

SCARBOROUGH BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

24 MARCH 2021

LICENSING ACT 2003

REPORT OF THE ENVIRONMENT AND REGULATION MANAGER – 21/045

on

APPLICATION FOR VARIATION OF A PREMISES LICENCE CAYTON BAY HOLIDAY PARK, CAYTON BAY, SCARBOROUGH, YO11 3NJ

1. PURPOSE OF REPORT

To seek the determination by the Licensing Sub-Committee of an application for the variation of a premises licence where one or more relevant representations has been received.

2. APPLICATION

- 2.1 An application for the variation of a premises licence has been received and is attached at **Appendix A**. A copy of the existing premises licence is attached at **Appendix B**.
- 2.2 The application states that they seek the following;
- “To extend the sale of alcohol and regulated entertainment (with the exception of films) outdoors Monday to Sunday 1000 to 2300;
 - Films outdoors Monday to Sunday 1000 to 2330;
 - Extend late night refreshment to include the current Fish & Chip Shop from 2300 to 0200 the following morning;
 - Extend Boxing & Wrestling indoors Monday to Sunday 1000 to 0200 the following morning;
 - To permit all licensable activities and opening hours for an additional hour on the day when British Summertime commences and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day;
 - To approve alterations at the premises to include the addition of new licensed areas indoors and outdoors (change of Premises Plan).
 - Licence Conditions to remain unchanged”.
- 2.3 In summary, the application seeks to extend the permitted hours for licensable activities as follows:

Activity	Current hours	Requested hours
Plays	Indoors only Mon to Sun 10:00 to 02:00	Mon to Sun 10:00 to 02:00 Outdoors 10:00 to 23:00 <i>An additional hour to the standard and non-standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i>
Films Indoors & Outdoors	Mon to Sun 10:00 to 2:00 Outdoors restricted 14:00 to 23:30	Mon to Sun 10:00 to 2:00 Outdoors restricted 10:00 to 23:30 <i>An additional hour to the standard and non-standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i>
Indoor sporting events	Mon to Sun 10:00 to 02:00 New Year's Eve <i>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i>	Mon to Sun 10:00 to 02:00 <i>An additional hour to the standard and non-standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i>
Boxing or wrestling Indoors & Outdoors	Mon to Sun 09:00 to 19:00	Mon to Sun 10:00 to 02:00 Outdoors restricted 10:00 to 23:00 <i>An additional hour to the standard and non-standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i>

<p>Live music Indoors & Outdoors</p>	<p>Mon to Sun 10:00 to Midnight Outdoors restricted 11:30 to 19:00 New Year's Eve <i>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i></p>	<p>Mon to Sun 10:00 to Midnight Outdoors restricted 10:00 to 23:00 <i>An additional hour to the standard and non-standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i></p>
<p>Recorded music Indoors & Outdoors</p>	<p>Mon to Sun 10:00 to 02:00 Outdoors 11:30 to 19:00 New Year's Eve <i>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</i></p>	<p>Mon to Sun 10:00 to 02:00 Outdoors restricted 10:00 to 23:00 <i>An additional hour to the standard and non-standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i></p>
<p>Performance of dance Indoors & Outdoors</p>	<p>Mon to Sun 10:00 to 02:00 Outdoors 11:30 to 19:00 New Year's Eve <i>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</i></p>	<p>Mon to Sun 10:00 to 02:00 Outdoors restricted 10:00 to 23:00 <i>An additional hour to the standard and non-standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i></p>
<p>Anything of a similar description to live/recorded music or performance of dance Indoors & Outdoors</p>	<p>Mon to Sun 10:00 to 02:00 Outdoors 11:30 to 19:00 New Year's Eve <i>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</i></p>	<p>Mon to Sun 10:00 to 02:00 Outdoors restricted 10:00 to 23:00 <i>An additional hour to the standard and non-standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i></p>

Late night refreshment	Indoors only Mon to Sun 23:00 to 02:00	Indoors & Outdoors Mon to Sun 23:00 to 02:00 Fish/Chip Shop restricted 23:00 to 02:00 <i>An additional hour to the standard and non-standard timings on the day when British Summertime commences.</i> <i>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i>
Supply of alcohol for consumption on or off the premises	Mon to Sun 10:00 to 02:00 New Year's Eve <i>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</i>	Mon to Sun 10:00 to 02:00 Outdoors restricted to 10:00 to 23:00 <i>An additional hour to the standard and non-standard timings on the day when British Summertime commences.</i> <i>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i>
Hours open to the public	Mon to Sun 24 Hours	Mon to Sun 24 Hours

2.4 The applicant has also stated that they wish to amend the Premises Plan. The Plan forms part of the Premises Licence.

2.5 Protection of Children from Harm

The applicant neglected to complete this section of the application form however, they were telephoned and verbally stated that will be no adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.6 Members are asked to note in particular paragraph 3.46 of the Council's Policy in that where an applicant states in the Operating Schedule that there is no adult entertainment or similar entertainment taking place at the premises, then the Licensing Authority shall consider this restriction to be a condition on the licence even though it may not state this on the licence itself.

2.7 Volunteered Operating Licence Conditions

The applicant has offered no further volunteered licensing conditions as part of their application:

2.8 Existing premises licence

When considering the volunteered conditions and the imposition of any additional conditions, consideration should be given to the conditions in the current premises licence which is attached at **Appendix B**.

3 REPRESENTATIONS

3.1 The Licensing Authority has received four representations, they are from Members of the Public and are subsequently attached at **Appendix C**.

3.2 The representations are in line with the following Licensing Objectives:

- Prevention of Public Nuisance
- Public Safety

3.3 The representations are summarised as follows:

1. Concerns that there may be an increase in noise from patrons.
2. Fears that the noise may disturb neighbours in the vicinity at a later time in the evening.
3. An increase of traffic and parking pressures are matters also raised.
4. Noise from music is an issue raised as being a matter that may cause disturbance / nuisance.
5. Disturbance from light pollution.
6. Concerns regarding drunken and loud behaviour.

3.4 Members should note that some of the grounds for the representations may not directly relate to the licensing objectives but have been included in the interests of openness and transparency.

4 LICENSING POLICY, CUMULATIVE IMPACT POLICY AND DCMS NATIONAL GUIDANCE

4.1 Members are referred to the Council's Licensing Policy and Cumulative Impact Assessment which identifies the Cumulative Impact Zones in respect of Scarborough and Whitby Town centres, together with the Home Office Amended Guidance issued under s182 of the Licensing Act 2003.


5 OPTIONS

5.1 The Licensing Sub Committee has the following options:

- a) Reject the application
- b) Grant the licence as per the application
- c) Grant the licence as per the application with additional conditions
- d) Grant the licence but exclude a licensable activity from the application
- e) Grant the licence but exclude a licensable activity from the application and include additional conditions

6 DETERMINATION OF THE APPLICATION

- 6.1 Under section 17 of the Crime and Disorder Act 1998 (CDA), the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.
- 6.2 Members must also exercise their decision making powers in accordance with the provisions of the Human Rights Act 1998, and the principles of natural justice.
- 6.3 Members are invited to determine this application following consideration of the evidence presented to them.



Environment and Regulation Manager

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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR.

List of Background Papers:

Council's Statement of Licensing Policy

Licensing Act 2003

National Guidance issued Under Section 182 of the Licensing Act 2003

Relevant Regulations associated with the Licensing Act 2003

SCARBOROUGH BOROUGH COUNCIL

Report no	21/045
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The following papers were unable to be included in the electronic version of this document.

Appendices A - C are only available for the applicant in this matter as per Section 185 of the Licensing Act 2003.