



To be submitted to the Council at its meeting on 27th July 2023

LICENSING SUB-COMMITTEE

9th March 2023 at 10.00am

Present:

Councillors Hasthorpe, Callison and Farren

Officers in attendance:

- Adrian Moody (Licensing Manager)
- Iain Peck (Senior Licensing Enforcement Officer)
- Sophie Pickerden (Committee Support Officer)
- Eve Richardson-Smith (Deputy Monitoring Officer)

Others in attendance:

- Jonathan Smith (Solicitor)
- Peter Tuck (Thorpe Park General Manager)
- Samantha Griffin (Advisor)
- Alan Boyd (Advisor)
- Mark Peet (Representative)

There were thirty-two observers and no member of the press in attendance.

LSC.16 APPOINTMENT OF CHAIR

RESOLVED – That Councillor Hasthorpe be appointed as Chair for this meeting.

COUNCILLOR HASTHORPE IN THE CHAIR

LSC.17 DECLARATIONS OF INTEREST

There were no declarations of interest received in respect of any item on the agenda for this meeting.

LSC.18

**APPLICATION FOR A NEW PREMISES LICENCE AT –
THORPE PARK TEMPORARY SHOWBAR,
HUMBERSTON.**

The Chair introduced himself, the other members of the sub-committee, and the officers present.

The sub-committee considered an application for a new premises licence in respect of the Premises at Thorpe Park, Temporary Showbar, Humberston.

Ms Richardson-Smith outlined the preliminary legal issues in relation to the bundle of papers, additional evidence served and the process to follow for the hearing.

Mr Moody summarised the application. He said that the application was for a new premises licence. He said that apart from sale of alcohol and the showing of films, all other entertainment outlined in the application was deregulated for the times applied for but that the applicant had agreed to have all entertainment included within their premises licence. Mr Moody stated that there had been no representations received from any responsible authorities but that there had been forty representations received from members of the public as well as an extra one where the member of the public would not provide contact details, but he said the objections raised within the representation were reflected in other representations. Mr Moody said that the main concern raised within the representations was noise. Mr Moody outlined the actions the sub-committee could take which would be to either approve the application, reject the application, approve with modified conditions, or approve but exclude a licensable activity. Mr Moody said that references to planning principles could be mentioned by those speaking but that this was a licensing application. Mr Moody stated that the power of review existed and that all premises were subject to a review if needed.

The Chair invited Mr Smith to address the sub-committee on behalf of his client.

Mr Smith said that the application was for a new premise licence and that the application was for every day of the week. He said that the application was initially for a time limited licence until October 2023 but that due to the work at the Marina Showbar being completed earlier, the time limit had been amended to July 2023 or until such a time that the Marina Showbar was ready to operate.

The Chair sought clarification that the Temporary Showbar and the Marina Showbar would not operate in tandem.

Mr Smith confirmed that was correct. He said that his client was asking for a time limited licence and that it was not unusual to do

so. He referred to the proposed conditions outlined in the agenda papers. He said that several conditions outlined on page 14 had been replaced by conditions agreed with Humberside Police. Mr Smith said that Humberside Police were happy with the conditions. Mr Smith stated that the speakers would be pointed away from the Fitties, a noise limiter would be fitted and set and that a noise management plan had been submitted but needed to be agreed with the Council's Environmental Protection Officer. He said that the Temporary Showbar would not be used before the plan had been agreed with the Environmental Protection Officer if the sub-committee was minded to grant the licence. Mr Smith said that his client had previously been granted permission to a variation of an existing licence in relation to the Marina Showbar to allow for refurbishment. He said that the site was now a building site and was unsafe for the public, meaning a temporary facility was needed. Mr Smith stated that a lot of what the activities asked for were de-regulated but that in order to provide transparency and accountability, his client had agreed to have the activities included in the application and therefore be subject to conditions from the licensing authority. Mr Smith informed sub-committee members that were the application to be refused, his client did have approval of a series of temporary event notices in the run up to Easter and could also still operate all activities that were de-regulated entertainment.

Councillor Farren queried why the work on the Marina Showbar had not been undertaken during the closure times of Thorpe Park.

Mr Tuck said that it had been a big project and would not have been completed in time.

Mr Smith outlined the noise assessment that Thorpe Park had commissioned. He explained that the assessment showed that a noise limiter needed to be fitted.

The Chair asked Mr Smith whether the noise limiter could be tampered with.

Mr Boyd said that the noise limiter device could not be tampered with as it did not have controls to navigate. He said that it would be industry standard and that once a limit was set, it was locked and could not be changed.

