.0 PROMOTION OF LICENSING OBJECTIVES:

4.1 The four Licensing Objectives set out in the Licensing Act 2003 are:-

- 4.1.1 the prevention of crime and disorder;
- 4.1.2 public safety;
- 4.1.3 the prevention of public nuisance;
- 4.1.4 the protection of children from harm.

4.2 The Panel must carry out its functions with a view to promoting the Licensing Objectives.

5.0 POLICY CONSIDERATIONS:

5.1 In carrying out its licensing functions the Panel is required to have regard to:-

5.1.1 its Licensing Statement;

5.1.2 any guidance issued by the Secretary of State.

5.2 The Council's Statement of Licensing Policy includes part 6.0 Preventing Public Nuisance. This sets out policy in relation to noise in particular. The Policy applicable to this notice is attached as Annex 3.

5.3 Attached as Annex 4 is section 9 of the Home Office's Amended Guidance issued under Section 182 of the Licensing Act 2003 to which advice the Panel must have regard.

6.0 THE REPRESENTATIONS

6.1 The following objections (Annexes 5 to 13) have been received within the consultation period i.e. prior to 26th July 2012:-

5. Rob & Jean Gledstone

6. Helen Jones

7. Neil & Susan Grey

8. Cllr Ron Kirk

9. Cllr Richard Hudson

10. Desmond & Susan Jackson

11. The Environmental Health Service of Hambleton District Council

12. Mr & Mrs Rogerson

13. A.J. Brown

7.0 BRIEF OBSERVATIONS OF THE REPRESENTATIONS:

7.1 In general the representations refer to excessive noise from existing activities, particularly associated with music and DJs, and objections to potential noise nuisance in the future. Two of the objections also identify noise nuisance from fireworks displays held late at night.

8.0 DETERMINATION BY THE PANEL:

8.1 The Panel has to decide what action to take in respect of the application for a variation to the premises licence.

DAVID GOODWIN

Background papers: None

Author ref: PM

Contact: Philip Mepham
Environmental Health Manager
Direct Line No: (01748) 827043

Annex 1
 REC'D 28 JUN 2012
 WIMBLETON D.C.
 PES RES CK ACK

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We Jacqueline WRAY & Amanda WRAY-WARD
 (Insert name(s) of applicant)
 being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	05-PREM-00558
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
WHINSTONE VIEW COUNTRY CLUB GREAT AYTON			
Post town	MIDDLEBROUGH	Post code	TS9 6QG

Telephone number at premises (if any)	01642 723285
Non-domestic rateable value of premises	£ BAND 'B'

Part 2 – Applicant details

Daytime contact telephone number	01854 316700		
E-mail address (optional)	jackie@whinstoneview.com		
Current postal address if different from premises address	same as above.		
Post Town		Postcode	

12_PREM_00568

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

- ① TO ADD LIVE MUSIC, RECORDED MUSIC (INC KARAOKE) & ANCILLARY DANCING TO PREMISES LICENCE
- ② EXTEND HOURS FOR SERVICE OF ALCOHOL IN BISTRO & MARQUEE TO MIDNIGHT
- ③ ENSURE MARQUEE IS AN AREA FOR LICENSABLE ACTIVITIES

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2) IN MARQUEE ADJACENT TO 'FIXED PREMISES'.	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	NOON	2400	Please give further details here (please read guidance note 3) TO PERMIT LIVE MUSIC (INC. KARAOKE) FOR BOOKED EVENTS ON THE PREMISES OR IN AN ADJACENT MARQUEE		
Tue	NOON	2400			
Wed	NOON	2400	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	NOON	2400			
Fri	NOON	2400	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	NOON	2400			
Sun	NOON	2400			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2) INDOORS AND INSIDE SUBTERRANEAN MARQUEE	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon	NOON	2400	Please give further details here (please read guidance note 3) TO ALLOW DISCOS AND KARAOKE FOR BOOKED EVENTS ON THE PREMISES OR IN AN ADJACENT MARQUEE.	Both	<input type="checkbox"/>
Tue	NOON	2400			
Wed	NOON	2400		State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Thur	NOON	2400			
Fri	NOON	2400			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat	NOON	2400			
Sun	NOON	2400			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2) INDOORS + WITHIN SUBSTANTIAL MARQUEE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>	
			Please give a description of the facilities for dancing you will be providing DANCE FLOOR AREA		
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	NOON	2400			
Tue	NOON	2400			
Wed	NOON	2400			
Thur	NOON	2400			
Fri	NOON	2400			
Sat	NOON	2400			
Sun	NOON	2400			
			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)		

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) SUNDAY HOURS TO APPLY ON GOOD FRIDAY AND CHRISTMAS DAY ↓		
Mon	1100	2400			
Tue	1100	2400			
Wed	1100	2400			
Thur	1100	2400			
Fri	1100	2400			
Sat	1100	2400			
Sun	1200	2400			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) ↓		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE!

