

Notice of Representation

Members of the public can submit representations in objection to or in support of the premises licence applications, within the 28 day consultation period.

Please be aware that for any objections to be considered relevant, they should be submitted before the end of the consultation period and they should address the four licensing objectives in relation to the licensing activity.

The licensing objectives are the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

Please be aware that where representations are considered relevant copies of the representation will be provided to the applicant and the Licensing Sub Committee.

Please note: Objections will only be considered where a name and address are supplied.

Name: S Todd on behalf of the support staff team of Mr Stephen Maher, adjoining neighbour.

Address: Norbreck Farm, Morpeth Road, Choppington. NE62 5PZ

Adequate information required regarding the name and address has been supplied, however due to the fear of any reprisals resulting in submitting this objection, full names and addresses of all parties relating from this objection can be submitted if the confidentiality of the information can be guaranteed.

Licensing Objective: The prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

Premises: Paddock Hall, Morpeth Road, Choppinton. NE62 5PZ

Reason for Representation: **Objection**

Please note, that due to the time sensitive nature of this notice of representation, not all support staff have been able to sign due to being off. We do however believe this notice of representation reflects the views of the entire support team.

We are writing to object to the application for an alcohol and entertainment licence being sought by the owner of Paddock Hall, and to raise our concerns for a highly vulnerable service user who lives in the adjacent property, and his support team.

In order to prevent stereotypical assumptions of a fresh-off-internet-training domiciliary drop-in-care set up, the authority should respect that the severity of concern raised in this representation is being made by a mixed gender specialist support team with a diverse background of substantive work experiences in this subject matter, including front line responders and nursing, direct access and forensic hostels.

We understand the application sought includes entertainment such as plays, dance, films, live and recorded music both indoors and outdoors, and the supply of alcohol, as well as late night refreshments until 01.00, including takeaways and deliveries. The staff team as a whole are hugely concerned about our ability to meet our duty of care to our service user due to the external disturbances which will come as a result of this application being granted.

This year alone there have been a number of occasions of noise nuisance and disturbances, some examples being:

- During the first period of lockdown, a group of people leaving the premises in the early hours of the morning, displaying behaviours suggesting they were under the influence, and a group of children screaming directly on the other side of the service users fence for a prolonged period of time, forcing the service user indoors and resulting in all of the doors and windows of the property needing to be shut due to the level of disturbance.
- A caravan being parked right in front of the service users window blocking the view out of his own home.
- A fireworks display being set off just metres away from red gas bottles.

There have also been previous instances of overnight disturbances recorded relating to commercial camping events in the fields on the premises.

Young children have been witnessed unsupervised riding ponies in the field adjacent to the service users' property. On one occasion, a young child was riding a pony with no riding hat and another young child was running behind screaming, yelling and laughing. There was no adult supervision to prevent an accident or incident occurring, and should one have occurred, they would not have been able to assist these young children. This put them at risk of serious harm and poses a doubt over the applicants' suitability to be granted a licence to hold and to be responsible for public events catering for all ages, including young children.

On another occasion a young child was witnessed driving around the adjacent field on an agricultural type ride on mower as if it were a toy, again with no adult supervision, posing a significant danger to this young child. This highlights the future risks posed from inadequate supervision and observation, and their disregard for the safety of others.

The risk of harm and the safeguarding of young children in particular is a concern, especially as these incidents highlight the worry that the licenced activities would be poorly managed and supervised, the addition of alcohol sales and people being under the influence of alcohol posing as further concerning factors.

These examples would seem to show the applicant is unwilling, or unable to provide adequate supervision. There appears to be no awareness or recognition of the safeguarding issues or risk of harm to children, impressionable teenagers and vulnerable adults, with respect to what they may hear, see or be subjected to if an alcohol and entertainment licence were to be granted.

There are also the obvious practical risks to consider, such as them “just trying” a drink, drinking games, or dares to drink with the temptation of half consumed drinks lying around on tables or about the wider premises, then tootling off to ride their ponies and falling off, or falling over or onto one of the many risks around the premises. For example, damaged posts and rails, barbed wire, mesh fencing, unsecure electric fencing tape blowing in the wind, or potential broken drinks glasses or bottles. There is also the risk to safety if they walk themselves or their pony into the path of a moving vehicle, particularly considering access to, and movement between, the field areas of the premises is across the proposed licenced activity area that is also directly in the path of the main vehicle access onto the premises.

