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## North Yorkshire Council

### Statutory Licensing Sub-Committee

Minutes of the meeting held on Tuesday, 13 August, 2024 commencing at 10.00 am.

Councillors Tim Grogan, Andrew Lee and Subash Sharma.

Officers present: Fiona Casson, Alan Fane and Nicki Lishman.

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**Copies of all documents considered are in the Minute Book**

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#### **11 Election of Chair**

##### **Decision**

That Councillor Tim Grogan be elected as Chair for the meeting.

(Councillor Tim Grogan in the Chair)

#### **12 Apologies for Absence**

There were no apologies for absence.

#### **13 Disclosures of Interest**

There were no declarations of interest.

#### **14 Procedure for Licensing Hearings**

The procedure was agreed.

#### **15 Application for the grant of a Premises Licence for the Alpamare Waterpark, 28 Burniston Road, Scarborough, YO12 6PH**

The Sub Committee considered a report of the Corporate Director – Environment, which sought determination of an application to grant a Premises Licence for the Alpamare Waterpark, 28 Burniston Road, Scarborough, YO12 6PH.

In coming to its decision, the sub-committee had due regard to the four Licensing Objectives, namely:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

Two members of the public spoke to object to the application, raising concerns such as the operating hours of the licence, the possibility of increased noise and disturbance to

neighbours of the venue and the risks associated with the sale of alcohol within a water based theme park.

During consideration of the application Members considered:

- The reasons given by the applicant for the requested hours of operation
- The lack of any formal complaints against the previous licence holder
- That no serious incidents had been reported during the tenure of the previous licence holder
- The lengthy experience and extensive knowledge of the operator in running similar venues

After hearing the issues, all four Licensing objectives were considered. In coming to its decision, the sub-committee considered the application on its own merits and had due regard to the National Guidance issued under section 182 of the Licensing Act 2003 and former Scarborough Borough Council Licensing Policy which had been adopted by North Yorkshire Council.

### **Decision**

That the premises licence be granted on the terms applied with the conditions as described in the attached Decision Notice.

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### **Decision notice - Alpamare Waterpark, 28 Burniston Road, Scarborough**

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The meeting concluded at 12.55 pm.

## THE NORTH YORKSHIRE COUNCIL

### STATUTORY LICENSING SUB-COMMITTEE

#### Application

#### Premises Licence - Licensing Act 2003

**Alpamare Waterpark, 28 Burniston Road, Scarborough. YO12 6PH**

**Name of Applicant:** North Yorkshire Council

**Date of Meeting:** 13 August 2024. **Decision Date**

**Place:** Council Chamber, Town Hall, St Nicolas Street, Scarborough. YO11 2HG

#### PRESENT:

##### Councillors

Councillor Tim Grogan

Councillor Andrew Lee

Councillor Subash Sharma.

##### Applicant (and Representative if applicable)

Represented by Carol Rehill and Andrew Cunningham (DPS)

##### Witnesses

None called

##### Interested Parties

Rita Holmes, David Knowles

**Legal Advisor:** Fiona Casson, Solicitor, The North Yorkshire Council

**Licensing Officer:** Alan Fane

**Democratic Services Officer** Nicki Lishman

#### 1 Election of Chairman

Councillor Tim Grogan

#### 2 Declarations of Interests (Personal / Prejudicial):

There were no declarations of interest

#### 3 Exclusion of the Public – No

There was no application for the exclusion of the public.

**The Sub Committee had the benefit of a report of the Corporate Director of Environment, the Application, Operating Policy documents supplied on behalf of the Applicant and three representations submitted by members of the public**

**The Sub Committee heard from the Licensing Officer, the Applicant's representatives and two members of the public who made written representations.**

**Following consideration of all matters before them the Sub Committee**

**RESOLVED:** To grant the premises licence on the terms applied for;

Sale of alcohol (for consumption on the premises only)	08:00 to 22:00
Hours open to the public	08:00 to 22:00

**Members Reasons:** In coming to its decision, the sub-committee have had due regard to the 4 Licensing Objectives, namely; the prevention of crime and disorder; public safety, the prevention of public nuisance, and the protection of children from harm. After hearing the issues today, all four Licensing objectives are relevant and consideration has been given to them today. In coming to its decision, the sub-committee has considered the application on its own merits and has also had due regard to the National Guidance issued under section 182 of the Licensing Act 2003 and former Scarborough Borough Council Licensing Policy which has been adopted by The North Yorkshire Council.