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)	
Day	Start	Finish		
Mon	1100	0030	<p>SUNDAY HOURS ON GILWOOD FRI DAY & CHRISTMAS DAY</p>	
				NEXT
Tue	1100	0030		
				NEXT
Wed	1100	0030		
				NEXT
Thur	1100	0030		<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Fri	1100	0030		
				NEXT
Sat	1100	0030		
				NEXT
Sun	1200	0030		
				NEXT

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

NONE

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick yes

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

N/A

Describe any additional steps you intend to take to promote the four licensing objective:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The entertainment provided will not be a regular feature. It will only be a feature of pre-booked events such as Wedding Receptions, Birthday parties and Christenings. The applicants will remain conscious of the potential impact of the regulated entertainments particularly in relation to noise saturation and late night disturbances. The Applicants re-emphasise their commitment to working with statutory authorities to minimise crime and disorder, promote public safety and prevent public nuisance.

b) The prevention of crime and disorder

Staff are already trained to draw to the attention of the Duty Management any suspicious behaviour or dishonest conduct on the part of customers or customer's guest. Customers acting in a disorderly way will be given advice in a non-physical way. In the event that there is fear of escalation, the Police will be called to assist and prevent a public disorder. The applicant otherwise relies upon the standard terms and conditions in terms of the prevent of crime and disorder.

c) Public Safety

Staff will be trained to be vigilant to the safety risks associated by disco dancing such as slipping and tripping hazards, spilt drinks, broken glass and other hazards injurious to persons attending these events. The premises will ensure that the area set aside for the provision of facilities for dancing will be fit for its purpose.

d) The prevention of public nuisance

The applicants recognise that the provision of recorded and live music brings with it the risk of noise nuisance. Management will ensure that all performances are kept within a reasonable level and there is no unreasonable noise pollution taking such practical steps to minimise unreasonable noise pollution. Steps taken to date have included the installation of a noise limiter on the premises. Apex Acoustics a professional firm, have been engaged to ensure that steps are in place to minimise the environmental impact. Mobile telephone numbers have been provided to neighbours to contact management if there are issues. A letter has been circulated to neighbours (copy attached). Equipment has been purchased by the Management consisting of PA amplification Speaker which will ensure "continuity" of sound control.

e) The protection of children from harm

The applicants rely upon the existing terms and condition set out in the Operating Schedule for the protection of children from harm. The only additional step would be to ensure that such things as Wedding Receptions the children are properly supervised by the attending adults to avoid risks associated with children on dance floors being physically harmed.

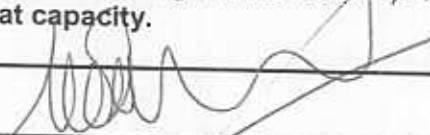
- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

Please tick yes

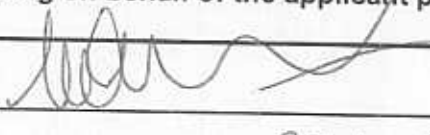
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	27.6.12
Capacity	Solicitor

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	27.6.12
Capacity	Solicitor

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Tony EASTWOOD
 CROSSLANDS
 118 HIGH ST

Post town	PLUDOCK	Post code	TS14 3DH
Telephone number (if any)	01642 482424		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			



Dear Neighbour,

We are writing to apologise for the recent disturbances which have been brought to our attention caused by the excessive noise level created at Whinstone View. We can only hope you are willing to accept our sincere apologies and that we can guarantee that it will not be repeated. We as a family have lived and worked here for over forty years and are very committed to working with our local community and wouldn't want to cause any upset. Within this forty years this is the first time we have received any kind of complaint due to this we are taking immediate steps to rectify this problem.

We have taken the advice of professionals in the music and sound industry to assist us in order to reduce any excessive noise which includes an "automatic volume controller" which automatically keeps the sound to a reasonable level. We will be monitoring the sound levels from our boundary during the relevant times every 30mins to make sure there is no disturbance to nearby neighbours. As it is the bass which carries the greatest volume of sound we can assure you that this has also been addressed.

If you would like to contact us here at Whinstone View I have added the mobile numbers of Michael & Andrea who are always available. Should you have any concerns at any time please do not hesitate to contact either of them.

I hope these steps are of some reassurance that we are responsible business owners and thank you for bringing this to our attention.