Mr Smith referred sub-committee members to the noise assessment report. He said that the noise assessment used reverberant noise levels which had been determined at Bowburn Hall to be representative of a typical reverberant entertainment noise level which would be expected when amplified music would be playing in an environment, such as the Temporary Show Bar. He said that the assessment showed that the external noise level would be well below the 50db which was the desirable noise level. Mr

Smith reiterated that the Temporary Showbar would not operate at the same time as the outdoor stage. Mr Smith said that the Council's Environmental Protection Officer visited the site a week ago and took noise readings. He said that further testing would be taking place by the Council's Environmental Protection Officer in the evening. Mr Smith stated the noise assessment showed that the noise would be one decimal over, and that you can go up to five over.

The Chair said that he was concerned about the insulation and that the insulation of Bowburn Hall would be different to that of the Temporary Showbar. Mr Smith said that he was not comparing the Temporary Showbar to the Bowburn Hall, but that Bowburn Hall had purely been used for modelling purposes. Mr Boyd said that the speakers had been designed to focus downwards to the audience. He said one of the tests he used was whether someone would be able to stand at the bar and order a drink and be heard.

Mr Smith said that he was aware that at a recent planning committee meeting, an application was refused regarding the stage due to its position. He said that the licensing application the committee was deciding on was separate. Mr Smith said that there had been no objection from Trading Standards and that Challenge 25 would be in place. Mr Smith said that Thorpe Park did create and hold down 500 jobs and that the current works were part of a 12-million-pound investment into the site. He said that there had been some concern raised over the need to have the Temporary Showbar until October. He said that the application was initially for a licence until October due to the potential of construction delays. Mr Smith said that he was pleased to say that the works would be completed sooner, and he reiterated that his client was asking for the licence until July 2023 but that his client would stop operating the Temporary Showbar as soon as the Marina Showbar was ready. Mr Smith reiterated that lots of the activities included in the application were de-regulated entertainment but that his client was happy to include all activities to allow for the Licensing Department to have a level of control and conditions put in place. Mr Smith stated that his client would prefer to operate under a premise licence.

Councillor Callison queried whether there was a possibility of a June finish time on the works on the Marina Showbar. Mr Smith confirmed that there was the possibility of the works concluding in June. He stated that the Temporary Showbar would have family related entertainment in the morning and early afternoon. He said that cash bingo would be held at 4.00pm with tribute acts, magicians, game shows and quizzes being held 6.00pm onwards.

The Chair invited Mr Peet to address the sub-committee.

Mr Peet stated that the approval of temporary event notices had not been disclosed. He said that the Marina Showbar was a building site and that he lived 30 metres from this and that the noise had been horrendous. Mr Peet stated that the applicant had breached the planning conditions. He stated that the Temporary Showbar was not smaller than the current Marina Showbar but would instead be smaller than the updated one, and this was technically an increase in size. Mr Peet said that he would have liked to have seen the proposed conditions prior to the meeting.

Ms Richardson Smith stated that the proposed conditions had been included in the agenda papers.

Mr Peet said the issues were not just in relation to the Temporary Showbar but that there were issues with the whole site. He said that the Temporary Showbar would be like a tent, and he asked the sub-committee to refuse the application. Mr Peet said that he would usually say that he did not object to Thorpe Park as a business entity but instead had concerns over the application but unfortunately that position had been tested to breaking point. Mr Peet said that Thorpe Park had not acted responsibly in regard to current licensing conditions and he said that even the thought of the application being approved was a nightmare. He said that if the application was approved it would affect his health and wellbeing. Mr Peet stated that the MP had also submitted an objection to the application.

Mr Peet played several videos which showed the noise at the site. He said that one of the videos he had played showed the noise from the site in relation to the licensing application. He said that the noise was coming from the site which had no licence in place and no planning permission. Mr Peet stated that he was concerned that the applicant would keep the Temporary Showbar and the updated Showbar open in unison. He said that he was pleased to see that a condition had been added which did not allow for that. Mr Peet said he was confused as he had seen a schedule that showed entertainment until 6pm, but that the applicant was now saying entertainment would end at 11pm. Mr Peet stated that the outdoor stage had been a major problem in regard to noise and that there had also been noise complaints about the Carousel. Mr Peet said that the structure of the Temporary Showbar was not fully sealed and that there were gaps in the structure. He said that Bowburn Hall had been used in the noise assessment that had been conducted but expressed that the structure of the Temporary Showbar was very different. He said that it would not have brick walls like Bowburn Hall does. Mr Peet referred to an article which said that Bowburn Hall had been subject to various noise complaints. Mr Peet referred to the Natural Asset Plan and stated that the council had a duty to protect conservation as outlined in the plan. Mr Peet stated that in the Cleethorpes Master Plan, the Humberston Fitties had been called a hidden jewel and that all intervention must be dealt with

