



SECTION 35 LICENSING ACT 2003
NOTICE OF DETERMINATION IN RESPECT OF A HEARING
WHICH TOOK PLACE ON WEDNESDAY 26TH AUGUST 2020
TO DETERMINE AN APPLICATION BY GISBURNE PARK ESTATES LIMITED FOR THE
VARIATION OF A PREMISES LICENCE IN RESPECT OF RIVERSIDE HOUSE, GISBURNE
PARK ESTATE, GISBURN, CLITHEROE BB7 4HU.

The Licensing Sub-Committee met on 26 August 2020. The Sub-Committee comprised the following members:

Councillor G Mirfin - Chair
Councillor J Alcock
Councillor A Knox

Also in attendance:

Solicitor (RVBC)
Licensing Officer (RVBC)
Robyn Isherwood – Director of applicant in charge of weddings and events
Guy Hindley – Director of applicant
Gill Sherratt of Licensing Matters Limited on behalf of the applicant
John Gordon on behalf of himself, Catherine Kendal and speaking on behalf of Ribblesdale Park Lodge Owners' Group (Relevant Representation)
Doreen Hounslea (Relevant Representation)
Katrina Hartley (Relevant Representation)
William Morton on behalf of himself and Mae Morton (Relevant Representation)
Stuart Wilson (Relevant Representation)
Dr Keith Kirby Chair of Gisburn Parish Council (Relevant Representation)
Louise Harrison (Relevant Representation)

The Sub-Committee met to consider the application of Gisburne Park Estates Limited to vary the premises licence in three respects, namely to: amend the plan of the licensed premises to include Riverside House; extend the hours for licensable activities and the opening hours of the premises, and to add provision of plays and films to the licensable activities.

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services and its appendices ("**Report**"). The Sub-committee also considered the documentation submitted in the applicant's bundle.

The applicant had submitted a bundle of documents the day before the hearing including a sound report dated 24 August 2020. The applicant considered the report to be essential to its case. Each

objector present was asked whether they were content for the hearing to proceed on the day including consideration of the report or whether they would invite the sub-committee to adjourn. All indicated their agreement to the application proceeding on the day, subject to their comments and in particular comments made by Mr Wilson, being taken into account.

Mrs Sherratt made verbal representations to the Sub-Committee, and asked Ms Isherwood to explain and expand upon certain aspects. She highlighted the background to the premises, the applicant's motivations for applying for the variation, and the fact that conditions had been agreed with Environmental Health who were the only responsible authority to have objected to the application.

She addressed issues which had been reported during the recent run of performances of various natures by way of a pop-up festival which had been developed in response to the restrictions on gatherings under the Coronavirus Restrictions Regulations prevalent at the time of application. This had included concerns regarding the impact of up to 500 visitors and 170 staff on site during the festival activities, and the behaviour of certain visitors who had left the site. Steps were being put in place to supervise dispersal of visitors from these events, in conjunction with the police. These events were distinguished from the current application in respect of which the applicant was prepared to offer a terminal time for provision of plays and films at 12.30hours, and for there to be a condition that from 12.30 to 02.30 licensed entertainment would only take place as part of a pre-booked private function. The applicant also amended the application so that the requested terminal time for other licensable activities would be 02.30 with the premises closing to the public at 03.00.

By way of clarification, it was explained that the maximum number at such pre-booked events would be 300 people and that such events would be held in a tepee. Arrangements in relation to parking on the estate and taxi collection from on site were explained. Where visitors were to stay on site overnight, their return to their accommodation would be supervised by the applicant's night wardens to enable visitors to return quietly. Although the applicant was concerned that noise limitation at the venue was not appropriate, the applicant offered to have a noise assessment carried out at the first wedding to take place by an independent assessor nominated by the Environmental Health department of the Council. The applicant could also keep a log of monitoring of noise.