Kind regards

Jackie Wray & Amanda Wray-Ward

Proprietors



GOODSWENS

SOLICITORS

122 Prem
 118 High Street
 Redcar
 TS10 3DH
 Tel: 01642 482424
 Fax: 01642 471475

N4204780
 28/6/12

Our Ref: AGE/SG/W01375/004
 Your Ref:
 Date: 27th June 2012

Hambleton District Council
 Licensing Department
 Civic Centre
 Stone Cross
 NORTHALLERTON
 DL6 2UU



Dear Sirs

Re: Variation of Premises Licence: 05-PREMC-00558 – Whinstone View, Great Ayton

Please find enclosed:-

- 1) Application to vary a Premises Licence
- 2) Original Premises Licence
- 3) Plans (2)
- 4) Letter circulated to neighbours
- 5) Cheque in the sum of £190.00 payable to Hambleton District Council in respect of the fee

We are circulating a copy of the application together with its attachments to the relevant statutory authorities today. The appropriate Notices will be advertised. Please acknowledge safe receipt of the application.

Yours faithfully

GOODSWENS

/Encs.

Partners: Michael G. Boyes, LL.B. mike.boyes@goodswens.co.uk
 Anthony G. Eastwood, LL.B. FRSM tony.eastwood@goodswens.co.uk
Associate Solicitor: Wendy Owens, LL.B. (Hons) wendy.owens@goodswens.co.uk
Conveyancing Executive: Clare Booker clare.booker@goodswens.co.uk
Practice & Probate Manager: Lorna Smith lorna.smith@goodswens.co.uk

HAMBLETON DISTRICT COUNCIL

HAMBLETON D.C.
 REC'D 28 JUN 2012
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 ACK

Licensing Act 2003

Premises Licence Summary

Premises Licence Number

05_PREMC_00558

Part 1 Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Postcode

Whinstone View Country Club
 Great Ayton
 Middlesbrough
 TS9 6QG

Telephone number 01642 723285

Where the licence is time limited the dates

Licensable activities authorised by the licence

- L. Late night refreshment
- M. Supply of alcohol

Times the licence authorises the carrying out of licensable activities

L. Late night refreshment	Sunday	23:00 - 23:30
L. Late night refreshment	Monday to Saturday	23:00 - 00:00

M. Supply of alcohol

on weekdays (Monday to Saturday), other than Christmas Day, Good Friday or New Year's Eve, 11am to 11pm;
 on Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30pm;
 on Good Friday, 12 noon to 10.30pm;
 on Christmas Day, 12 noon to 3pm and 7pm to 10.30pm;
 on New Year's Eve, except on a Sunday, 11am to 11pm;
 on New Year's Eve on a Sunday, 12 noon to 10.30pm;
 on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December)

The opening hours of the premises

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol may be supplied for consumption both on and off the Premises

Name, (registered) address of holder of premises licence

Ms Jacqueline Wray
Whinstone View Country Club
Great Ayton
Middlesbrough
TS9 6QG

Ms Amanda Wray-Ward
Whinstone View Country Club
Great Ayton
Middlesbrough
TS9 6QG

Registered number of holder, for example company number, charity number(where applicable)

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Ms Jacqueline Wray

State whether access to the premises by children is restricted or prohibited

EXTRACT FROM HAMBLETON DISTRICT COUNCIL'S STATEMENT OF LICENSING POLICY – SECTION 6

6.0 PREVENTING PUBLIC NUISANCE:

- 6.1 The Council will ensure that adequate measures are taken by licensees to reduce the risk of public nuisance. In particular, it will look at measures to limit noise nuisance, both from the premises and from customers entering and leaving the premises. Methods of control might include restrictions on hours, particularly late at night, noise limiters on musical equipment and sound insulation of buildings, plant and equipment.
- 6.2 The Council will also expect licensees to adopt measures to avoid problems caused by customers spilling out of premises because they have reached capacity or for other reasons.
- 6.3 The Council will ensure that adequate measures are taken to deal with litter problems created by a licensable use in the immediate vicinity of the premises.

9. Determining applications

GENERAL

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

WHERE NO REPRESENTATIONS ARE MADE

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions.

WHERE REPRESENTATIONS ARE MADE

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, (see paragraphs 9.4 to 9.10 below) the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

THE ROLE OF RESPONSIBLE AUTHORITIES

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

REPRESENTATIONS FROM THE POLICE

- 9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

LICENSING AUTHORITIES ACTING AS RESPONSIBLE AUTHORITIES

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority

may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different individual to the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 For smaller licensing authorities, where such a separation of responsibilities is more difficult, the licensing authority may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

HEALTH BODIES ACTING AS RESPONSIBLE AUTHORITIES

- 9.20 Where a Primary Care Trust (PCT)⁴ or Local Health Board (LHB) (in Wales) acts as a responsible authority, they should have sufficient knowledge of the licensing policy and health issues in order to be able to fulfil this function. If they wish to make representations, the PCT or LHB will need to decide how best to gather and coordinate evidence from other bodies exercising health functions in the area, such as emergency departments and ambulance services.

