

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, Melton, on **Monday, 27 June 2022 at 10.30 am**

Members of the Sub-Committee present:

Councillor John Fisher, Councillor Colin Hedgley, Councillor Mark Newton

Officers present:

Teresa Bailey (Senior Licensing Officer), Ben Bix (Democratic Services Officer), Martin Clarke (Legal Advisor), Leonie Hout (Licensing Officer), Matt Makin (Democratic Services Officer), Nicola Wotton (Deputy Democratic Services Manager)

Others present:

The applicants, the objector

1 Election of a Chairman

On the proposition of Councillor Hedgley, seconded by Councillor Fisher, it was

RESOLVED

That Councillor Mark Newton be elected as Chairman of the Licensing Sub-Committee for this meeting.

2 Apologies for Absence

Apologies for absence were received from Councillor Keith Patience.

Councillor Newton advised that as the named reserve on the published agenda, he had taken Councillor Patience's place on the Sub-Committee for this meeting.

3 Declarations of Interest

No declarations of interest were made.

4 Declarations of Lobbying and Responses to Lobbying

No declarations of lobbying were made.

5 New Premises License: Carlton Marshes Visitor Centre Burnt Hill Lane, Carlton Colville, Lowestoft, NR33 8HU

The Sub-Committee received report **ES/1190** of the Licensing Officer regarding an application for a new Premises License for Carlton Marshes Visitor Centre, Carlton Colville, Lowestoft.

The Chairman clarified that since the publication of the agenda, the applicant had provided the Sub-Committee and those making representations, with a statement addressing their concerns. Those making representations had, in turn, responded to that statement immediately prior to the meeting, and the Chairman adjourned the meeting to allow the Sub-Committee and the applicants sufficient time to consider the information prior to the presentation of the report of the Licensing Officer.

The meeting was adjourned at 10.40am and reconvened at 10.45am.

The report was introduced by the Licensing Officer, who advised that a hearing had been required as three representations against the application had been received. The summary grounds for the representations were alcohol related anti-social behaviour, noise, and road safety. The Legal Advisor advised that no representations had been received from responsible authorities.

The Sub-Committee was asked to determine the application for a new premises licence, taking into account the guidance issued under Section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy and the Human Rights Act 1998. The Sub-Committee was also asked to state its reasons when announcing its decision.

The Chairman invited Mr S, the applicant, to address the Sub-Committee.

Mr S explained that the purpose of the application was to improve the visitor experience offer at Carlton Marshes, and in so doing, increase the level of unrestricted income and support for the purpose of delivering the applicants' charitable objectives. Unrestricted income was essential to enabling the charity to adapt and respond to the needs of Suffolk's wildlife in response to the biodiversity and climate crises.

Mr S envisaged that the sale of alcohol would be as part of managed Trust events or as a locally made gift for visitors to purchase to remember their visit to Carlton Marshes. Mr S explained that once established, the Trust may also want to serve an alcoholic drink from their café during opening hours and from lunchtime onward. Mr S stated that this limited offer would benefit the Trust's charitable cause through increasing the take-up of organised events, sales in the shop and by attracting visitors to Carlton Marshes. Most managed events would be held during afternoons and/or evenings. However, it was anticipated that there would be further suggestions for ways to celebrate visitors' connection with nature, the marshes and the Trust. To accommodate such eventualities, the application incorporated earlier times of day.

Mr S explained that the Trust managed their own events, along with being responsive to enquiries, planned campaigns and in memoriam requests. Mr S explained that a frequency of once a week for managed events was at the more ambitious end of the capacity of the Trust, but would allow for peaks of activity and exceptional circumstances.

In direct response to the concerns raised in the representations, Mr S described the measures the Trust would take to manage visitors' purchase of alcohol onsite would include:

- The implementation of the Challenge 25 scheme along with the creation and implementation of an age verification policy.
- The creation of a risk assessment procedure to form part of all staff and volunteer training, led by the Personal Licence Holder based at Carlton Marshes.
- The provision of awareness training for under-age staff to defer any alcohol sales to members of the team that were 18 years old and over.
- In the case of emergencies, a panic button was located at the till point which linked directly to the police.
- A Duty Management system would be in place, with staff trained at diffusing challenging situations. A refusals log was already in operation to decline sales to challenging visitors.
- Continuing to keep a clean, safe environment through the regular daily clear up of any litter found on the nature reserve.
- Continual review of other Trust policies to help manage visitors and support the staff team, including a lone working policy and emergency procedures.

