

LICENSING ACT SUB-COMMITTEE AGENDA



Thursday 7th February 2008

At 10.00 am

**at the Avondale Centre,
Dyke House, Hartlepool
(Raby Road entrance)**

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Jackson, Kaiser and G Lilley

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
 - 3.1 Application for a new Premises Licence – Ashfield Caravan Park – *Head of Public Protection*

Licensing Act 2003

Procedure for Hearings

Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. Head of Public Protection and Housing outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Head of Public Protection and Housing.
4. Applicant presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Parties may question and clarify issues raised with the consent of the Chair.
9. If required, responsible bodies/interested parties be given opportunity to sum up.
10. If required, the applicant to be given opportunity to sum up.
11. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
12. Members to go into closed session to deliberate.
13. Chair informs parties of their decision, with reasons.

Report of: Head of Public Protection

Subject: APPLICATION FOR A NEW PREMISES LICENCE -
ASHFIELD CARAVAN PARK

1. PURPOSE OF REPORT

- 1.1 To consider an application for a new Premises Licence in respect of Ashfield Caravan Park, Dalton Piercy, Hartlepool.

2. BACKGROUND

- 2.1 Applicant: Ashfield Caravan Park Limited

Premises: Ashfield Caravan Park
Ashfield Farm
Dalton Piercy
Hartlepool
TS27 3HY

3. SUMMARY OF THE APPLICATION

- 3.1 The applicant has applied for the following:

Sale of Alcohol	Monday – Saturday	1100 – 2300
	Sunday	1100 – 2200

Live Music	Monday – Sunday	1300 – 2100
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Recorded Music	Monday – Sunday	1300 – 2100
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All of the above activities are restricted to between the months of March to October inclusive.

A copy of the application and photographs of the site are attached as **Appendices 1 & 2.**

- 3.2 The application has been advertised in the prescribed manner and one relevant representation has been received from an Interested Party who resides in the vicinity of the premises (**Appendix 3**).

3.3 The nature of the representation received can be summarised as follows:

- The potential for crime and disorder caused by the provision of alcohol and live music
- Public nuisance caused by noise pollution
- Public safety concerns – specifically caused by the ‘inadequate infrastructure’ surrounding the site

3.4 Following receipt of the above representation, and in compliance with statutory requirements, a Notice of Hearing has been sent to both the applicant and interested party.

4. **ISSUES**

4.1 The application for a premises licence was originally received on 27th April 2007 and related to the sale of alcohol and the provision of musical entertainment across the entire caravan site.

4.2 As appropriate planning permission was not in place at that time, the licence application was adjourned by Members at a Licensing Sub-Committee hearing on 6th July 2007, pending the outcome of the planning permission application.

4.3 Planning permission was finally granted by the Planning Inspectorate in December 2007 and, as a result, the licence application process has recommenced.

4.4 The Planning Inspectorate has imposed a number of conditions relating to the use of the site and, as a result, the applicant has amended their application to ensure the licence does not contradict the planning restrictions.

4.5 Following the original application in April 2007 a number of objections were received from both Interested Parties and Responsible Authorities, however all but one of these have been withdrawn as a result of the application being amended.

4.6 Having regard to the representation received, Members may take any of the following steps for the promotion of the licensing objectives:

- i) Grant the application without amendment
- ii) Grant the application with conditions, or amended conditions
- iii) Refuse the application

4.7 The licensing objectives are:

- i) The prevention of crime and disorder
- ii) Public safety

- iii) The prevention of public nuisance, and
- iv) The protection of children from harm

4.8 Members are reminded that they must only consider those aspects of the licence application that are relevant to the representations received.

5. RECOMMENDATIONS

5.1 That Members consider the representations made by the applicant and Interested Party and determine what aspects, if any, of the proposed application should be granted and, if appropriate, what conditions, if any, should be attached.

