

LICENSING SUB-COMMITTEE

Monday, 8th August, 2022
Time of Commencement: 10.00 am

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Present: Councillor Andrew Parker (Chair)

Councillors: Brown Panter

Officers: Melanie Steadman Licensing Officer
Anne-Marie Pollard Solicitor
Matthew Burton Licensing Administration Team
Manager

6. APPOINTMENT OF CHAIR

Resolved: that Councillor Parker be appointed Chair of the Sub-Committee.

7. APOLOGIES

There were no apologies for absence.

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

9. APPENDIX A - NATURAL JUSTICE GUIDANCE NOTES

10. APPENDIX B HUMAN RIGHTS GUIDANCE NOTES

11. APPENDIX C PROCEDURE TO BE FOLLOWED BY THE SUB-COMMITTEE

12. PREMISES LICENCE - BETLEY COURT FARM

The Sub-Committee considered an application for a new premises licence relating to Betley Court Farm, Main Road, Betley.

The Sub-Committee carefully considered the report including the relevant representations within the report (9 had been withdrawn since the report had been published), two statements from representations who were unable to attend, the Licensing Act 2003, the statutory guidance and the Council's own Statement of Licensing Policy.

The Sub-Committee followed the hearing procedure as set out in the agenda pack and heard representations as follows:

- The Borough Council's Environmental Health representative who outlined a number of conditions that had been agreed with the applicants should the licence be granted

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- A representative of Betley Parish Council who outlined the discussion and outcome from an extraordinary meeting of Betley Parish Council held on 15 July regarding the application. The Parish Council asked that the licence be considered in terms of the 4 licensing objectives using the conditions put forward by the applicant, police and environmental health as this would meet the applicant's needs while reducing the objectors' concerns. There was also a request that Common Lane only be used for access and egress of the emergency services but the applicant's representative advised this was not necessary as Common Lane was blocked off unless needed for emergencies when larger scale events occurred.
- Representations by or on behalf of residents objecting to the application. The objections to the licence covered issues including noise nuisance, particularly late at night, causing detriment to neighbouring amenity; the potential for a large number of events with high volumes of people attending; vandalism and anti-social behaviour; traffic congestion; access concerns for emergency vehicles.
- Representations by residents in support of the application. The supporting comments included reference to the applicants being trusted and valued members of the local community; the community spirit encouraged by the events; that the events held were well organised and disruption was minimal; the amount of fund raising that had been carried out by the applicants.
- The applicants and their representative. The applicants outlined their commitment to the community which included taking over the running of the Betley Show; how all events involved consultation with the police and licensing department; and their reasons for the application. These included wanting to have a licence for the tea room to accommodate requests for prosecco at the afternoon teas or sherry when hosting a funeral; that Temporary Events Notices were not sufficient for the capacity of events they wished to hold; larger events would be held on the lower field and they were willing to restrict numbers to 1,000; they were experienced in running events and the Designated Premises Supervisor had trained and worked in London and wanted to bring this training and knowledge back to their home environment; that the outdoor theatre events held recently had been successful and supported the theatre community but they wanted flexibility in the events and their timing.

The Sub-Committee and the applicant were given the opportunity to question those making representations.

The Sub-Committee was also given the opportunity to raise questions of the applicants and their representative.

The Sub-Committee was also advised of further amendments proposed by the applicants.

After careful consideration of the report and the representations from both the applicant and those representatives who were deemed relevant and had not been withdrawn and the statements from all parties at the hearing, the Sub-Committee agreed as follows:

Resolved: that the licence be granted as modified prior to and during the hearing taking into account the conditions agreed with the police and environmental health but adding that for the 10 special events the licensable activities would cease at

midnight and the premises would close at 12:30am to allow people to finish their drinks and leave the premises.

The formal details are set out below.

Premises Licence Application Details (as amended)

Tea Room

Sale of alcohol on and off the premises from 11.00 to 22.30 each day.

Tea room capacity 40 persons and off-sales restricted to persons consuming alcohol in the external courtyard adjacent to the Tea Room or in the holiday cottages, or to persons taking alcohol away from the premises in sealed containers only.

Betley Bonfire and Betley Show

Sale of alcohol on and off the premises from 11.00 to 22.30 for the annual Betley Show. No sale of alcohol for Betley Bonfire.

Regulated entertainment (as applied for) from 11.00 to 22.30 for the annual Betley Bonfire and Betley Show.

