

NEWARK & SHERWOOD DISTRICT COUNCIL
LICENSING SUB-COMMITTEE

RECORD OF HEARING HELD ON
6 DECEMBER 2021
10:00 HOURS
MEETING HELD AT
CASTLE HOUSE, GREAT NORTH ROAD, NEWARK NG24 1BY

HEARING TO CONSIDER AN APPLICATION FOR THE GRANT OF A
PREMISES LICENCE

THE RENAISSANCE
KELHAM HALL LTD.
MAIN STREET
KELHAM
NG23 5QX

SUB – COMMITTEE: Councillor R. White (Chairman)
(The Panel) Councillor Mrs B. Brooks
Councillor Mrs S. Michael

ALSO IN ATTENDANCE: Simon Smith (Legal Advisor - NSDC)
Nicola Rowlands (Senior Licensing Officer - NSDC)
Lily Kempster (Public Protection Apprentice – NSDC)

Applicant: James McGregor (Operations Manager – Kelham Hall)
Darren Cant (Manager – Kelham Hall)

Representors: Nathan Morrell
Andrew Fereday

Presentation by the Senior Licensing Officer

The Senior Licensing Officer presented to the Panel details of the application made by The Renaissance at Kelham Hall Ltd. The report before the Panel presented Members with a summary of the application, the licensing history of the premise, the reasons for the Hearing and the conditions agreed with the Police and Environmental Health Services.

The report set out the legislation in relation to the powers that licensing authorities had to grant the premises licence, the options available to the Panel and the relevant policies and guidance.

Presentation of Application

James McGregor advised that The Renaissance at Kelham Hall Ltd. had taken over at Kelham Hall after the previous owner's business had gone into liquidation. The business was hoping to attract higher profile clients than those who previously used the premises and the granting of the Premise Licence would enable them to begin trading.

Questions to Applicant

Nathan Morrell stated that he did not object to the granting of the licence but had concerns about the hours applied for and the potential number of guests being at the premises and all exiting at 02:30 hours. He added that this could create a nuisance in relation to excessive noise; light pollution; and be detrimental to his family's health and wellbeing. He noted that the nearest residential property was only 50m away from the fire exit in the Dome. He also noted the parking issues experienced with guests choosing to park on Home Farm Close rather than the designated car park provided at Kelham Hall.

In response, Mr. McGregor, advised that he had attempted to demonstrate the intention of the business in the application. He stated that the vast majority of events would terminate at 00:00 hours and that the hours applied for were the same as the previous licence which had lapsed when the business had gone into liquidation. He confirmed that he would be willing to install an exit stopper, explaining that it was a device which would emit an alarm for approximately 30 seconds should the fire exit door be opened.

In relation to parking, Mr. McGregor noted that the previous owner had sub-let one of the car parks within the grounds to house shipping containers. This had now ceased and the car park would again be made available for guests to use. He added that the parking charges, levied by the previous owner, had also been stopped and that the area designated for planting, as agreed with Environmental Health Services, would be progressed.

In acknowledging Mr. McGregor's comments, Mr. Morrell noted that there was only parking spaces for 250 vehicles and that it was likely that Home Farm Close would continue to be used for parking and also as a taxi waiting area. Mr. McGregor stated that the field to the front of the Hall could be utilised for additional parking and that a designated taxi waiting area would be provided. He also suggested that for large scale events consideration could be given to the use of traffic management via traffic lights.

Mr. McGregor advised that it was not the intention to hold events every Thursday, Friday and Saturday but the licence, as applied for, would provide the business with a degree of flexibility. He added that it was his intention to maintain a relationship with the representors and nearby residents.

In noting that the venue had multiple rooms, Andrew Fereday queried how the guests would be controlled if it was being used at full capacity. Mr. McGregor advised that it had never operated at that level and the occupancy figure had been generated for the purpose of the application and it was not the businesses intention to operate at full capacity. Mr. Fereday suggested that an upper limit on numbers be included in the licence.

Councillor Ronnie White queried as to where vehicles would enter and exit the grounds e.g. the main entrance and/or The Lodge. Mr. McGregor advised that The Lodge entrance was only used for high volume events but could be given further consideration.