The premises by nature is a high fire risk, with large quantities of hay, straw and flammable gas bottles, yet a fireworks display was held on 6th November 2020 at the back of the house, very close to red gas bottles. This suggests the lack of thought and consideration to fire safety, the safety of those on the property, and the impact it would have had on customers horses who are liveried very close to the display, and other livestock that are located just over the road to the property. Considering this occurred during a lockdown situation, the risk to the wider public would be greater if the premises were licenced and such events occurred with the public present under the influence of alcohol and possibly drugs. Access to the premises is regularly restricted by a number of parked vehicles, which partly block the entrance and also line the council owned verges in front of the premises. This would potentially prevent emergency vehicles from being able to access the property.

The appearance of disregard to the Covid 19 lockdown regulations during summer 2020 raises huge concerns over their lack of compliance to the lawfully imposed restrictions. This questions whether they will show any regard and be compliant in respect of the alcohol and licenced activities regulations. A few posters displayed featuring Challenge 21 is all well and good, but hardly demonstrates the intent to operate meeting the four licencing objectives.

The arrival of the caravan on 28th August 2020, as recorded in the support logs, felt like a targeted act against the service user. Given the size of the empty field, the positioning of the caravan directly blocking the service users’ windows appeared to be deliberate. Other than a brief spell of less than 48 hours, the caravan has remained to date.

All of these separate events would seem to suggest an inability to be safety conscious and raises concerns about further incidents which may occur as a direct result of the application of entertainment and alcohol licences being granted.

The service user has a staff team, as he requires support 24 hours a day, arriving and departing as lone workers at various times throughout the day and night, via different methods, including car, bike, bus-walking or waiting to be collected. Up until now, the staff team have felt reasonably safe as the road and footpath is typically free of people with clear views.

The granting of the licence in any form, let alone late night entertainment, refreshments, the supply of alcohol and takeaways, should be reasonably expected to increase not only the fear of crimes being committed, but the actual instances of issues with public safety and crime and disorder both to our staff team and the wider community. There are highly likely to be groups of people approaching and leaving the premises throughout the day and into the early hours under the influence of alcohol and possibly drugs, causing disturbance and noise nuisance.

This has heightened the fear of, and the real risk of staff being approached, followed, targeted, or assaulted.

The granting of the licence will undoubtedly result in extra car traffic along the unlit road. Given that this will be the only late night refreshment and takeaway venue available in the area opening every night until 01.00, and taking into account the location of the premises and distance to the nearest housing areas, this could pose a high risk of people being tempted to drive under the influence of drugs or alcohol in order to extend the night, and quite likely at high speed if it is near to closing time. This again could have a devastating impact on the safety of the support team, and the wider public who may be impacted if a driver under the influence was to cause a collision, resulting in serious injury or even death.

If this licence application is granted, we genuinely believe that the highly vulnerable adult we support will be forced out of his own home due to the severity of the impact it will have.

This will also result in the loss of jobs of the whole staff team, which is obviously devastating for all of us, having families, duties and obligations and pay taxes towards the running of our community.

Thank you for taking the time to consider this notice of representation, which we hope has addressed the licencing objectives and highlights the real dangers a granting of the licence will have.

Adequate information required regarding the name and address has been supplied, however due to the fear of any reprisals resulting from submitting this objection, full names and addresses of all parties relating to this objection can be submitted if the confidentiality of the information can be guaranteed.

**Please note, that due to the time sensitive nature of this notice of representation, not all support staff have been able to sign due to being off. We do however believe this notice of representation reflects the views of the entire support team.*

Signed

Date 29.11.20

Signed

Date 30.11.20

Signed

Date 1-12-20

Signed

Date 4-12-2020

Signed

Date

Signed

Date

Please send this notice to the address below:

Licensing Section
Northumberland County Council
Stakeford Depot
East View
Stakeford
Northumberland
NE62 5TR

Telephone: 01670 623856

Email: licensing@northumberland.gov.uk

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Please be aware that where representations are considered relevant copies of the representation will be provided to the applicant and the Licensing Sub Committee.