⁴ When relevant provisions in the new Health and Social Care Act 2012 are brought into force, PCTs will be replaced as responsible authorities by the primary health function of local authorities

- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information would be relevant to the public safety objective and in some cases the crime and disorder objective. In making representations, PCTs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

DISCLOSURE OF PERSONAL DETAILS OF PERSONS MAKING REPRESENTATIONS

- 9.22 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.23 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.24 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.25 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.26 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

HEARINGS

- 9.27 Regulations governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.28 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.29 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.30 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.31 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.32 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.

- 9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.35 The licensing authority should give its decision within 5 working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.
- 9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.
- 9.37 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

DETERMINING ACTIONS THAT ARE APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be

considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

CONSIDERING CASES WHERE LICENSING AND PLANNING APPLICATIONS ARE MADE SIMULTANEOUSLY

- 9.41 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

HAMBLETON D.C.		
18 JUL 2012		
REC'D		
PES	RES	CX
		ACK

West Lodge
Langbaugh Grange
Great Ayton
TS9 6QQ

14th July 2012

Dear Mr Suffield,

Whinstone View Country Club
Variation of Premises Licence
Licence Number 05-PREMC-00558

We refer to your e mail dated 9th July 2012 and wish to make the observation that the above business would not have applied for a change in their license without the complaint of noise pollution being made by Mr Jackson on 11th June 2012 on behalf of the residents of Langbaugh Grange.

As previously stated the problem began on Saturday 14th April and the noise was so loud that it was heard in the village of Great Ayton. Further disturbances took place on 28th April, 5th May, 3rd, 4th, 9th of June and the latest being 6th and 7th of July for which a temporary license was granted.

On the 21st June we received a visit from one of the owners of Whinstone View apologising for the excessive noise levels and that it would not be repeated. Whilst we took an agreeable view of this visit we were alarmed at the contents of their license application and that at no time during the visit was the considerable increase in their proposed activities mentioned. As regards the noise levels not being repeated this was a false dawn as noise was again heard on 6th and 7th July.

My wife and I strongly oppose the variation of premises license as we cannot see how with the introduction of live music and karaoke will reduce the noise pollution. After all these events will take place in a Marquee/Tent adjacent to the Bistro and could last for up to 12 hours a day, 7 days a week. The equipment installed after our noise complaint is for use in Pubs, Clubs, Hotels, Restaurants, Village Halls and Social Clubs. These premises are considerably more substantial in construction than a Marquee/Tent.

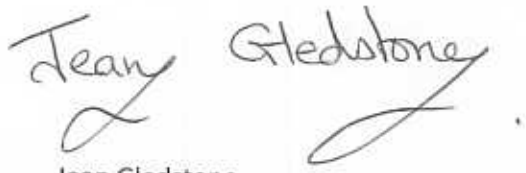
It would also appear that our Neighbours are attempting to increase their licensing hours in the Bistro as well as the Marquee/Tent. These would appear to be greater than either of the Public Houses in Great Ayton.

We have not had any problems with our Neighbours at Whinstone View until now and if the events they are asking for in their Application were held in a building fit for the purpose, it is unlikely that we would have raised an objection. A Marquee/Tent is not fit for the events in their application.

Yours sincerely

A handwritten signature in cursive script that reads "Rob Gledstone". The signature is written in dark ink and includes a small flourish at the end.

Rob Gledstone

A handwritten signature in cursive script that reads "Jean Gledstone". The signature is written in dark ink and includes a large, sweeping flourish at the end.

Jean Gledstone

The Granary
Langbaugh Grange
Great Ayton
TS9 6QQ

18 July 2012

Dear Mr Suffield

Re: Variation of Premises Licence: 05-PREMC-00558 Whinstone View, Great Ayton

As a near neighbour of the above premises, I wish to register my complete opposition to any aspect of this change of license because of the serious negative impact it would have on the lives of anyone living in the vicinity.

After being greatly distressed by loud noise from the above premises, I raised the issue with one of my neighbours, and discovered that he had already made contact with you regarding the nuisance. When it became clear that the owners of Whinstone View intended to go ahead with the above application, I felt I had to act. I wish to oppose the application in every detail. I make this representation on my own behalf and not for, or on behalf of, any one else.

I have lived at Langbaugh Grange since 1985, and have of course seen many changes during that time. As the previous owners of Whinstone View built up their business we became used to a certain amount of noise on Saturday nights in the summer, when I guess that activities in the bar spilled outside on to the terrace, frequently accompanied by music. I personally regarded this as an acceptable nuisance, as it was infrequent, and normally ended around 11pm. I also patronised the restaurant on various occasions, though usually at lunchtime.