Appendix I

27 APR 2008

Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY



**APPLICATION FOR A PREMISES LICENCE TO BE GRANTED
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 or typed in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

ASHFIELD CARAVAN PARK Ltd**We.....apply for as premises licence under section 17 of***(insert name(s) of applicant)*

the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description

**ASHFIELD CARAVAN PARK
ASHFIELD FARM
DALTON PIERCY**

Post Town	Post Code
HARTLEPOOL	TS27 3HY

Telephone number at premises (if any)

07787 568154

Non-domestic rateable value of premises

END RATEABLE VALUE**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick yes

- | | |
|---|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |

To: The Principal Licensing Officer, Hartlepool Borough Council, Civic Centre, Hartlepool

Re: Ashfield Caravan Park, Ashfield Farm, Dalton Piercy, TS24 3HY

Please accept this letter as an amendment to my premises licence application for the above named premises in the following regard: -

1. The licence application shall relate to 'on sales' of alcohol at the premises as identified as the 'hatched' area on the attached plan BIG/IC/MA/254-201 and 'off sales' from the reception/shop area of the same plan.
2. The premises shall not be used by members of the general public and shall not be used by anyone other than the resident occupants of touring caravans and tents on the site at any particular time and shall be used only for that purpose and no other.
3. No alcoholic refreshments shall be permitted to be removed from the licensed premises in open containers.
4. No music shall be piped or relayed to the outside from within the building.
5. The sale and supply of alcohol, and all other licensed activities, shall be restricted to between the months of March to October inclusive and between the hours of 11:00 hours and 23:00 hours Mondays to Saturdays and between 11:00 hours and 22:00 hours on Sundays.
6. All other issues referred to in the Operating Schedule of the application remain valid.

Signed..........

Name ANDREA MARIE ASHTON.....

Date.....14th January 2008.....

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	ASHFIELD CARAVAN PARK LTD
Address	10 HILLCREST GROVE ELWICK VILLAGE HARTLEPOOL TS27 3
Registered number (where applicable)	5836423
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	07787 568154
E-mail address (optional)	

- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* if you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - o statutory function or ☐
 - o a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

+

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year
01 04 2007

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year
[][][][][][]

Please give a general description of the premises (please read guidance note 1)

MOBILE CARAVAN PARK WITH
ATTACHED CLUBHOUSE, RECEPTION
AND SHOP

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

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 type="checkbox"/> |

4

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I) ☐
- j) dancing (if ticking yes, fill in box J) ☐
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) ☐

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

Supply of alcohol (if ticking yes, fill in box M) ☒

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

5

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)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish	ONLY OCCASIONAL MUSIC OUTDOORS	
Mon	13-00	21-00	Please give further details here (please read guidance note 3)	
Tue	13-00	21-00	OCCASIONAL LIVE MUSIC BOTH AMPLIFIED AND NON-AMPLIFIED	
Wed	13-00	21-00	State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	13-00	21-00	NO MUSIC, CLOSED ANNUALLY NOVEMBER 15 th – MARCH 1 st	
Fri	13-00	21-00	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	13-00	21-00		
Sun	13-00	21-00		

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2) ONLY OCCASIONAL MUSIC OUTDOORS		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	13-00	21-00				
Tue	13-00	21-00				
Wed	13-00	21-00				
Thur	13-00	21-00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) CLOSED ANNUALLY NOVEMBER 15 th – MARCH 1 st			
Fri	13-00	21-00	<u>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</u> (please read guidance note 5) INDOOR BACKGROUND MUSIC TO PLAY UNTIL 11-00pm DAILY.			
Sat	13-00	21-00				
Sun	13-00	21-00				

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 PREMISES CONSUMPTION AND SUPPLY TO OWNERS OF CARAVANS TO TAKE AWAY	On the premises <input type="checkbox"/>
Day	Start	Finish		Off the premises <input type="checkbox"/>
Mon	12-00	24-00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both <input checked="" type="checkbox"/>
Tue	12-00	24-00		
Wed	12-00	24-00		
Thur	12-00	24-00	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)	
Fri	12-00	24-00		
Sat	12-00	24-00		
Sun	12-00	24-00		

State the name and details of the individual whom you wish to specify on the licence as
premises supervisor

Name	ANDREA ASHTON
Address	10, HILLCREST GROVE ELWICK VILLAGE HARTLEPOOL
Postcode	TS27 3EH
Personal Licence number (if known)	394
Issuing licensing authority (if known)	HARTLEPOOL

P Describe the steps you intend to take to promote the four licensing objectives:

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

ONLY CARAVAN OWNERS AND THERE GUESTS
WILL BE ALLOWED ON SITE (INCLUDING TENTS).
ALL USERS MUST REGISTER AT RECEPTION AND
GIVE FULL DETAILS BEFORE USING SITE.

b) The prevention of crime and disorder

THE BUILDINGS AND SITE WILL BE
STAFFED AND MONITORED AT ALL TIMES.
CCTV WILL BE INSTALLED.

c) Public safety

PUBLIC SAFETY IS PROTECTED BY ON-GOING
RISK ASSESSMENTS, REGULAR MAINTANANCE
AND THE PRESENCE OF STAFF.

d) The prevention of public nuisance

ALL DOORS AND WINDOWS WILL BE CLOSED.
NOISE LEVELS WILL BE MONITORED BY
STAFF CONTINUOUSLY.

e) The protection of children from harm

UNACCOMPANIED CHILDREN ARE NOT
ALLOWED ON THE SITE.

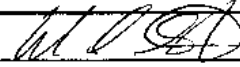
Please tick yes

- I have made or enclosed payment of the fee ☐
- I have enclosed the plan of the premises ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☐
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☐
- I understand that I must now advertise my application ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

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 4 – Signatures (please read guidance note 10)

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

Signature	
Date	
Capacity	DIRECTOR OF ASHFIELD CARAVAN PARK LTD

For joint applications signature of 2nd applicant 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	
Capacity	

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

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

Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool



**CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS PREMISES
SUPERVISOR UNDER THE LICENSING ACT 2003**

I ANDREA ASHTON (full name)
 of 10 HILLCREST GROVE (home address)
ELWICK VILLAGE
TS27 3EH

hereby confirm that I give my consent to be specified as the Designated

Premises Supervisor in relation to: -

ASHFIELD CARAVAN PARK (name of licensed premises)
ASHFIELD FARM (address of premises)
DALTON PIERCY
HARTLEPOOL

I also confirm that I am applying for, intend to apply for or currently hold a
 personal licence, details of which I set out below

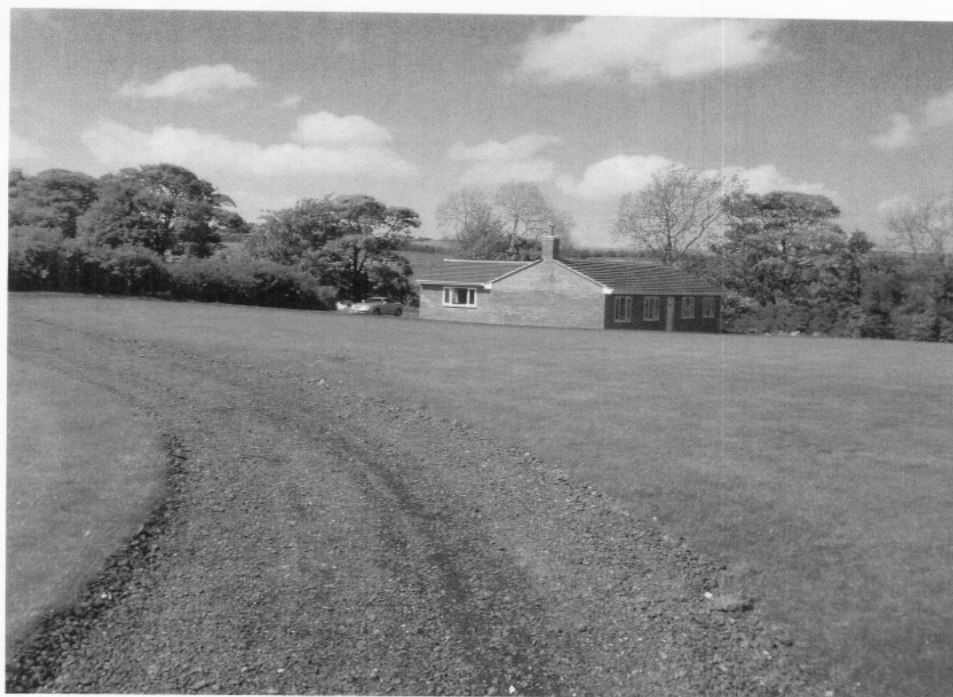
394 (Personal Licence Number)
HARTLEPOOL (Issuing Authority)

W Ashton (Signed)

ANDREA MARIE ASHTON (Name)

26th April 2007 (Dated)

Appendix II



Appendix III



"Coroner"
 <coronerdonnelly@donnelly
 adamson.co.uk>
 23/05/2007 11:31

To: <Ian.Harrison@hartlepool.gov.uk>
 cc:
 bcc:
 Subject: Re: Caravan site, Dalton Piercy

History: This message has been replied to.