Presentation of Representations

Nathan Morrell

Mr. Morrell advised that he had lived on Home Farm Close for 15 years. Whilst he wished for the operations at Kelham Hall to be successful he and his family had experienced a great deal of anti-social behaviour, light pollution, noise pollution, noise from car doors shutting during the early hours of the morning, bottles being thrown into his garden and into Home Farm Close and access to his driveway being blocked by parked vehicles. He stated that it was his opinion that 02:00 hours to serve alcohol and 02:30 hours to close was too late and that 00:00 hours would be more acceptable. He added that he would wish to see a limit on the number of guests as 2250 was too high, noting that it was only 50m away from Mr. Fereday's garden wall to The Dome entrance and 50m from the access road to his own rear garden.

Questions to Mr. Morrell

In response, Mr. McGregor again referred to some of the issues being as a direct result of the previous owner's business practices e.g. sub-letting properties on Home Farm Close to wedding guests who had little regard for where they parking their vehicles. This practice had now ceased with Mr. McGregor adding that he would be willing to consider temporary road closures, if appropriate and necessary to ensure that vehicles did not park on Home Farm Close.

Councillor Sylvia Michael queried as to why Mr. Morrell considered that there would be a problem with parking at 02:00 hours but not 00:00 hours. Mr. Morrell advised that it was the noise generated by drivers when they drove their cars away and that the problem existed because there was insufficient parking spaces provided at Kelham Hall.

Andrew Fereday

Mr. Fereday reiterated the comments of Mr. Morrell, confirming that he also wished to see Kelham Hall operate successfully. He noted that he had not had sight of the previous Premise Licence but knew that all events had terminated at 00:00 hours. He stated that 02:00 hours was too late and was unfair on the nearby residents given the previous issues experienced. He further noted that the previous licence had given an occupancy of 1200 people but the current application was for 2250 people.

In noting that the sale of alcohol was until 02:00 hours but public access was until 02:30 hours, he queried how the Hall and grounds would be totally clear in a 30 minute time period, given that there was only one access/egress point.

Mr. Fereday noted that he had lived on Home Farm Close for some 7.5 years and during that time he had never seen The Lodge gates used as a general access point, stating that the location was dangerous, doubting that the use would be permitted.

In referring to the previous Premise Licence, Mr. Fereday noted the conditions attached therefore, specifically No. 38 which stated that "any noise produced or associated with Entertainment must not be audible at the façade of the nearest residential, commercial or industrial premises" had not been adhered to and there was concern that this would continue. He also referred to Condition No. 5 of Annex 3 noting that the 'Sentry' noise

limiting system had never operated successfully as the level of noise disturbance had never been reduced. Mr. Fereday also referred to the Premise Licence for Kelham House and that it contained a condition which had a set dba of 45 dba at a specific point. He asked that the Panel consider all of the above points when determining the application together with the occupancy figure for the Hall and the Council's own Statement of Licensing Policy.

Mr. Fereday suggested that in order to reach a compromise on the times of the premise licence that large scale one off events possibly be licensed using a Temporary Event Notice.

Questions to Mr. Fereday

In noting the comment about The Lodge gates being considered as an access/egress point, the Panel's Legal Advisor queried whether Mr. Fereday believed that Nottinghamshire County Council would object to their use. Mr. Fereday confirmed that to be the case. Mr. McGregor also confirmed that he had not contacted the County Council in that regard, noting that the access/egress point was directly onto a busy main road.

Summing Up

Mr. McGregor stated that regardless of the Panel's decision he would wish to promote a positive working relationship with the residents of Home Farm Close. He confirmed that he would not object to the Panel limiting the occupancy levels for Kelham Hall and added that the premise would not be run as it had been by the previous owner.

He noted that The Renaissance at Kelham Hall Ltd. took their responsibilities seriously but they could not relocate the Hall, adding that a planning decision had been taken in the past to allow the Home Farm Close development.

In closing, Mr. McGregor commented that they needed to build longevity into their business in order to keep the building open.