The recent disturbances have been of an entirely different nature, frequency, and intensity, and in my view entirely unacceptable. I have, on several occasions, had to wear ear plugs in bed in order to get any sleep. The noise intrudes both inside and outside my house, and has a negative effect on my life here. Whilst such disturbance might be tolerated as a one off, for example if a neighbour were to use a marquee for a family wedding celebration, I am very distressed to learn that the loud noise from my neighbours at Whinstone View could become a permitted, regular, 12.00am to 12.00 pm, 7 days a week event if they obtain the licence they seek. If I had wanted to live in a noisy town environment I might have chosen to live in a city. But even in Hyde Park they pull the plug at 10.30pm for their occasional concerts. The very peace of the rural environment makes the noise disturbance even more distressing to anyone living nearby. According to the OS map, the distance between my property and Whinstone View is less than half a kilometre or around 0.2 miles.

I understand that new equipment has been used with the intention of suppressing the noise to an acceptable level. Frankly, a reduced level which still does not allow me to enjoy sitting in my garden or to sleep without interruption from live bands or Karaoke, is far from acceptable. Everyone knows that sound travels a long way in the open air. I once sat in my garden and heard word for word a speech given by William Hague some quarter of a mile away. I have also been kept awake by events at Ormesby Hall even further away. This has nothing to do with a bass beat.

I would like to draw attention to the "thin end of the wedge" factor. A neighbour at Bankflow Farm has also held occasional musical events in his barn. These have been infrequent up till now. But what of the future? Is the attractive approach to Great Ayton to be turned into a second rate nightclub area with unlovely buildings being erected with or without consent? It will be hard to refuse other such applications in the future in spite of our planning laws.

Yours faithfully,

Helen Jones



Langbaugh Grange
Great Ayton
Middlesbrough
TS9 6QQ
Tel: 01642 724762
18/07/2012

To: Mr Kevin Suffield, Licensing Enforcement Officer
Hambleton District Council

Re: 05-PREMC-00558-Whinstone View, Great Ayton

Dear Mr Suffield,

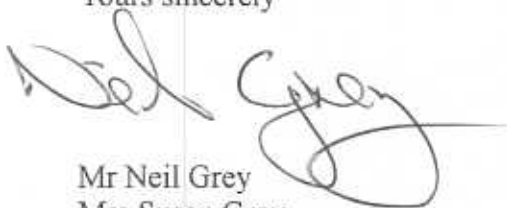
I wish to register my objection to the above application. I live very near to the Whinstone View business and am therefore a close neighbour. I understand that they are applying to have both live and recorded music events in the tent that they have erected on their front lawn. I think that it is wholly inappropriate to hold such events in a tent as there is virtually no sound insulation and the music and DJ can be clearly heard for several hundred yards.

I know that the Whinstone View have already held several such events and all have been clearly audible from my living room, never mind my back garden. My wife and I could clearly hear the music and words of the DJ on the following occasions - 14th April, 28th April, 5th May, 3rd, 4th and 9th June. We could have told you the actual songs being played on most occasions. I have complained directly to the Whinstone View but I do not believe that this had made any difference to the disturbance they have caused despite their assurances to the contrary. The disturbance also went on until after 11.30pm and on one occasion was even topped off with a very loud fireworks display at 11.30pm!


My wife and I are very concerned and worried that, should the application be granted, we will have to suffer regular disturbance from lunch time to after midnight on any day of the year. It surely cannot be right to have a nightclub being held in a tent at the bottom of one's garden. I am absolutely sure that my other neighbours would make very strong complaints were I to do the same on a regular basis.

I urge you to decline the application on the grounds of it being an inappropriate business function to be carried out on this site and in this building type i.e. a tent!

Yours sincerely



Mr Neil Grey
Mrs Susan Grey



HAMBLETON D.C.		
19 JUL 2012		
REC'D		
PES	RES	CX
		ACK

 **Angela Trotman**

From: Cllr Ron Kirk
Sent: 18 July 2012 08:50
To: Angela Trotman
Subject: RE: Whinstone View Country Club, Great Ayton

Thank you for the information.

Firstly (not a licensing issue?) but I am not sure that there is planning approval for a Marquee.

Regarding the licensing application I do not wish to support the application.

The provision of Live Music (including Karaoke) and recorded music seven days a week from Noon to Midnight is unacceptable, specifically in a Marquee.

I do not believe that there is sufficient demand for such a whole scale facility in the Great Ayton area, and specifically not in a Marquee. In my opinion the sound from such a venue would have a detrimental effect upon the residents close to and up to the boundaries of Great Ayton. I have already had a complaint regarding one evenings use of the Marquee. I do not consider that sufficient safeguards regarding the emission of noise could be kept at an acceptable level.