Please note: Objections will only be considered where a name and address are supplied.

Name: Mrs Angela Maher

Address: Norbreck, Morpeth Road, NE62 5PZ

Licensing Objective: the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

Premises: Paddock Hall, Morpeth Road, NE62 5PZ

Reason for Representation: **OBJECTION**

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The licensing authority should be aware that in respect of representations on behalf of an adjoining neighbour Mr Stephen Maher, whose home is ~2 metres from the premises application.

As appointed representative, under the protections of Caldicott I am prohibited from introducing relevant or necessary information to make representations into a public forum and I cannot meet the duties of representation by not introducing it.

However, the Local Authority as a whole is the duty holder and the responsible authorities are either subfunctions of the Local Authority or its partnership functions.

It is therefore incumbent upon the organisations to act as a whole in this case particularly when considering their specific duties and subsequent implications such as those in respect of convention rights notably -6- public authorities.

Under the strictest protections of Caldicott it may be appropriate to share and subsequently protect varying amounts of relevant and necessary information within the organisations.

Thereby ensuring there is not a "failure to act" and they do actually act to meet duty and protect, act in the best interests of; in line with the wishes, needs and rights of;

There are a number of core statutory functions and statutory enforceable duties the Local Authority as a whole must meet. These are enacted and afforded under the protections of other Acts, Rights, and the Court of Protection.

Any impacts on such matters would require an application, full hearing and ruling by the Court of Protection.

The nature of some elements that will be under their consideration such as PD 11A33 require specific scrutiny of all facts and matters relating to this case for the Authority to achieve the authorisation of the court.

Equally

It should be noted that the realistic expected outcome of approving the licence has been classified by the Local Authority Head of Service as “devastating” and consequence is of a magnitude that it would be in direct conflict with the fiduciary duties of the Local Authority and its partnership functions such as the NHS Northumberland CCG along with other associated authorities and organisations.

The senior management point person in respect of the matters raised is Anna English, General Manager, Northumberland County Council

The Application

The premises stated in the application is "Paddock Hall" which is an approximately 6.5-acre site

The application document makes some reference to and shows an un-demarcated area within the site, however the application is for "the premises"

Either way as per PLG 2.5 drinks that are bought from the area in the plan to be consumed elsewhere across the wider premises count as off supplies.

Superficially the application may seem innocuous.

However, in considering the premises history, its overall unkempt appearance, the poor state of order, maintenance and repair in relation to the core businesses against the level of recent investment in this application development.

The intent would seem not to be incidental income from "their customer base" supporting core businesses to be sustainable, but an approach to implement a full entertainment and events venue across the wider premises for all comers, in line with their motto.

"Paddock Hall Does It All"

The scope of the licence would seem to enable:

- The wider premises of Paddock Hall
- ...up to 5,000 people
- Supply of alcohol and regulated entertainment, including "non-incidenta" live and recorded music indoors and outdoors Monday - Sunday 11:00 -23:00
- Late night refreshment indoors and outdoors Monday - Sunday 23:00-01:00
- The supply of alcohol for off premises consumption i.e. the wider premises and operating of as an "off licence" up to 23:00
- Operation of takeaway and delivery service to 01:00 including alcohol to 23:00
- Premises stated as will be open to the public 08:00 up to 00:00- 16hrs a day every day.

The 00:00 clearly conflicts. Monday – Sundays the **supply** of alcohol ends at 23.00 followed by 2hrs of drinking up and late-night refreshments time

Realistically considering the inevitable late arrival of transport for "on sales" such as taxis at peak periods or returning delivery drivers should this be interpreted as 01:30 Monday – Sunday, the premises impact is ~ **17.5 hrs. a day, every day**

Location See Appendix A photos

The premises boundary is **2m** from our house, the area shown in the plan is only~ **40m** from our house.

Along with other incidents of antisocial behaviour and nuisance, the premises "event" history has caused substantive noise and vibration nuisance, operating directly up to the boundary 2m from our house. The police authority has been previously consulted.