Plays and Films (50 event days per annum maximum)

Sale of alcohol on the premises and regulated entertainment (as applied for) from 11.00 to 22.30 each day.

Capacity 1,500 for any event taking place in the lower field (mere meadow field)

Capacity 499 for any events taking place on the top field (the park) or the Shed adjacent to the Farm building.

Special events

Sale of alcohol on the premises and regulated entertainment (as applied for) from 11.00 to 01.00 (amended to 00:00 by Sub-Committee) which shall be limited to a maximum of 10 events per annum for pre-booked private or ticketed events arranged at least 48 hours in advance (Example events: weddings; anniversaries; charity/fundraising events; corporate or society events; dinner dances; entertainment events or similar)

Late night refreshment 23.00 to 01.00 (amended to 00:00 by Sub-Committee) for late events

Capacity 1,000 for any events taking place in the lower field (mere meadow field)

Capacity 499 for any events taking place on the top field (the park) or the Shed adjacent to the Farm building.

Agreed Environmental Health Conditions

1. Prior written notification of planned events involving 500 or more persons (excluding staff) or which are intended for licensable activities to continue beyond 11pm shall be provided to the Licensing and Environmental Health Authorities at least one month in advance and must be approved by the Head of Regulatory Services.
2. A Noise Management Plan shall be provided to the Head of Regulatory Services of Newcastle under Lyme B.C. at least one month in advance for any licensable events involving 500 or more persons (excluding staff). The

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Noise Management Plan shall include information on the nature and timings for the event; the location of any marquee and/or any other main temporary structures; the position and direction of any amplified speakers and any measures to be adopted for the prevention of noise nuisance and compliance with the permitted Amplified Sound Level during the event.

3. No later than 14 days in advance of an event that falls within condition 2, the premises licence holder shall notify any household or business within the immediate vicinity of the site of the nature of the event taking place and details of how to make a complaint in the event of noise or other concerns. The information provided shall include details of timings for the event including any sound propagation or speaker tests and the erection and dismantling of temporary site infrastructure for the event.
4. For all licensable events, the permitted Amplified Sound Level shall be demonstrated to not exceed $65\text{dB LAeq (15 mins)}$ free field between 9am and 11pm and between 23:00 to 09:00 shall not exceed the representative $LA90(5,mins)$ nor the representative $L90 (1min)$ in the 63Hz and 125Hz Octave band when assessed at the nearest facing boundary of any noise sensitive premises in Betley.
5. For all licensable events, details of complaints made and the results of noise monitoring shall be provided the Council upon request. Where monitoring has shown an exceedance of the Amplified Sound Levels details of corrective actions employed during the event shall also be provided.
6. For all licensable events, any speakers will be directed away from residential premises in the village of Betley.
7. For all licensable events, any generators shall be effectively silenced and positioned so as not to be audible at the nearest noise sensitive premises when in operation.
8. For all licensable events, bottle bins shall not be emptied after 11pm or before 7am the following morning.
9. For all licensable events, Prominent and clear signage will be placed at all exits requesting that patrons respect local residents and leave the premises and surrounding area quietly.

Agreed Police Conditions

Prevention of Crime and Disorder

1. For all events exceeding 500 persons (excluding staff) an Event Management Plan (EMP)/Risk Assessment (RA) must be provided to Staffordshire Police Force Events Unit (email: events@staffordshire.pnn.police.uk) 4 weeks prior to the event taking place. The EMP/RA must include details of security/stewarding requirements having regard to the anticipated numbers attending the event. The Event Management Plan must include a fire risk assessment, provisions for injury/ill health and emergency/evacuation plans, Policing/security/searching provisions (including a drug and weapon search policy), child protection policy including lost child procedure, noise

management plan, crowd control/audience behaviour, dispersal policy, traffic management and food hygiene procedures.

2. All staff must be fully trained before being allowed to sell alcohol and must include procedures to deal effectively with emergency incidents incorporating:
 - Reporting an emergency to the relevant emergency service
 - Safe evacuation of customers
 - Dealing with terrorist threats or incidents
 - Responsible Alcohol Service, including recognised signs of drunkenness, refusal skills, drugs awareness
 - Managing and resolving conflict
 - Premises Licence conditions
 - Relevant obligations and offences under the Licensing Act 2003, including those associated with the sale of alcohol
 - Safeguarding awareness in child protection matters (protecting children from harm)Training must be refreshed at least every 12 calendar months. Such training must be recorded and be maintained at the premises and made available for inspection upon request by a Responsible Authority. Records for each person must be retained for a minimum of 12 months.