Decision

The decision of the Licensing Hearing Panel was to grant the licence subject to the following conditions:

Licensable Activity	Days	Times
Plays (Indoors)	Sunday to Wednesday Thursday to Saturday	11:00 to 00:00 (Midnight) 11:00 to 02:00 (the next day)
Films (Indoors)	Every day	11:00 to 00:00 (Midnight)
Boxing (Indoors)	Sunday to Wednesday Thursday to Saturday	11:00 to Midnight 11:00 to 02:00 (the next day)
Live Music (Indoors)	Sunday to Wednesday Thursday to Saturday	11:00 to Midnight 11:00 to 02:00 (the next day)
Non-Standard Time	31 December	11:00 to 04:00 (the next day)
Recorded Music (Indoors)	Sunday to Wednesday Thursday to Saturday	11:00 to Midnight 11:00 to 02:00 (the next day)
Non-Standard Time	31 December	11:00 to 04:00 (the next day)

Provision of anything similar description to live music, recorded music, or performances of dance (both Indoors and Outdoors)	Sunday to Wednesday Thursday to Saturday	11:00 to Midnight 11:00 to 02:00 (the next day)
Late Night Refreshment	Sunday to Wednesday Thursday to Saturday	23:00 to Midnight 23:00 to 02:00 (the next day)
Supply of Alcohol	Sunday to Wednesday Wednesday to Saturday 31 December	09:00 to Midnight 09:00 to 02:00 (the next day) 09:00 to 04:00 (the next day)
Hours that the Premises are Open to the Public	Sunday to Wednesday Thursday to Saturday 31 December	08:00 to 00:30 (the next day) 08:00 to 02:30 (the next day) 08:00 to 04:00 (the next day)

1. All mandatory conditions as set out in Annex 1 (reference paragraph 7.1 Agenda pack of today's hearing) shall apply. These are the conditions relating to:
 - Designated premises supervisor,
 - Authorisation by Personal Licence Holders,
 - Irresponsible Promotions
 - Potable water
 - Age Verification
 - Small Measures
 - Sale of alcohol below the permitted price
 - Door supervision

Annex 2 - Conditions

Applicant and Police Agreed Conditions

1. A Challenge 25 policy will be implemented and enforced at all times. Any person who appears to be under 25 years of age shall not be allowed to purchase alcohol unless they produce an acceptable form of photo identification (e.g. passport, driving licence, Military ID or PASS accredited card).
2. All members of staff shall be fully trained in the retail sale of alcohol. The training shall be on-going and each member of staff shall be reviewed every six months. All details of the level of training will be recorded in a bound and sequentially paginated book or electronic record. The information shall be made available for inspection and copying by the Police or any other authorised person immediately on request and all such books shall be retained at the premise for at least 12 months. Agenda Page 8
3. A bound and sequentially paginated incident/accident book shall be kept to record all instances of disorder, damage to property, personal injury and refusals of service at the premises. This is book to be made available for inspection by the police and other officers of responsible authorities immediately upon request and all such books to be retained at the premise for at least 12 months.
4. A CCTV system shall be installed and operative in the premises when licensable activities are taking place. All recordings used in conjunction with CCTV shall:
 - be of evidential quality (HD)

- display accurate time and date stamps all year round to account for day light savings.
 - be retained for a period of 31 days
 - Cover the point of sale, and entrance and exit
 - The CCTV System should be installed in a location that is safe and accessible.
 - Recordings to be made available for inspection to the Police or any other authorised person when requested.
 - At least one person trained and authorised to access the CCTV system shall be present during opening hours. They shall be able to perform basic operations such as reviewing recordings and download recordings to removable media (USB) if required for Police or other authorised officers.
5. At all times the premises licence holder shall risk assess the need for door supervisors at the premises, and/or employ such door supervisors at such times and in such numbers deemed necessary by the risk assessment, and/or at any other times upon agreement with the Police.
- Cognisance shall be taken of Police advice if events are taking place which may directly or indirectly impact on the safety of staff and customers.
 - Provision shall be made for the required number of SIA licensed door supervisors to be on duty at times as agreed with the Police i.e. ratio 1:100 customers at events requiring extra Police resources (Bank Holidays, bank holidays weekends, significant international or local sporting events etc.)
 - The written risk assessment shall be made available on request to the Police and/or Licensing Authority.