Under the 28-day rule events have included outdoor events and overnight outdoor events lasting up to 3 days.

Specific promotions include adult weekend camp, various camping event references include bringing "your wagon, tent or caravan to sleep in" and "disco"

There seems to have been a somewhat surreptitious route over time to arrive at this point of licence application

-portacabins becoming a seemingly un permissioned permanent shop followed by a change of use to a 42.19sqm "modest café" for their customer base" with no rateable value.

Currently undergoing substantive material expansions that would appear to; have a footprint of ~160sqm and an overall area of at least 300-350sqm, as the application plan is un demarcated.

It would seem that serious considerations need to be made by the relevant authorities and committees regarding the scope and impact of what the application really permits, facilitates, and enables not only in respect of the four licensing objectives on the community but the implications for the limited resources of the authorities themselves.

Whilst this representation recognises the authority has a pool of model conditions:

Considering the concerns in respect of adherence to other acts and regulations such as Safeguarding, HSE74, PUWER and CIEH sector specific regs
Planning – buildings, permissioned operations, and conditioning such as carparking.

It would seem unlikely that any imposed conditions would be adhered to and there is significant risk of workaround.

Whilst this representation recognises the role of enforcement:

Even within current applications, we see in another case it has taken a chief inspector **two** years to be able to get to the point of an application for review of a premises licence.

The impact of elapsed time in this case would cause irreparable harm due to the level of nuisance.

The ongoing monitoring, recording, reporting and response is an unreasonably onerous burden for both; impacted people and the relevant authorities limited resources.

It is concerning that the application has come to light by chance being found in a free paper that is not even delivered in this area.

Had the conventional and appropriate planning approvals route been taken it is unlikely that we would be in a position today of considering this licence application.

Due process would or should have included the consideration of the history, risks and regulations applicable to the overall premises along with individual and cumulative impact assessments of all of the premises' operations by the relevant authorities in conjunction with consultation.

I would therefore respectfully request that this application is rejected, and any future applications should not be considered until due process lead by planning, including direct notifications and in appropriate consultation with all relevant authorities and stakeholders is enacted.

The application does not declare “any other information which could be relevant to the licensing objectives.”

Please give a general description of the premises (please read guidance note 1)

A BISTRO SERVING FOOD BOTH INSIDE AND OUT.

THE CURTLIDGE OF THE PROPERTY IS SHOWN ON THE MAP PROVIDED AND THE AREA OUTLINED IN RED. TABLES AND CHAIRS WILL BE PLACED TO THE FRONT AND REAR OF THE PREMISES.

The premises in whichever form you choose to interpret them, seem by way of location to present very relevant insurmountable conflicts with their existing businesses and operations, that would prevent the achievement of the four licensing objectives.

Overall, there appears to be no recognition of, let alone plan for control or even mitigation of the risks in respect of the licence application

or

how existing risks are amplified, and new ones created due to the conflicts and risks associated with their existing businesses and operations on the premises.

8-3 17 Application for change of use from an “existing” shop (class A1) for which no planning application exists on the LA portal, to café (class A3)- 42.19sqm was

“to form additional catering services to their customer base. This additional service would provide an alternative income stream to ensure longevity and make the business more sustainable”

In the original planning officers change of use report references are made to “the modest scale of the cafe” and “The scale of the proposal at 42.19 square metres would be unlikely to have any significant detrimental impact...”

No business ratings assessment / rateable value has been assigned to the buildings.

Conditions Imposed relating to parking and the area being retained in respect of those conditions.

Since approximately early September 20 the area shown on the plan is undergoing substantial material changes that by function of size and the inclusion of an expansive outdoor area will have a significantly increased impact on nuisance levels caused by licensed activities

An extension that appears to triple the size of the café

The plan shows the shop is absorbed in the café, approximately doubling the indoor area, whether this is in progress or the plan is creating validity for planned changes is unclear.

By virtue of the approving the licence, the approved area with activities that was restricted to indoors would grow from 42.19sqm to an estimated foot print of ~ 160sqm and an overall area of at least 300-350sqm, as the application plan is un demarcated.