3. Where the Event Management Plan/Risk Assessment indicates that Security/Door Staff are required, then they must be Security Industry Authority (SIA) registered and conditions 3a, 3b and 3c, as referenced below, must be complied with.

3a. The Premises Licence Holder/Designated Premises Supervisor must identify the requirement for Security/Door Staff at all times by way of a risk assessment. Where the Risk Assessment identifies the need for Security/Door Staff to be deployed, staff must be of sufficient number to be able to control entry to the premises and deal with any instances of disorderly behaviour within the premises simultaneously. Security/Door Staff must remain at the premises until such time the premises are closed and all members of the public have left the venue. All persons utilised at the premises in the capacity of a Security/Door Staff must wear high visibility clothing and must utilise radios and Body Worn Cameras with the facility to record at all times they are deployed. All Images must be kept for a consecutive 28 day period and to be produced to the Police, Trading Standards or Local Authority Officers in relation to the investigation of crime and/or disorder issues and suspected licence breaches, upon request or within 24 hours of such request where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

3b. Where Security/Door Staff are employed there must be a register of every SIA person employed at the premises that contains the following details:

- Name, date of birth and home address
- Security Industry Authority licence number
- Time and date Security/Door Staff starts and finishes duty
- Each entry shall be signed by the Security/Door Staff

3c. That register must be kept fully updated at all times and remain at the licensed premises and be available for inspection immediately by an authorised officer of the Licensing Authority, the Security Industry Authority or Police

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4. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation permitted, except when premises are operating under the authority of a Sexual Entertainment Venue Licence.
5. No open vessels containing alcoholic drinks must be taken from the boundary of the premises.
6. Where the Event Management Plan/Risk Assessment indicates a requirement for non-glass drinking receptacles (including bottles), these must be of an alternative material other than glass. Any drinks not available in this packaging must be decanted and the glass/bottle retained by the staff at the location and not handed to the customer.
7. The Premises Licence Holder/Designated Premises Supervisor must identify the requirements for CCTV at all times by way of a risk assessment. Where the Event Management Plan/Risk Assessment indicates that CCTV is required, conditions 7a-f, as referenced below, must be complied with.

7a. CCTV must be installed and cover all external public entry and exit points. The CCTV unit must be positioned in a secure part of the licensed premises and not within any private area of the location. Access to the system must be allowed immediately to the Police, Trading Standards or Local Authority Officers in accordance with the Data Protection Act where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

7b. All images must be kept for a consecutive 28 day period and to be produced to the Police, Trading Standards or Local Authority Officers in relation to the investigation of crime and/or disorder issues and suspected licence breaches, upon request or within 24 hours of such request where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

7c. The CCTV system must be maintained so as to be fully operational and recording continually 24 hours every day.

7d. The CCTV system clock must be set correctly and maintained (taking account of GMT and BST).

7e. There must be notices displayed throughout the premises stating that CCTV is in operation.

7f. There must be a member of staff available at all times who is trained and capable of operating the CCTV system and also downloading any footage required by the Police, Trading Standards or Local Authority Officers.

8. The retail sale of alcohol to be prohibited at Betley Bonfire and patrons of Betley Bonfire must not be allowed to consume their own alcohol.

The Protection of Children from Harm

1. Challenge 25 must be operated at the premises whereby all persons who appear to be under 25 and purchasing or attempting to purchase alcohol must be asked to provide identification to prove they are over 18 years of age.

2. The only acceptable forms of identification allowed must be a valid passport, valid photo ID driving licence or valid proof of age scheme card with the PASS approved hologram.

3. Challenge 25 signage must be displayed in a clear and prominent public place at the premises.

4. All staff must be fully trained in relation to the Challenge 25 scheme before being allowed to sell alcohol and a record must be kept of staff training. Training must be refreshed at least every 12 calendar months. Such training must be recorded and be maintained at the premises and made available for inspection

upon request by a Responsible Authority. Records for each person must be retained for a minimum of 12 months.

5. A refusals register must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are under age. This refusals register must be checked following each event by the Designated Premises Supervisor or Duty Manager and endorsed accordingly. This register must be made available for inspection upon request by a Responsible Authority. Records must be retained for a minimum of 12 months. This register can be written or electronic.

6. The Designated Premises Supervisor must ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice must be made available for inspection upon request by a Responsible Authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.

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**Councillor Andrew Parker
Chair**

Meeting concluded at 4.42 pm