sensitively. Mr Peet said that he found the noise assessment to be misleading and that the noise should be controlled within Thorpe Park's boundaries and not interfere with people's enjoyment of their properties. He said that the report did not consider the protection of neighbour's amenities which showed that the protection of neighbouring amenities was not one of the applicant's objectives. Mr Peet said that he was pleased to see that some mitigation had been included in the noise assessment, but that birds and bats needed to be considered. Mr Peet said that the Temporary Showbar structure would be made of aluminium walls. He commented that the dwellings at the Humberston Fitties were not standard dwellings and were limited regarding insulation from noise. He said that Article 4 disallowed tenants of the Humberston Fitties from using certain materials. Mr Peet concluded that Thorpe Park's ambition had outgrown its design and he asked the sub-committee to refuse the application. He said that the applicant had not acted responsibly and commented that if they could not handle their current licensing activities, then he was not convinced that they would be able to handle a new one.

The Chair invited all parties to make their closing statements.

Mr Smith stated that Mr Peet had said that that the Temporary Showbar would be another entity providing licensing entertainment, but he reiterated that only one would be operating at any one time. Mr Smith stated that in regard to the videos that had been shown, he could confirm that no one had been into the Temporary Showbar and that it was not in use. He said that the noise could potentially be test music. He said that the video was clearly taken right next to the Temporary Showbar but that there was another 160 metres before you would reach the boundary. Mr Smith said that the complaint regarding the Carousel had been received the weekend before the hearing and that before that, a complaint had not been received since 2015. Mr Smith said that he was not comparing the Temporary Showbar structure to that of Bowburn Hall but that the Hall was used for modelling purposes. He reiterated that the noise assessment showed that the noise would be one decimal over, and that you can go up to five over. Mr Smith said that in a way the applicant had outgrown the entertainment it currently provided and wanted to provide even better entertainment to holiday makers without causing disturbance. He said that the applicant did not have to prove beyond reasonable doubt regarding noise and that the sub-committee members had to consider the balance of probability. Mr Smith said that the speakers would be pointed away from The Fitties. He said that Thorpe Park wanted to put on family entertainment for 300 people, which is smaller than the 700 capacity of the original Showbar, and was not looking to be a festival or concert hall. He said that those going to the Temporary Showbar would be staying on site and would then go back to their lodges. Mr Smith said that there had been no representations from

Humberside Police objecting to the application. Mr Smith said that it was reasonable to suggest that if other responsible authorities were concerned with the application, as experts in their field, then they would have intervened. Mr Smith said that any decision needed to be evidence based, appropriate and proportionate and he would expect to hear detailed reasons if the sub-committee objected to the application. Mr Smith reiterated that much of the activities that were included in the application could be done without a licence but that the applicant had decided to include all activities so that there would be an element of control for the licensing authority. Mr Smith said that the Environmental Protection Officer had requested to agree to the noise assessment management plan before the Temporary Showbar was used. He said that the applicant agreed to that condition.

The sub-committee withdrew to deliberate. After an interval, the sub-committee returned to the meeting.

The Chair thanked everyone for their attendance. He said that the sub-committee had taken into account all written and oral representations. The Chair stated that the sub-committee acknowledged that other than alcohol and films, the application was de-regulated but that by having a licence, this allowed for accountability and transparency. He said that the sub-committee put great weight on the fact that there had been no representations from responsible authorities and that the proposed conditions had been agreed with Humberside Police and Environmental Protection Officers. The Chair said that the sub-committee noted that the temporary structure would only be used until the end of July at the latest and that the speakers would be placed off the floor pointing away from the Humberston Fitties. The Chair stated that the sub-committee was assured that the proposed conditions were stringent and would promote the licensing objectives. He said that the sub-committee would be approving the application for a new premise licence along with the agreed proposed conditions and additional conditions. The Chair said that the additional conditions which would be added were that the Environmental Protection Officer be satisfied with the noise management plan prior to the start of regulated entertainment and that amplified music could not be played at the Temporary Showbar, the Marina Showbar and/or the outdoor stage at the same time. The Chair said that the sub-committee would like to remind everyone the power of review existed, which could lead to the revocation of a premises licence.

RESOLVED – That a new premise licence be granted with the proposed conditions outlined on pages 14 – 19 in the agenda papers and additional conditions:

- The Environmental Protection Officer is satisfied with the noise management plan prior to the start of regulated entertainment.

- Amplified music cannot be played at the Temporary Showbar, the Marina Showbar and/or the outdoor stage at the same time.

There being no other business, the Chair thanked those in attendance for their contributions and concluded the meeting at 12.17 p.m.