This area on the plan within the application is close to the access from the main road.

The area shown in this plan is in fact the central hub used for other businesses and operations on the premises.

1. EXISTING conflicts and risks associated with existing businesses and operations on the premises that prevent the achievement of the four licensing objectives:

See Appendix B photos

Vehicles

Access for vehicles coming off a high-speed busy road is via an entrance that appears only wide enough for one substantive vehicle to pass through.

Inadequate and/or inaccessible alternative parking across the west frontage of the premises results in vehicles regularly being parked; in this area, along the road verges and partial blocking of the main access preventing emergency vehicle access

This central hub area is used as the main reception, unloading, offloading, turning, and reversing area by a range of substantive vehicles that require significant maneuvering space.

Some examples being large wagon type horseboxes and vehicles with horse trailers advertised as "Trailer/lorry parking available"

Agricultural type vehicles such as tractors and or trailers or those delivering the necessary large quantities of hay, straw, feedstocks and ancillary supplies.

Along with which you should expect a range of normal support services vehicles and their service provision operating in the hub such as blacksmiths, tack and rug fitting, veterinary and associated professionals etc.

Other commercial type vehicles such as flatbed trucks and large vans that may be associated with other businesses and activities that seem to be operating from the premises and hub area.

The premises have a history of at least 6 limited companies, seemingly un-permissioned however registered as operating in areas such as:

Wholesale and retail trade; repair of motor vehicles and motorcycles: Construction, Other building installation, electrical installation: Wholesale wood, construction etc. Wholesale of wood, construction materials and sanitary equipment.

Whilst these have all been dissolved predominantly it would seem by or during compulsory strike off processes

Current non-limited company reports do indicate the applicant is continuing operating the premises as CPI Supplies- Builders' Merchants, giving additional concern to the level of conflict and risk of the licence application in the hub and wider areas.

Historical example would include cars wanted for cash signage with vehicles displayed on the council verges.

There is a secondary access that is only a standard field gate width, its proximity, angulation, and lack of splay in relation to the main access, along with fixed features in the hub area prevent adequate turning circles or reversing for these large vehicles and preclude it as an alternative access option or forming a one way system.

Horses and People

Regular loading and offloading of horses in the hub area such as travelling to daytime or evening events at other premises or to access riding opportunities in beach/ country locations.

**CIEH "Hazards to people in the vicinity include kicking, biting, or injury arising from crushing or being struck as the horse rears in the air. Further hazards arise from the weight of the doors falling onto people including when horses barge their way past"*

Unpredictable and by nature typically urgent transports to veterinary hospitals will always be required posing serious additional risks as horse may be distressed.

Horses being ridden out of and off the premises and returning.

Movement of horses across the area.

Movement of people including children accessing and within the premises such as customers, staff, and ancillary services.

Fire Safety

Equestrian premises by nature have significant fire risks due to combustible materials and spontaneous combustion of muck heaps.

The hub area is used for the storage of combustible materials such as hay and straw.

In addition to other areas around the premises the hub continues to be used as a storage area for large quantities of flammable gasses, typically these are directly adjacent to the café and storage is in a manner that appears to be contra to multiple aspects of the regulations.

Ignition sources such as smoking occurs across the wider premises.

Out with the hub area across the wider premises there is an array of easily observable conflicts and hazards, due both to the nature of existing businesses and the general the poor state of order, maintenance and other such matters covered predominantly under HSE74, PUWER and CIEH sector specific regs. E.g vehicles, agricultural vehicles such as mowers, fencing, slips, trips, falls, fire, impalement, injuries from horses, trapping, entanglement

It is clear that time conditioning of activities would not work as its restrictions would destroy the equestrian and livery business and mean horses could not depart for urgent veterinary access.

Equally it would seem measures such as high impact safety barriers would not work as they would channel new conflicts between vehicles, horses and pedestrians - arriving, departing or using toilets. Emergency access to the wider premises would be prevented and the fixed features of the hub would prevent adequate turning or reversing of routine vehicles.