Mr S set out the additional measures that would be undertaken to manage visitors who participate in consuming alcohol inside and within the curtilage of the building:

- Sales would only be permitted during opening hours or at Trust managed events.
- Staff would open bottles and pour at the point of purchase so that visitors could not take non-gift items off site.
- Challenge 25 posters would be placed alongside signs that would request that alcohol consumption remained inside or within the curtilage of the building.
- Alcoholic gift products would be positioned on a high shelf out of the reach of children.
- CCTV cameras would provide footage of visitors entering and leaving the premises.
- Where, in due course, alcohol may be stocked in the café for consumption with lunch, only artisan products from local suppliers aligned with the Trust's values would be stocked, at a price point that would negate excess consumption.
- Commercial alcohol would not be sold, and drinks would be sold as singles. Drinks would not be presented and priced at a level that would be accessible to those wishing to be disruptive or intending to become intoxicated.

Mr S emphasised the role of the Trust in the management of visitor expectations and behaviour. Estimates of visitor numbers during the planning application process had proven realistic. As a nature charity, the Trust sought to engage people with local wildlife by providing a balanced and well-rounded visitor offer that would attract a diverse range of visitors. The Trust would continue to monitor how visitors used the Reserve and the Visitor Centre and would adapt and develop their policies and practices to mitigate against identified, new and unforeseen circumstances. It was not in the Trust's interests to allow alcohol consumed at the site to have a negative effect on the subsequent behaviour of visitors due to the possible impact on the Trust's conservation and learning objectives.

In response to the objections that had been raised, there were extant issues on the

nature reserve concerning anti-social behaviour (ASB) and access, and Mr S stated that Carlton Marshes holding a Premises Licence would not exacerbate those issues. Public Rights of Way crossed the Reserve and people had free access to it. The Safer Neighbourhood Team had agreed to attend neighbour liaison meetings to discuss ASB and other issues along with Trust staff.

Suffolk Police would be doing patrols from 7pm to 11pm as a response to recent issues and were operating speed awareness interventions in the early morning and evenings on the A146. Team meetings were ongoing to find appropriate interventions to manage behaviours on the nature reserve. For example, the Tower and Lookout hides were currently only open 10am to 4pm.

Mr S urged that all incidents be reported when they happen directly to the Police so that there would be a central record of incidents, held by the appropriate authority. The Police further advised that concerned individuals should use 999 to report activity they believed will lead to an ASB incident occurring.

Mr S considered that the concerns expressed about highway incidents on Burnt Hill Lane had no bearing on the application for a Premises licence. The Highways Authority had been consulted as part of the planning process for the Carlton Marshes development and the highway was deemed appropriate for the proposed frequency and type of access. Since the planning application, Suffolk Wildlife Trust had invested in the purchase of an additional area of land leading up to the A146 which provided safe passage for pedestrians down to the railway line, away from the road.

Mr S said that Burnt Hill Lane had been closed once in recent years, when a visitor with a mobility scooter tipped over, and a person was involved in a collision at the junction with the A146 – neither incident was related to alcohol misuse. The Reserve team had recently been working with the relevant County Councillor to improve highway safety generally – including trimming the verge back, painting ‘slow’ signs on the road, and installing a pedestrian crossing across the A146.

The Chairman invited questions to the applicants, Mr S and Ms R.

In response to questions from Members of the Sub-Committee, Mr S explained the intention to only sell local or artisan alcoholic products, rather than commercial products and referenced the mitigations, such as Challenge 25, that would be put in place. There was 360-degree CCTV coverage of the curtilage of the building, but not the entire car park, and staff would steward where people were able to consume alcohol bought at the site. Six-monthly liaison with neighbours would commence on 20 July 2022 and Mr S emphasised that any complaints could be made directly, rather than waiting for liaison meetings. Mr S confirmed that a Temporary Event Notice had been granted for an event on 8 July 2022.

The Senior Licensing Officer sought clarification about how the selling of alcohol would help to achieve the charitable purpose of the Trust. In response, Ms S emphasised that it was necessary to increase unrestricted income opportunities, which would then be utilised to deliver the charitable purpose of the Trust.

The Legal Advisor asked how school children visiting the site as part of a school visit

would be protected from the risk of exposure to those consuming alcohol on site. Ms R responded that school visits were scheduled in advance and would visit parts of the reserve away from the curtilage of the visitor centre, and in wet weather there was a separate activity room. The risk of the mixing of general visitors and school trips around lunchtime would be mitigated by trained staff.