When SIA registered Door Supervisors are required to work on the premises:

- They shall be employed to work solely in the capacity of a Door Supervisor.
 - There shall always be a minimum of two Door Supervisors.
 - All Door Supervisors shall record at the premises either electronically or in a paginated book, which must be available for inspection by any police officer and/or any other authorised person showing the time and date they commenced and finished work, their full name, their full 16 digit SIA number and the expiry date of their licence.
6. Prominent signs shall be erected and maintained at the checkout transaction areas, stating that it is an offence to
- (a) sell alcohol to an individual under the age of 18 years;
 - (b) for an individual under 18 years to purchase alcohol;
 - (c) for a person to buy alcohol on behalf of an individual under 18 years. Where possible a till prompt shall be installed to remind the staff member to verify the customer's age before alcohol is sold. A CCTV system shall be installed and operative in the premises when licensable activities are taking place. All recordings used in conjunction with CCTV shall:
 - be of evidential quality
 - indicate the correct date and time
 - be retained for a period of 31 days
 - sufficient numbers of staff to be trained to use the system
 - Recordings to be made available for inspection when requested by the Police or any other authorised person pursuant to the Data Protection Act 1998.

Applicant and Environmental Health Agreed Conditions:

1. Clear, prominent, and legible notices are to be provided on the internal side of all exits asking customers to leave the premises and area quietly and respect the rights of neighbours.
2. Employees must monitor customers leaving the premises at closing time to ensure customer leave site promptly.
3. The Licence Holder shall provide notices, to be legible from within any vehicle, requesting coach and taxi drivers collecting persons attending functions on the premises to use a designated parking area and to turn off their engines while waiting.
4. All doors and windows shall remain closed when regulated entertainment is taking place, except for when being used for access and egress and in the event of an emergency.
5. The external area of the premises marked in yellow on the plan (shown as tree planting area plan – Drawing Number RSE_924_TPA at Appendix 9) described as ParTar and Sunken lawn (to the rear of the building) shall not be used for the provision of licensable activities or consumption of food and beverages after 22:00 hours.
6. Where outside areas are used as detailed in 5 above noise levels shall be monitored at regular intervals to ensure that no noise nuisance is caused to any residential premises. A record of all actions taken as a result of the monitoring shall be kept.
7. Any firework display shall not end later than 22:00 and shall be set off in the area described as firework detonation area and marked in yellow on the plan.
8. One member of the Licence Holder's staff shall be responsible for ensuring compliance with the above conditions. Signage shall be displayed advising customers to be respectful to residents and to leave the area in a quiet and orderly manner.

The Applicant also Volunteered the Below Conditions:

The applicant has proposed the following conditions within the operating schedule of the application:

1. The total number of persons allowed on the Premises, is as follows:

Lady Chapel 70 persons
Carriage Court 200 persons
Training Room 60 persons
Billiards Room 60 persons
Library 200 persons
Drawing Room 200 persons
Music Room 200 persons
Dining Room 200 persons
Marquee 460 persons
Dome 600 persons
Total 2250 persons

2. The licence holder shall ensure that all members of staff are trained in fire and emergency evacuation procedures.
3. The licence holder shall ensure that adequate first aid provision is available on the premises for all licensable events and activities
4. At least one suitable First Aider will be on duty when the public are present.

5. A bound and sequentially paginated refusals book or electronic record shall be kept at the premises to record all instances where admission or service is refused. Such records shall show:
- The basis for the refusal;
 - The person making the decision to refuse; and
 - The date and time of the refusal. Such records shall be retained at the Premises for at least 12 months, and shall be made available for inspection and copying by the Police or any other authorised person upon request.

The Committee decided to impose the following conditions for the licensing objective of Prevention of Nuisance:

1. The Dome Emergency Exit Door closest to Home Farm Close should be fitted with an “Exit Stopper” which will emit an alarm for approximately 30 seconds to alert staff that the door had been opened.

The Committee also decided to give the Applicant an advisory note:

The Applicant should block off the pedestrian access (unless it is a public right of way) leading to Home Farm Close on a Thursday, Friday and Saturday Night by 18:00 hours until the termination of the event.

Appeal: Any party may appeal against the decision of the Licensing Sub-Committee.

Any such appeal must be to the magistrate’s court for the area in which the premises concerned are situated.

It must be commenced by a notice of appeal being lodged with the court within 21 days beginning with the day on which you were notified of the decision.