However, the entire operational plan to meet and promote the four licensing objectives and meet regulatory requirements is:

Describe the steps you intend to take to promote the four licensing objectives:

s) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

THE PREMISES SHALL OPERATE A CHALLENGE 21 POLICY WITH CHALLENGE 21 POSTERS DISPLAYED ON THE PREMISES.
A REFUSALS LOG WILL BE MAINTAINED AND WILL BE AVAILABLE ON REQUEST.
PHOTOGRAPHIC ID WILL BE REQUESTED
ALL STAFF WILL BE TRAINED ON LICENSING ACT 2003 ON A REGULAR BASIS AND THIS TRAINING WILL BE DOCUMENTED.

Overall

There is no attempt to meet the Licensing Act 2003, its statutory guidance or NCC Statement of Licensing Policy including its corporate priorities and links with other strategies.

There appears to be no recognition of the requirements of the four objectives, let alone plan for control or even mitigation of the new risks in respect of the licence application or how existing risks are escalated and new ones created due to the conflicts and risks associated with existing businesses and operations on the premises.

2.TRIGGERED by the approval of the licence the existing risks and conflicts would all increase and prevent the achievement of the four licensing objectives due to:

The severity of consequence:

Increased numbers of people impacted

Likelihood of occurrence:

Increased operating hours

Increase in vehicular traffic, conflicts with the number and substantive nature of vehicles on premises

People unfamiliar with premises hazards and risks and potentially intoxicated/ under the influence.

Horse specific risks

Likelihood of occurrence and non-detection

Much of the premises is out of line of sight

Control of combustible materials and ignition sources such as smoking whereupon high risk areas such as the muck heap adjacent/ overflowing onto car parking, and stables/ other storage areas are out of sight lines.

The specifics of the application in respect of:

NEW issues, risks and conflicts that prevent achievement of the four licensing objectives

Crime & Disorder

There is no plan to promote the objective regarding “the prevention of crime and disorder”.

The applicant has failed to identify or address any of the licence requirements under LA 2003 s140-143 and NCC LA policy 1. -1.1,1.2, 1.3 and its sub elements within the application when all seem applicable.

Or overarching objectives such as 3.1.4 promote good practice..... deter poor practice, ... neighbours, residents and businesses.

Or 3.1.6 1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.

The plan should include reasonable steps and practical measures and prevent, recognise and address crime and disorder and the prevention of injury as a result of aggression or accidents in relation to alcohol and drug misuse.

Pub watch “even the most responsible and well-run licensed premises are not immune from issues surrounding drugs.”

HO Drugs Misuse Survey: “Higher prevalence rates of drug use were associated with higher frequency of visits to pubs, bars”

“(20.3%) adults aged 16 to 24 had taken a drug in the last year” “indicating a genuine rise in Class A drug use among this age group

Specific aspects that will prevent the crime and disorder objective being met include

a) Out with the premises

The unlit footpath, accessible and maintained verges run only in in an easterly direction from the premises access directly across the frontage of the neighbouring property.

There are inadequate lines of sight across the frontage of the premises

Significant risks and antisocial behaviours are posed from arrivals & departures up to 01:30 every day by individuals or groups of people that may be impaired or intoxicated, and emboldened.

Subsequently there are the road safety concerns of people driving vehicles and congregating or dispersing such as those waiting for taxis or dispersing along the footpaths.

This also presents opportunities for crime including illicit dealing of a range of products and substances via unseen drive bys.

Contra to the LA corporate objective that *“all residents genuinely feel safe, belong”* activities within and out with the premises would create the both the increased fear of; and actual risk of crime and disorder to others living or working or using community paths and verges.

Aside from adjacent neighbours, other community residents directly impacted include the staff support team and several dog walkers along with some regular walkers, runners and cyclists that at best will be faced with the fear of ;being approached, followed or targeted by individuals or groups on an unlit rural road.

b) Access to the premises

Whilst the statement refers to operating a challenge 21 policy with challenge 21 posters displayed

The choice of the minimum challenge 21 that has been superceeded in best practice by challenge 25 is perhaps in itself telling in regards of the anticipated age range of customers.

Access to the premises is not controlled and gives direct access to the fuller premises there are inadequate lines of sight to form visual access control.