The provision of music in the Club House, subject to appropriate conditions, on say a Friday and Saturday evening may be more appropriate.

Regards,

Ron Kirk

From: Angela Trotman
Sent: Thursday, June 28, 2012 5:27 PM
To: Cllr Ron Kirk
Cc: Cllr Frances Greenwell; Cllr Richard Hudson; clerk@great-ayton.org.uk
Subject: RE: Whinstone View Country Club, Great Ayton

I attach the current licence for your information.

Regards

Angela Trotman

Senior Licensing Administration Officer

Environmental Health Shared Service

Hambleton and Richmondshire District Councils

Tel: 01609 767017 (direct line)

Email: angela.trotman@hambleton.gov.uk licensingteam@hambleton.gov.uk

Website: www.hambleton.gov.uk

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DISTRICT COUNCIL

From: Cllr Ron Kirk
Sent: 28 June 2012 16:35
To: Angela Trotman; Cllr Frances Greenwell; Cllr Richard Hudson
Cc: clerk@great-ayton.org.uk
Subject: RE: Whinstone View Country Club, Great Ayton

Thank you Angela.

Could you please let us know what the existing licencing hours are?

18/07/2012

Regards

Ron

From: Angela Trotman
Sent: Thursday, June 28, 2012 3:28 PM
To: Cllr Frances Greenwell; Cllr Richard Hudson; Cllr Ron Kirk
Cc: clerk@great-ayton.org.uk
Subject: FW: Whinstone View Country Club, Great Ayton

Angela Trotman

Senior Licensing Administration Officer

Environmental Health Shared Service

Hambleton and Richmondshire District Councils

Tel: 01609 767017 (direct line)

Email: angela.trotman@hambleton.gov.uk licensingteam@hambleton.gov.uk Website: www.hambleton.gov.uk

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DISTRICT COUNCIL

From: Angela Trotman
Sent: 28 June 2012 15:19
To: Cllr Frances Greenwell; Cllr Richard Hudson; Cllr Ron Kirk
Cc: 'clerk@great-ayton.org.uk'
Subject: FW: Whinstone View Country Club, Great Ayton

Good Afternoon

The Council has received the attached application for a variation to the premises licence at Whinstone View Country Club, Great Ayton.

The application is open for consultation until 26.07.2012. Please forward any representations to the Licensing Team at Hambleton District Council, Civic Centre, Stone Cross, Northallerton DL6 2UU or email licensingteam@hambleton.gov.uk

Thank you

Angela Trotman

Senior Licensing Administration Officer

Environmental Health Shared Service

Hambleton and Richmondshire District Councils

Tel: 01609 767017 (direct line)

Email: angela.trotman@hambleton.gov.uk licensingteam@hambleton.gov.uk Website: www.hambleton.gov.uk

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RICHMONDSHIRE
DISTRICT COUNCIL

 **Angela Trotman**

From: Cllr Richard Hudson
Sent: 18 July 2012 15:43
To: Angela Trotman; Cllr Frances Greenwell; Cllr Ron Kirk
Subject: RE: Whinstone View Country Club, Great Ayton

Dear Angela,

Having reviewed the application to vary the licence at Whinstone View country club i do have a few reservations regarding the playing of music outdoors every night of the week until midnight. There are already complaints evidenced showing residents annoyance at loud music being played late into the evening, and this was echoed at our PC meeting last night.

I feel that there should be some restriction to the playing of music outdoors and in the marquee as requested. Otherwise we may be in a position where there is loud music played every single night of the week until midnight, and this will without doubt upset local residents.

I don't feel that the extension to the serving of alcohol would be any cause for concern.

It was mentioned that the marquee may be subject to a planning application, if this were the case then i would assume the consideration of noise pollution would be taken into account when determining whether to grant planning permission. If there were to be requirements associated to sound insulation attached to the planning application then i would be minded to then support a variation to the playing of music in the marquee, though perhaps not to the same extent to which they have applied for in this instance.

Kind Regards,

Richard Hudson

From: Angela Trotman
Sent: 28 June 2012 15:28
To: Cllr Frances Greenwell; Cllr Richard Hudson; Cllr Ron Kirk
Cc: clerk@great-ayton.org.uk
Subject: FW: Whinstone View Country Club, Great Ayton

Angela Trotman
Senior Licensing Administration Officer
Environmental Health Shared Service
Hambleton and Richmondshire District Councils
Tel: 01609 767017 (direct line)
Email: angela.trotman@hambleton.gov.uk licensingteam@hambleton.gov.uk
Website: www.hambleton.gov.uk

18/07/2012

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HAMBLETON
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RICHMONDSHIRE
DISTRICT COUNCIL

From: Angela Trotman
Sent: 28 June 2012 15:19
To: Cllr Frances Greenwell; Cllr Richard Hudson; Cllr Ron Kirk
Cc: 'clerk@great-ayton.org.uk'
Subject: FW: Whinstone View Country Club, Great Ayton

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Thank you

Angela Trotman

Senior Licensing Administration Officer

Environmental Health Shared Service

Hambleton and Richmondshire District Councils

Tel: 01609 767017 (direct line)

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Dear Mr Suffield,

Further to your email of 9th July, I would like to make further representation regarding premises licence number 05 PREMC 00558 submitted by Whinstone View Bistro and Lodges Great Ayton.

