



GREAT YARMOUTH
BOROUGH COUNCIL

Licensing Sub-Committee

Minutes

Friday, 28 July 2023 at 10:00

PRESENT:-

Councillor C Annison (in the Chair); Councillors Lawn, Jeal and B Wright.
Mrs E Hignett (Licensing Officer), Miss R Downie (Democratic Services Officer)
Mr D Lowens (Solicitor, Nplaw), Mr R Newman (Observing, Nplaw)
Ms L Henry (Joint Applicant), Mr S Bensly (Joint Applicant) and Mr B Edmonds (Objector)

01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G Carpenter who was substituted by Councillor Bird.

02 DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

03 APPLICATION FOR A NEW PREMISES LICENCE FLORIDA CLUB, BACK MARKET LANE, HEMSBY, GREAT YARMOUTH, NR29 4HW

The Chair asked the committee to consider a new premises application.

The Licensing Officer, Elaine Hignett, presented the report and outlined the new premises application. The premise is described as a holiday park clubhouse situated on the Florida Holiday Site and one of the two applicants, Ms L Henry, is also the designated premises supervisor. The licence application is for the following licensable activities and timings:

- Supply of alcohol (on and off the premises): 11am to 2am (Mon – Sat), 11am to midnight (Sun)
- Films: midday to 11pm each day
- Live music (inside & out): 11am to 11pm (Sun – Thur), 11am to midnight (Fri &

Sat). Non-standard timing: Christmas Eve – 1am close, New Years Eve – 2am close)

- Recorded music (inside): 8am to 2am each day.
- Recorded music (outside): 10am to 10pm each day.
- Performance of dance (inside & out) and Anything similar to live music, recorded music or dance: 11am to 11pm (Sun – Thur), 11am to midnight (Fri & Sat)
- Late night refreshment: 11pm to 2am each day

The Licensing Officer advised that upon expiry of the 28-day representation period, 10 representations objecting to the application had been received from members of the public and 21 representations supporting the application had been received from members of the public. It was noted that the Environmental Health Team initially submitted a representation objecting to the application. This objection was subsequently withdrawn due to the applicant agreeing to several conditions to be added to the operating schedule. Members were advised that the agreed conditions were detailed on page 69 of the agenda.

The Chair asked Members if they had any questions for the Licensing Officer. There were no questions.

The Chair invited one of the applicants, Ms L Henry, to give evidence.

Ms L Henry confirmed that she and her joint applicant, Mr S Bensly, are local people who are known to the community and are experienced in licensing, meaning that they are aware of the responsibilities they would have as the new operators of the clubhouse which is purpose built to serve both the holiday trade and local community. It was noted that this premises was previously licensed from 1975 – 2022 and that the requested hours for this application, which are similar to that of other clubhouses in the area, were less than what was granted on the previous licence. Ms L Henry further stated that the received objections related to historical issues with previous management which did not involve Ms L Henry or Mr S Bensly. Additionally, it was further explained that many of the objectors were not local residents and that one of the objectors owns another holiday clubhouse in the immediate area with similar licensed hours to those proposed in the application. Ms L Henry also clarified that there were no objections from the police and that Environmental Health has withdrawn their objection. Ms L Henry finished by stating that she and her joint applicant had the intentions to develop the premises into family entertainment for holiday patrons and the local community which would be managed properly in accordance with legislation.

The Chair invited the objector, Mr B Edmonds, to give evidence.

Mr B Edmonds stated that his main concern was the late hours proposed for entertainment, due to previous issues with noise from the Florida Club being a nuisance to neighbouring buildings, particularly when the weather is hot and the doors are opened. Mr B Edmonds stated that this objection had nothing to do with the character of the applicants, but the risk that the noise from both inside and outside entertainment would disturb the occupants of neighbouring properties and chalets late into the evening. It was further stated that the late opening hours would encourage anti-social behaviour from youths in the area and Mr B Edmonds requested clarity on how these issues would be policed if entertainment is outside and customers bring their own alcohol. Mr B Edmonds suggested that the Florida Club be sound proofed and have air conditioning installed so that the doors do not need to be opened, which would mitigate the noise that has previously caused irritation. It was stated that the Florida Club should be operated responsibly with a suitable way to control noise and allow for cool air flow on a hot day to ensure the health and safety of customers as well as not causing any bother to neighbouring properties.

Ms L Henry asked why Mr B Edmonds feels that issues with anti-social behaviour from youths would be concentrated to the Florida Club as there are several other clubhouses in the area that could experience a similar issue. In addition, it was stated that Ms L Henry takes her responsibilities as a personal licence holder seriously and therefore there would be zero tolerance for underage drinking at the premises.