LA2003 Children and alcohol 146...150 is not addressed by access control and is of particular concern.

c)Within the premises or area on the plan

The absence of any plan, along with the lines of sight, the expanse of the area on the plan and the accessibility of the wider premises pose real concerns in respect of previously raised points such as

Crime and disorder, antisocial behaviour and the prevention of injury as a result of aggression or accidents in relation to alcohol and drug misuse.

Refusals Log- How will incidents or illicit dealing be practically managed within and off the premises and out of the vicinity of the premises?

LA2003 Children and alcohol 146...150

Public Safety

There is no plan to promote the objective regarding "public safety".

The applicant has failed to identify or address any of the licence requirements under NCC LA policy 2. -notably 2.1, 2.2 within the application when all seem applicable.

Overall, there are conflicts with both the vision statement and key corporate strategies

Vision

... high quality, well managed, operating within a safe, orderly and attractive environment; valued by those who live here, work here operate responsibly and safely to ensure our residents live in decent neighbourhoods and have a good quality of life.

Corporate strategies

Places and Environment: *safe* "travel using different modes of transport

"Stronger Communities and Families: ...all residents genuinely feel safe, belong, Health and

Well Being: ... ensure that everyone has the opportunity to lead healthy, independent lives for as long as possible and to safeguard our most vulnerable residents in a way that maintains their dignity and confidence.

Specific aspects that will prevent the public safety objective being met include

Existing risks conflicts and risks associated with businesses and operations of the premises particularly the extensive vehicular and equestrian use of the access and area shown in the application plan is a serious safety concern.

Parking is currently inadequate and inaccessible this is a serious safety concern both within the premises and on the main road the issues would increase as a direct result of licensed activities.

The premises are located on a "fast stretch" of the A196 whilst the road has a speed limit of 50mph. and has a history of serious accidents.

Impact of the licensed activities on horses in respect of risks and consequence recognising that;

These are not professional working horses such as police or RDA horses that undergo substantive desensitisation and conditioning in response to environmental factors and startling. The premises operate as a livery yard with privately owned horses, unknown histories, and trigger risks.

To directly quote the applicant from an objection made 10-6-14 within a planning process in respect of controlled dog training occurring in a contained area 150m metres away from their only permissioned riding arena

"without question the horse`s natural instinct when frightened is a "Fright and flight response" and even the quietest animal will bolt. Many of our clients are either very young children (from aged 4 upwards) disabled riders, elderly riders or nervous/ novice riders who are learning to ride and do not have the range of skills nor expertise to deal with a spooked / runaway horse"

There would seem to be an increased frightening and bolt risk as a direct result of licensable activities, including groups of potentially intoxicated people as triggers or bystanders , resulting in the potential consequence of horses careering into adjacent vehicles and people, causing injury either within the premises and /or bolting directly on the main road.

There is a significant concern for the safe travel by people who use or work in the area using different modes of transport such as including lone walking and cycling and motor vehicles accidents when the road is already an accident blackspot.

Glass is a particular concern considering the expansive hard surfaced area and the risks posed from intentional or accidental injury not only to licensed activity customers but also children and horses using the area along with community users such as dogwalkers on the adjacent verges and path.

There does not appear to be a food hygiene rating as yet for the café on the gov. website

The buildings are not code M compliant (DDA) a ramp that may or may not comply does not meet the scope of the equality of access or emergency egress requirements. Individuals who have impairments will be at increased risk of accident or injury as a direct result of participating in the scope of licensable activities.

The recent over cladding of buildings that will be used as a central service point for licensable activities in what appears to be rough sawn timber raises some combustibility and fire retardant questions in respect the revised cladding and fire guidance issued, particularly as they will assumedly use and store LPG within and/or nearby.

Waste treatment: Willow burn runs adjacent to the property and flows to a SSSI this could be of public safety concern in respect of BS EN 12566-3 or BS6297 due to regs changes and the increased numbers of people and level of processing required as a direct result of approving the licence.

The prevention of public nuisance

There is no plan to promote the objective regarding "The prevention of public nuisance".