As you are aware, a temporary licence was granted to Whinstone View to enable pre-arranged events to take place on 6th 7th and 14th July. The proprietors of Whinstone View took certain steps to try and eliminate the noise pollution experienced by ourselves and our neighbours throughout April and June. Whilst the events that took place most recently were not as loud as they had been previously, unfortunately, this is only relative to the fact that the noise caused during April and June was so excessive that we were able to hear the lyrics to every song being played! This is despite Whinstone View being almost half a mile away from us and our neighbours.

Despite the measures taken by Whinstone View on 6th 7th and 14th July my family and I, as well as all our neighbours were able to hear the bass from loud music whilst inside our houses, some of us with televisions blaring. In addition a man talking on a live microphone was clearly distinguishable.

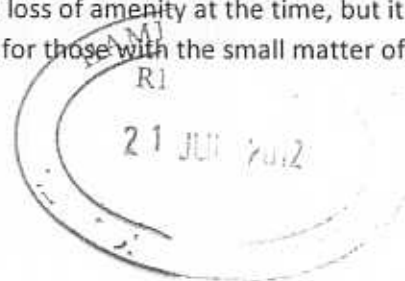
Prior to these instances, on 29th June we again heard bass and fireworks and on 30th June could clearly hear music being played (we could hear music and singing) and the bass to the music was again disruptive.

As well as the level of noise, the duration of the disruption has been significant, sometimes lasting for 8 solid hours (4hours on a consecutive Friday and Saturday). In the majority of situations, an isolated instance of disruption on this scale would precipitate significant complaint. This is evident from the range of neighbour disputes and noise pollution issues which the Council no doubt handles throughout the year. The potential impact of the application by Whinstone View is that we would experience significant noise and disruption for 8 hours per day, seven days per week. I cannot see any way in which this could or should be countenanced by myself, my neighbours and other residents on the edges of Great Ayton.

The marquee which has been erected is a temporary structure, yet the application is for a permanent licence. I am not clear how this apparent conflict can be reconciled, but would fear a gradual 'creep' of development, given that the noise and disruption commenced prior to any planning application being formally submitted. The apparent lack of any retrospective action to combat this flagrant breach of regulations leads me to fear a similar 'snowball' effect in the future, should the application be successful.

I would oppose the application made by Whinstone View in the strongest possible terms on the grounds that it will have a significant adverse effect on the residential amenity of my family and our neighbours. Despite new equipment having been installed, the noise level emanating from Whinstone View has reduced only fractionally, from completely untenable to totally unbearable!

We live in a small residential development in a rural setting, half a mile outside of a small, picturesque village. I don't feel it is possible to reconcile this with the introduction of a seven day per week 'celebration licence' which will enable nightclub levels of noise for eight hours per day, until midnight. Not only will this cause disruption and a loss of amenity at the time, but it is likely to affect sleep patterns for children and grandchildren and for those with the small matter of work the following day!



The fact that the disruption occurs not only when trying to enjoy the peace of my garden but also when sat in my living room with the television blaring demonstrates that to allow a licence of this type to Whinstone View would cause a significant adverse effect to the local area. There is no practical way in which the noise levels for live bands and karaoke can be regulated day to day and in advance of problems manifesting themselves. Once per year, Ormesby Hall holds a live event in its grounds which we can hear indoors due to the volume. The reality of the application by Whinstone View is that we would experience the same level of disruption occurring weekly and potentially daily during peak season, with the additional issue that it would last for full days at a time, rather than the few hours of the Ormesby Hall event.

In their letter to us, the owners of Whinstone View refer to us as their 'neighbours'. This is an entirely accurate description and up until the commencement of live music, Whinstone View had been good, unobtrusive neighbours and we had enjoyed many family meals there. I would also say that I am not averse to development of the business *per se*, purely development which is detrimental to the lives of myself and my neighbours in the vicinity. Since the events have begun taking place, the bistro has become a noisy neighbour and I would respectfully suggest that in any other residential setting, this level of disruption would not be tolerated and therefore should not be here.