Dr L, an objector, sought clarification of what was included within the curtilage of the site. Ms S confirmed that the curtilage of the site was shown as a red line on the application and included the decking and picnic areas.

The Chairman invited Dr L, one of the objectors, to address the Sub-Committee.

Dr L informed the Sub-Committee that there had been no direct communication with the neighbours nor the site volunteers, from the Trust regarding the application. Dr L was concerned that the CCTV did not cover the wider area around the visitor centre, in particular the picnic benches toward the play area nor the entirety of the car park. It was understood that the CCTV was not monitored, and the Police had previously been informed of anti-social behaviour occurring both during the day and at night. The objectors were concerned that alcohol sales would likely increase the likelihood of anti-social behaviour, and it was unclear why the license application had included a 5am start-time.

Dr L stated that the access road via Burnt Hill Lane was a narrow, unlit single track road. Whilst pedestrians could use a permissive path, this was unlit, slippery when wet, and was unsuitable for users of mobility scooters and cyclists. The granting of a license would likely increase the number of visitors and associated delivery vehicles, and public safety around the area would be consequently affected. There was uncertainty of the capacity of the car park, and an increase in visitor numbers may lead to the car park overflowing or closing. Due to the anticipated increase in visitor numbers, Dr L urged that Highways should be consulted again.

Dr L cautioned that the original application promoted outdoor activities in a tranquil setting, it was therefore contradictory to introduce alcohol sales to the site. The assertion that the alcohol sold on site would only be local and artisan was disputed. Littering would continue to be a problem and the whole approach lane would have to be more frequently cleared. It was unclear how the picnic site would be stewarded effectively, and alcoholic drinks would be served in glasses, increasing the risk of injury due to breakages.

Dr L emphasised that there would be increased noise from delivery vehicles and additional visitor vehicles. The existing play area, and anti-social behaviour, was an intrusive source of noise to neighbouring residents, and the introduction of alcohol sales to the site was likely to increase the noise level amongst visitors. Light pollution was already intrusive and was likely to increase, particularly in the car park. There was no screening to minimise noise and light pollution, and there would be an ongoing negative impact on wildlife.

Dr L noted the event that was planned during July and felt that future events featuring live music would be disruptive, which demonstrated that there was no clear plan or strategy in place for the ongoing changes to the use of the site. The site was used for

school visits, Wildlife Watch and Scouting and Guiding Groups, and the introduction of regular alcohol consumption alongside those visitors, was inappropriate.

The Chairman invited questions to Dr L.

In response to a question from a Member of the Sub-Committee, Dr L was concerned that the granting of the application would not improve the visitor experience, nor achieve the ambition for the reserve to be a stand-out visitor destination.

The Senior Licensing Officer, noting the reference to existing litter on the approach to the site, asked Dr L where they thought that litter had come from. Dr L had observed litter from commercial fast-food retailers, along with takeaway coffee cups from the visitor centre.

There were no questions from the applicant, or the Legal Advisor.

The Chairman invited the applicants, Ms R and Mr S to sum up.

Ms R assured the Sub-Committee that the alcohol products would be carefully selected, be priced to increase unrestricted income for the Trust, spend per head and to provide a more-rounded offer to visitors. The Trust's charitable purpose would not be undermined. It was hoped that visitors from the neighbouring residential areas would be attracted to visit the site by foot, due to the improved offer. Ms R felt that the proposed mitigations on the site would be robust.

The Chairman invited the objector, Dr L to sum up.

Dr L surmised that the application was too wide a proposal, and that the hours applied for should be limited. The proposal would not assist with providing educational enrichment for visitors to the site, and the concerns relating to parking, noise and light pollution had not been addressed by the applicants.

The Sub-Committee adjourned, with the Legal Advisor and the Democratic Services Officers, to make its decision.

On the return of the Sub-Committee, the Chairman read the decision notice as follows:

"SWT Trading Ltd have applied for a new premises licence at Carlton Marshes Visitor Centre, Carlton Colville, Lowestoft, NR33 8HU. Which would allow the following licensable activities:

- the sale of alcohol – on and off sales.

The Sub-Committee has been held as three representations against the application have been received from other persons. The summary grounds for representation were:

- Off sales of alcohol may lead to anti-social behaviour and additional litter as well as noise. It could also lead to an increase in crime in this quiet area
- Noise from the car park, picnic area and visitor centre is already noticeable therefore the early and late times could lead to further problems especially if alcohol was also

sold on site. Concerns were also raised about the narrow road and relating to road user safety.