Dear Mr Harrison,

Caravan site, Dalton Piercy.

Thank you for the information in respect of this. I hope that I can now make an effective representation in respect of the proposed licensing of the above development. It is perhaps convenient if I address the headings as you helpfully listed them in your previous e-mail.

Prevention of Crime and Disorder

The site is currently a field. Any development, therefore, is going to create risks that were not there before. Caravanning is an esoteric activity not associated with crime and disorder, but consumption of alcohol is. The provision of alcohol can only serve to attract people other than caravanners, alongside the provision of live music which can serve no other purpose than to attract crowds other than caravanners. I suspect that the live music proposed is not likely to be a string quartet. Where crowds of people are attracted by the provision of alcohol and loud music crime, and the potential for disorder, is inevitable.

I understand that the caravan site is proposed for eight months of the year whereas the licence is sought for 12 months of the year from 12 noon to midnight. This illustrates that the caravan site is very much a secondary activity, an entree to the granting of a licence which is the proposed real use of the site.

The sorts of crimes associated with licensed premises are assaults and thefts, and disorderly conduct under the Public Order Act. In addition, for a site such as this, there is increased potential for drink driving. For Hartlepool this is as 'middle of the country' as it gets, and can only be accessed by motor vehicle.

Prevention of Public Nuisance.

Insofar as crime and disorder are public nuisances I repeat the comments made above. However, an additional consequence will be that access to and from the village of Dalton Piercy will be made more difficult and potentially hazardous by the large number of people and vehicles that the owner hopes to attract to his development.

The question of noise pollution at unsocial hours is also an issue, particularly if loud music is to be played out of doors. We regularly hear events at Summerhill in the summer months, particularly if there is a public address system. The proposed development is threequarters of a mile from the centre of Dalton, whereas Summerhill is two or three miles away. Living in a rural area one would expect and welcome the occasional horse show or agricultural event, but live music - amplified and in the open - would be a public nuisance. Local residents and walkers, horse riders and other users of the countryside are entitled not to have their experience spoilt with the intrusion of amplified music. They access the countryside, as do many caravanners, to get away from such things. It is a nuisance to the general public of Hartlepool not to be able to find rural peace and quiet within the boundaries of the Borough.

Public Safety

You state that issues such as road safety away from the premises, and outside of the licence holders control, are not a licensing matter. I disagree. I accept that once a licence is granted road safety away from the premises is outside of the control of the licence holder, but we are dealing here with whether a licence is granted in the first place, which is your decision. The attraction of large numbers of people and vehicles to the site directly as a consequence of the granting of a licence, considering the inadequate infrastructure surrounding the site, has significant public safety issues. There will inevitably be bodily harm and death directly as a result of large numbers of people and vehicles being attracted by licensed premises. This is already an issue with the roads as they are.

Protection of Children from Harm

I have nothing of significance to add under this heading, although it will of course be a natural consequence that more children will be brought to and from the site by car should a licence be allowed.

I hope these representations will be considered by the Licensing Committee, and would welcome the opportunity of addressing them personally.

Yours sincerely,
Malcolm Donnelly.

From: Ian.Harrison@hartlepool.gov.uk
To: Coroner
Sent: Friday, May 18, 2007 3:32 PM
Subject: Re: Caravan site, Dalton Piercy

Dear Mr Donnelly

There are statutory time constraints but any comments received from you before 29th May would be acceptable.

Ian Harrison
Principal Licensing Officer
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

(01429) 523349

"Coroner" <coronerdonnelly@donnellyadamson.co.uk>

18/05/2007 15:35

To: <Ian.Harrison@hartlepool.gov.uk>
cc
Subject Re: Caravan site, Dalton Piercy