Representations were made by Mr Gordon, Ms Hounslea, Ms Hartley, Mr Morton, Mr Wilson, Dr Kirby and Ms Harrison. Concern was expressed about the level of noise disturbance which had arisen during the festivals in recent weeks (although it was accepted that these finished at 22.30), potential nuisance from overnight visitors returning to lodges at 03.00, traffic noise on dispersal, the hazards in the vicinity of the venue, and the risks of crime and disorder which might arise from large numbers dispersing late at night. The particular impact of bass of amplified music, the increase in the quietness of the ambient background after midnight, issues in the village and on neighbouring roads of behaviour and noise from people and noise from traffic were particular issues which were highlighted. Concern had also been expressed about the premises becoming a late night venue attracting clientele who had vacated other premises with earlier terminal hours.

The Licensing Sub-Committee gave careful consideration to the representations made by all parties, both verbal and written, and to the interests of and issues described by all parties concerned, in promotion of the licensing objectives. The Sub-Committee considered the requirements of the Licensing Act 2003, the licensing objectives, the relevant regulations, the relevant provisions of the Human Rights Act as set out in the Report and the Council's licensing policy.

Having considered all of the above the Sub-Committee resolved the application to vary as follows. The license will include the amended premises plan and have the following hours:

Opening hours of the premises:	
Mon	1100hrs – 0200hrs
Tues	1100hrs – 0200hrs

Wed	1100hrs – 0200hrs
Thurs	1100hrs – 0200hrs
Friday	1100hrs – 0200hrs
Sat	1100hrs – 0200hrs
Sun	1100hrs – 0200hrs
Supply of alcohol on and off the premises; and provision of Live & Recorded Music, Performance of dance and anything of a similar description to that falling within (e), (f) or (g) outdoors	
Mon	1100hrs – 0130hrs
Tues	1100hrs – 0130hrs
Wed	1100hrs – 0130hrs
Thurs	1100hrs – 0130hrs
Fri	1100hrs – 0130hrs
Sat	1100hrs – 0130hrs
Sun	1100hrs – 0130hrs
Provision of Regulated Entertainment in the form of Plays and Films both indoors and outdoors:	
Mon	1100hrs – 0030hrs
Tues	1100hrs – 0030hrs
Wed	1100hrs – 0030hrs
Thurs	1100hrs – 0030hrs
Fri	1100hrs – 0030hrs
Sat	1100hrs – 0030hrs
Sun	1100hrs – 0030hrs
Late Night Refreshment	
Mon	2300hrs – 0130hrs
Tues	2300hrs – 0130hrs
Wed	2300hrs – 0130hrs
Thurs	2300hrs – 0130hrs
Fri	2300hrs – 0130hrs
Sat	2300hrs – 0130hrs
Sun	2300hrs – 0130hrs

The Sub-committee also considered the conditions proposed in the email correspondence between the applicant's agent and the Environmental Health Officer dated 25th August 2020. Those conditions (amended as to hours) shall be incorporated as follows:

- *From 12.30 to 01.30 entertainment shall only take place as part of a pre-booked private function*
- *The sound level for the event must be limited to 45 db LAeq 1 hour (from 0030 to 0130) at 1m from the façade of bedrooms of the nearest noise sensitive premises (World health organisation guidelines for community noise)*
- *Responsibility for regulating noise levels to be assumed by a nominated staff member working at the time of the event*

The Sub- Committee also determined that the following conditions should be incorporated within Annex 3 of the Premises Licence:-

1. There shall be no admission or readmission of customers or visitors to the licensed premise after 2230 hours.
2. Any DJ (via announcements) and other members of staff shall ask people to leave quietly and have regard for residential neighbours at the end of the evening.
3. When regulated entertainment takes place on the premises, the licensee or its representatives shall undertake regular monitoring of noise levels at the nearest noise sensitive locations. Appropriate steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. A record shall be kept of any monitoring including the date, time and location of monitoring, the name of the monitor, the result of the monitoring, and any action taken. Where a complaint regarding noise problems is received from any source, the licensee shall make a written record. Records of monitoring and complaints shall be kept for no less than 12 months from the date of last entry and shall be made available upon request by a police officer or authorised officer of Ribble Valley Borough Council.

The Sub-committee reached this decision because they do not consider that the variation as granted and incorporating the additional conditions would undermine the licensing objectives.