In addition, whilst I appreciate that a traffic impact assessment is likely to be conducted, the application causes me concerns relating to highway safety. The road outside Whinstone View is a link road, is well used and tends to be used at high speed, given that it is de-restricted. It is also used by slow moving vehicles like tractors frequently, as well as by slow moving vehicles which may cause a hazard such as cyclists. I fear that with a licence for events seven days per week, presumably for up to 150 people per event, not only will noise levels and traffic volume increase, but the risk to road users would also disproportionately increase too.

Yours Sincerely

Desmond and Susan Jackson and Family.

Licensing Act 2003 Representation Response

Premises Address	Whinstone View Country Club		
	Great Ayton, North Yorkshire, Great Ayton, TS9 6QG		
Date application received	28/06/12	Date Returned to Local Authority	26/07/12

Environmental Health Section Response.

The Environmental Health Section would object to the application in its current form for the following reasons:-

Prevention of Crime & Disorder

Prevention of Nuisances

The licensing application includes live music and recorded music and the sale of alcohol, if not correctly controlled, music entertainment and alcohol can have a tendency to cause noise disturbance.

I am concerned about the increase risk of noise disturbance to nearby residents. This department are currently investigating a complaint of an alleged noise nuisance affecting a number of residents. The complaint concerns music from Whinstone View Bistro held in a marquee, during April 14th and 28th and May 5th and 3rd, 4th and 9th June.

The complainant has stated that the noise on the 14th April was so loud that they were unable to hear their television despite their doors and windows being closed. The complainants are also affected by noise from firework displays, amplified speech from a DJ and heavy bass from the music.

During the Temporary Event consultation process an acoustic report was requested and contact was made with the applicant on the following dates 13th July 2012, 20th July 2012, 25th July 2012 requesting that it was sent as soon as possible. On the 26th July the applicant submitted an acoustic report.

Protection of Children

Public Safety

These objections *cannot be overcome/*can be overcome by amendments to the Operating Schedule as follows:-

Prevention of Crime & Disorder

Prevention of Nuisances

- As the acoustic report has been submitted on the deadline date (26th July 2012) it has not been possible for me to assess it or to negotiate any possible conditions with the applicant. I suggest that any possible conditions can be discussed with the applicant prior to or at the Licensing Hearing.

Protection of Children

Public Safety

If these amendments are agreed / approved by the Applicants, the Environmental Health Section consider there will not be a need for a hearing of the Council's Licensing Committee.

These amendments have been discussed with the applicant and agreed to

Yes

No

EHO: Emma Gallafant

Date: 26th July 2012

Angela Trotman

From: Andrew Rogerson [a.rogerson2@btinternet.com]
Sent: 24 July 2012 19:22
To: licensingteam
Subject: Whimstone View

Dear sirs,

With reference to the application for a variation of premises licence 05-PREMC-00558 to include an entertainments license at the above property we would like to lodge a formal complaint regarding the noise which we have been subjected to over several months.

Despite a meeting with representatives of the venue and their assurances that we would not be bothered by any further noise pollution submitted from their activities, the pre arranged events held on the 6th & 7th July still caused considerable disturbance within our home due to the sound of heavy bass music and the compare/DJ voice.

As a resident living within a few hundred meters of the site we object strongly to the imposition of sound pollution which we understand should be contained within the boundaries of their site.

The site does have an existing function room and we feel all functions should be contained within the structure of the building thereby providing an element of protection for the surrounding environment.

Therefore we strongly object to any extended licences applied to marquees and external events.

Yours Faithfully

Mr & Mrs A Rogerson.
The Wheelhouse
Langbaurch Grange
Great Ayton
TS96QQ.

copy-received 31/07/12

Via Post.



Hambleton District Council
Licencing Department
Civic Centre
Stone Cross
Northallerton
DL6 2UU

Rose Cottage
Langbaugh Grange
Great Ayton
TS9 6QQ

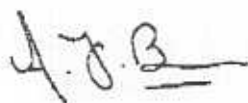
19th July , 2012

Dear Sirs,

I would like to strongly object to the proposed planning application by Whinstone View Bistro, Great Ayton.

I personally have found the noise to be unacceptable and although I understand some measures have been taken to reduce the noise it is still intrusive and impacts on my life. I should not have to listen to music and DJs voices whilst trying to enjoy my garden or sleeping. I work shifts so require a peaceful environment when between nights (one of the reasons for moving to a semi rural location). This is not the case anymore. Holding such events in a tent with no soundproofing with neighbours properties in close proximity is unacceptable. Live music events attract large groups of people (which in themselves generate noise) who travel to such events in vehicles (which in turn creates noise i.e road traffic) which also increases the dangers on an already busy de restricted road. Not to mention the increased risk to slow moving traffic i.e horse riders and cyclists who regularly use this road.

Yours Sincerely,



A J Brown (Mr)