The following conditions as submitted by the Applicant will be included. Where the Sub-Committee have amended these the amendments are shown in *italics*.

### **CCTV**

1. A colour CCTV system shall be installed at the premises and be operational and recording at all times when licensable activities are taking place.
  - a. The CCTV equipment shall have a constant time/date generation which must be checked on a daily basis for accuracy.
  - b. CCTV cameras shall be installed to provide adequate cover of all public areas both in the premises (excluding toilets) and in all outside areas accessible to the public.
  - c. The CCTV cameras will be positioned to cover the entrances/exits to the changing areas and customer lockers.
  - d. The CCTV system must be capable of providing quality images of good evidential value. CCTV recordings must be kept for a minimum of 28 days.
  - e. North Yorkshire Police or a responsible authority (as defined in the licensing Act 2003) may at any time request a recording. This request shall be complied with within 48 hours of the request being made.
  - f. The management will ensure that there are sufficient members of staff available during opening hours to be able to download evidence from the CCTV system at the request of the Police or responsible authority.
  - g. Sufficient lighting shall be installed at all exits to enable clear CCTV coverage and to promote public safety.

- h. The CCTV will be monitored from behind the main reception counter for both the Spa, the main pool and outside areas.

### **Children**

2. Alcohol will only be consumed within the redline shown on the plans deposited with the licensing authority and there will be no consumption of alcohol in the children's area, wave pool, flumes or changing rooms as shown on the plans deposited with the licensing authority. *Clear signs will be erected adjacent to these areas advising customers of this restriction.*
3. There shall be no 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.

### **Outside Bar**

4. Any bar that is used to sell alcohol must be placed adjacent to the building and family pool.

### **Safety & Security**

5. There will be no alcohol sales to any person save for persons who have paid an admission fee and received a wrist band or persons attending a pre-booked private function.
6. There will be no service of any drinks in glassware. All alcohol and soft drinks served on the premises will be served in polycarbonate or PET (or equivalent) drinking vessels. The alcohol will not be served in the same polycarbonate, plastic or PET (or equivalent) vessels as soft drinks in order to ensure detection of proxy sales.
7. Procedures shall be in place to ensure empty/discarded drinking vessels are collected at least every hour.
8. The premises will operate a Challenge 25 policy. Any person who appears to be under the age of 25 will be required to prove that he/she/they is over the age of 18. Upon receipt of that proof, that person will be issued with a wrist band, the colour of which will authorise that person to buy alcohol within the park.
9. There will be a radio system in place to allow all staff the ability to communicate with each other at all times that the premises are open to the public. This is to provide an early warning system for incidents within the complex.
10. *The premises will participate in the Scarborough Pub Watch and Banned from One Banned from All schemes, or any successor or replacement schemes of a*

*similar nature, provide that such schemes are in operation within the locality of the premises.*

11. A suitable and sufficient health and safety risk assessment will be conducted and maintained.
12. Pools will comply with current legislation and HSE guidance having regard in particular to the most up to date version of HSG179 Managing health and safety in swimming pools concerning pool profiles, orientations, access arrangements etc.
13. A health and safety policy and management plan will be maintained addressing the key risks of operating swimming pools and the consumption of alcohol.
14. There will be specific supervision of areas where alcohol may be consumed given possible effects on swimming ability and risk of unruliness. An adequate number of lifeguards must be provided to all pool areas in line with HSG179.
15. Admission will be controlled so as not exceed the capacity of the facilities as determined by risk assessment.
16. Toilet, sanitary and associated appliances shall be provided in such numbers as agreed with North Yorkshire Council's Environment Services.