- That misuse of alcohol would have the potential to adversely affect wildlife. Granting the licence would essentially turn the visitor centre into a pub and encouraging alcohol consumption does not fit in with promoting a healthy lifestyle. This may not be monitored effectively and as there is already an issue with vandalism and anti-social behaviour by some who use the car park; the sale of alcohol would likely exacerbate these issues.

- Increase in noise from vehicles, as well as visitors who have been drinking. If people have been drinking it could lead to accidents at the site as there is a narrow road, railway line and surrounding large areas of marshland and open water.

The Sub-Committee heard from the Licensing Officer, two representatives of the applicant and one objector.

The applicant's representatives stated that the intention was to increase the Trust's unrestricted income and to improve the visitor experience. The intention was not necessarily to increase the visitor numbers, but to increase the spend per visitor. They indicated that the unrestricted income would help them meet their charitable objectives and that it was not in their interests to allow activities to take place that would be contrary to these, for example the intention was to sell local wine and artisan beers, at a price point that would discourage visitors intending to make alcohol consumption the primary purpose of their visit.

CCTV has been installed and covers the whole of the proposed licensable area, and most of the car park. In addition, six-monthly liaison meetings with neighbours would be offered, commencing during July 2022. There would be sufficient staff and volunteers to steward the site.

In relation to educational visits, these are pre-booked and will be managed to ensure that children and alcohol do not mix.

The Trust did not accept responsibility for traffic matters outside of its premises but noted that incidents had occurred prior to the application for the license. And that an adjacent field had been purchased to provide an alternative access for pedestrians.

The objectors stated that since the new visitor centre had opened, there had been issues with noise and light pollution, in particular from the play area. They were also concerned that the sale of alcohol would lead to anti-social behaviour, and in particular, the sale of alcohol in the morning may cause disruption. The objectors had noticed an increase in litter since the opening of the visitor centre and were also concerned about access, including the single lane road, and the alternative access path was unsuitable for mobility scooters, horses and bicycles. Therefore, the sale of alcohol may increase the risk of accidents.

The Sub-Committee's decision is to grant the application, subject to the conditions offered by the applicants, with the addition of the following condition, namely:

A written record of the morning and evening special events shall be maintained and be made available to the East Suffolk Council's Licensing Officer on request. Therefore, the

licensable hours will be as follows:

Sale of alcohol – on and off sales

Monday to Sunday 09:30 to 17:00

Morning events 05:00 to 09:00

Evening events 17:30 to 23:00

Opening hours

Monday to Sunday 09:30 to 17:00

Morning events 05:00 to 09:00

Evening events 17:30 to 23:00

There will be no more than 4 morning and 4 evening special events per calendar month.

In arriving at this decision, the Sub-Committee has taken into consideration the representations from the applicant, objectors and the Licensing Officer's report, which drew the Sub-Committees attention to its obligations under the Human Rights Act 1998.

The Sub-Committee also considered the licensing objectives and the council's own guidance and statement of licensing policy as well as the Statutory Section 182 guidance.

The reason for the decision

The Sub-Committee noted the objectors concerns, but felt that the applicants proposals had adequately shown that the granting of the license would not be contrary to licensing objectives. In particular the sub-committee noted that the CCTV could monitor visitor behaviour, and that there would be sufficient staff and volunteers to challenge difficult behaviour. Educational visits are pre-planned, which would reduce any risk of exposing children to alcohol. Whilst the sub-committee understands the concerns regarding traffic, it did not consider this to be a licensing matter. The concerns regarding late night / early morning sessions can be managed by maintaining a written log of events.

The Sub-Committee also noted para 9.12 of the statutory guidance which requires sub-committees to consider representations from responsible bodies carefully, in this case, both the council's environmental health department and the police were notified and neither have made any representations.

The Sub-Committee also noted para 6.1 of the Council's statement of licensing policy that the trading hours of any particular premises should not be restricted, unless it is considered appropriate to promote one or more of the licensing objectives. In this case is felt that the licensing objectives can be promoted without restricting the trading hours.

The Sub-Committee notes that if necessary, any license can be reviewed if it is felt that

licensing objectives are not being promoted.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

Date: 27 June 2022"

The meeting concluded at 12.45pm

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Chairman