Mr B Edmonds stated that, as owner of the Bermuda Club, he is aware that other clubhouses such as the Bermuda Club have strict rules implemented to prevent issues with anti-social behaviour.

Ms L Henry explained that she is aware of the previous issues with the open fire escape doors and confirmed that these doors would be shut at 10pm promptly each day as to not disturb neighbouring properties in the late hours of the evening. It was further stated that the applicants are aware of what constitutes an acceptable decibel reading and that they do not intend to go over the acceptable range as they do not wish to cause anyone grief. Mr Edmonds explained that 10pm would be too late as parents with young children may wish to put their infants to bed at an earlier time without worrying about the noise disrupting their child's sleep.

Mr D Lowens, solicitor at Nplaw, stated that the applicant agreed a condition with Environmental Health that amplified music must not be audible to any residential properties. It was noted that the agreement of this condition is what prompted Environmental Health to withdraw their objection. Ms L Henry confirmed that she agreed to this condition and that the applicants have no intention of having the music at the premises loud enough to bother neighbouring residential properties.

Mr B Edmonds explained that he has previously complained to the police and various authorities on multiple occasions about the noise from the Florida Club and there was little done in response. Mr B Edmonds repeated his earlier statement that the Florida Club should be sound proofed and should have air conditioning installed so that the noise can be kept inside without threatening the health and safety of the customers. He further noted that outside entertainment should not be allowed as it would be difficult to control the noise.

Councillor Jeal requested clarification on whether the Bermuda Club, owned by Mr B Edmonds, was soundproof and air conditioned. Mr B Edmonds confirmed that his premises had no air conditioning or sound proofing, however they have not had any issues with noise as the nearest property to the Bermuda Club is 100 metres away rather than the 10-metre proximity of properties neighbouring the Florida Club.

Mr D Lowens request clarification on whether the applicants believed the previously mentioned condition from Environmental Health related to residential properties and not chalets under occupation. Ms L Henry stated that chalets will be taken into consideration, however the condition stated residential properties and the applicants do not believe that chalets are classed as residential properties. Mr D Lowens stated that whether chalets are included under residential properties in relation to this condition would be up to the interpretation of the Councillors as Environmental Health were not present to provide clarification on what they intended the condition to relate to. Mr D Lowens explained that the applicants agreed that amplified music from both inside and outside the premises would not be audible to neighbouring residential properties – he further enquired how the applicants intend to adhere to this condition. Ms L Henry stated that it would be impossible to have the outside entertainment be fully inaudible to neighbouring properties, however they try to ensure that outside entertainment only occurs outside in the afternoon and early evening as it does at

other clubhouses in the area.

Councillor Jeal asked for clarity on what is meant by 'audible' in the Environmental Health condition. Mr D Lowens explained that 'audible' refers to amplified music and not voices engaging in general chatter.

Councillor Lawn asked what the capacity for the building is according to the Fire Service. Ms L Henry confirmed that the Fire Service have stated that the Florida Club will have a fire safety capacity of 300 people once heat protectors have been installed. Councillor Lawn further enquired why the applicants have not declared an intention to install air conditioning when the building has a capacity of 300 people, as is clear that doors would need to be opened in summer months to allow for air flow throughout the building if temperatures are high. Ms L Henry stated that air conditioning would be useful, however there are no plans to install this immediately. It was further stated that the doors to the premises are located at the front and side of the Florida Club, meaning that they are not adjacent to any chalets. Ms L Henry further stated that there would be some noise when the doors are open as there is from other clubhouses in the area, however the applicants would try to ensure that this noise is not loud enough to disturb neighbouring properties.

Mr D Lowens noted, for consideration of the Committee, that a licence for live music is not required between the hours of 8am and 11pm on any premises licenced to sell alcohol, providing the audience does not exceed 500 people, in accordance with the Live Music Act 2015. Mr D Lowens further explained that any condition on a licence referring to live music does not have effect between 8am and 11pm if the premises is licensed to sell alcohol.

The Members retired to consider their decision in private at 10:26am.

The Committee resumed to give their decision in public at 10:43am.

The Chair invited Mr D Lowens to confirm the decision. Solicitor Lowens explained that the unanimous decision of the Committee was to grant the application for a premises licence in the terms requested in the application, with no additional conditions being imposed.

RESOLVED:-

That the application for a new premises license be granted with no additional conditions being imposed.

04 ANY OTHER BUSINESS

There was no other business discussed at the meeting.

The meeting ended at: 10:46