### **Training**

17. All staff engaged in the sale of alcohol will receive training with regard to their responsibilities and obligations under Licensing Act 2003. That training will be documented and records of training will be made available to the Police/officers of the responsible authorities.

### **Noise**

18. The premises should be adequately managed to ensure that any disturbance to residents is minimised. Noise from the premises (measured as a 5 minute Leq) should not exceed the existing background noise as measured in accordance with BS4142.
19. A car park management plan will be implemented to ensure customers using the premises in the evening park away from residential premises.
20. Sale by retail of alcohol is for consumption ON the premises (as indicated by the plans deposited with the licensing authority) ONLY.

21. Notices will be displayed at the exits requiring customers to leave the premises quietly.

3.3 The applicant also wishes to offer the following condition agreed with North Yorkshire Police Licensing during the consultation period:

22. An electronic or manual Refusal Register and an Incident Report Register shall be maintained for the bar within the premises. Such registers shall record incidents of staff refusals to under age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Such registers shall be kept for a minimum of one year [for the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry.

The following additional conditions considered appropriate by the Sub-Committee will be added;

#### Drugs

The premises will implement and operate a Zero Tolerance Drugs Policy.

Signs shall be erected on the premises advising customers that the premises operate a Zero Tolerance Drugs Policy.

#### Operating Policy

The premises licence holder shall ensure that the Alpmare Operating Policy supplied with the application or any future revision of that policy is implemented with regards to operation of the premises.

In reaching this decision the Sub Committee took into account that Mr Cunningham the DPS for the premises confirmed to them that he had over 20 years experience of working with licenced premises and facilities operated by Flamingo Land. The Sub-Committee was satisfied that the Mr Cunningham and the operator of the facility understood the challenges which operation of such a facility presented when licensable activities were also taking place. Two documents had been presented to the Sub-Committee titled Operating Policy Alpmare, the second document being an update of the initial document. These documents detailed the measures which would be in place to expand on and implement the Conditions which had been offered by the Applicant.

The Sub-Committee have taken into account the presentations made by the two interested parties and the written submission made by a third interested party. The concerns raised were around the noise coming from the premises; the hours of operation of the premises, the safety issues relating to alcohol consumption and proximity of those under the influence of alcohol to swimming pools and water based activities; risks posed to children using the facilities; the provision of adequate toilet facilities.

Mr Cunningham explained to the Sub-Committee that the hours for the supply of alcohol were requested primarily to allow them to offer 'Champagne Breakfast' in the Spa facility at the premises once that comes into operation. Mr Cunningham also discussed the issue of noise from the premises and confirmed that this would be considered. It was noted that there is a condition offered (No 18 above) which required the licence holder to 'ensure that any disturbance to residents is minimised.' Mr Cunningham also outlined in detail the coloured wristband system they had put in place to show that individuals were permitted to

purchase alcohol. Customers would be required to provide proof of age at the entry to the facility. Bar staff serving were trained and would check that a customer had a correct coloured wristband and if there was any doubt would seek proof of age at that point also. There was also a detailed discussion with Mr Cunningham about the use of non-glass vessels in which all drinks would be served and the use of colour coded vessels to easily distinguish alcoholic from non-alcoholic beverages. The Sub-Committee noted conditions 11-16 as offered by the Applicant and which sought to address safety matters and risks associated with swimming pools and the consumption of alcohol.

Although the Sub-Committee was determining this application on its own merits, questions were asked of the Licensing Officer whether there had been any complaints or issues arising from the previous operation of the facility which also had a license to supply alcohol. The Licensing Officer noted that Licensing had no records of such complaints or issues. It was also noted that there had been no representations made by North Yorkshire Police with regards to crime and disorder or North Yorkshire Council's Environmental Health Service with regards to any noise nuisance matters arising from the premises.

Taking into account all of the above Members are satisfied that for this application the licensing objectives will not be undermined.

If the applicant or relevant person is not satisfied with the decision of this Sub-Committee there is a right of Appeal to the Magistrates Court within 21 days of the date of this Decision

Chairman