The applicant has failed to identify or address any of the licence requirements under NCC LA policy 3. --3.1,3.2, 3.3,3.4 within the application when all seem applicable.

The premises have a history of nuisance, disturbance and antisocial behaviour

See Appendix C Photos

The police authority has been previously consulted reference number ending 14. Input documents are available.

The vulnerabilities of an adjacent neighbour are of a severity that a multi organisation team put together a personal response and support plan reference number ending .. xx the police authority has the master document. * *Caldicott*

Some acts appear directly targeted at the highly vulnerable individual such as.

Blocking the windows with vehicles parked in an empty field ...the latest being a large caravan documented in the support logs as arriving 28th August and remains in place to date

During the hot period of lockdown a group of screaming children reported as adjacent to the fence for a long period of time forcing him indoors and requiring all windows doors to be closed to mitigate some of the effects of the impact the disturbance.

Night time disturbance from a group of adults leaving the premises during lockdown.

2020 with Covid has been an exceptional year

Historically occasional daytime and overnight horse related "events" operating up to 2m from our house have caused significant nuisance and disturbance including the use of amplified announcements and music being played through this system, operating generators adjacent to the boundary fence vibrating through the house. Night time disturbance is recorded from camping events.

Late-night discos have been held after events resulting in music and shouting being heard within the house and bass vibrations being felt through the floors.

Inevitable disturbance from arriving and departing people and vehicles.

Traffic management required multiple people and inevitable shouting of directions

Litter and burning of waste issues are ongoing, exacerbated by the wind direction

Specific aspects that will prevent the prevention of public nuisance objective being met include

Major disturbances and the ongoing cumulative effects of low-level nuisance from:

Numbers of people, Noise, Vibration, Antisocial behaviour, Light, Odour, Litter

Environmental factors such as distance, outdoor location, and the prevailing west to east wind,

Timing and duration

Inadequate inaccessible parking

Those affected include:

Residential neighbours and their rights to a home, the staff support team along with their ability to meet duty and perform their roles and the likely loss of their skilled jobs as a direct result of a licence being approved.

Slightly more distant neighbours and their livestock along with other community users

Neighbouring business:

The conscious and unconscious negative perceptions caused by association as potential customers pass the premises.

Whilst there is distance separation and we have put mitigation in place from this southerly aspect there are concerns particularly with regard to amplifier systems/ amplified noise for the work we do work rehabilitating, desensitising and counter conditioning sensitive dogs being rehomed having come from fearful and or abusive situations.

There is limited scope for nor any proposal for mitigating any of these factors.

Overall, the effects of approving the licence have an unacceptable adverse impact on local residents and those who work in, or use the area, they are disproportionate and unreasonable, particularly in a rural green belt area.

The Specific Factors

Numbers of people

Based on the number and size of picnic benches that have appeared recently it would seem the intent is to be able to accommodate in excess of 50 people seated plus.. #? standing, plus the entertainer's / entertainment area.

Distance

The premises run to within **2m** of our house. The un demarcated area shown on the plan is **~ only 40m away**

Noise nuisance

Through previous planning objection in respect of controlled dog training occurring within a building ~120m away from their home the applicant has evidenced a good awareness of the levels noise of nuisance that will be associated with this indoor and outdoor licence application that will prevent the achievement of the prevention of public nuisance objective.

23-3-13 *"Whilst the application lists the barn as the main training centre, the noise factor from dogs barking within a building of this structure may be significant. I would also envisage that noise would be heard whilst dogs arrive/ leave. The application also lists that evening sessions between 5pm and 9pm would run on weekdays and as this is mainly the time that my family and myself spend in our home, it would potentially cause nuisance noise. The average noise level for one dog barking is around 50 decibel's however this soon rises to between 95 and 115 decibels where several dogs are accumulated in the same area."....*

"Whilst I would have no objection to the training being carried out in the barn area (if assurances could be given to minimise noise disruption or perhaps sound absorbing or baffle panels where fitted),"

Planning officers' reports in respect of dog training applications state *"In terms of noise mitigation the location within the site of the dog training area, Officers consider that the prevailing wind (west to east would carry the majority of any barking noise in this direction. However, to further enhance the mitigation again the distance is a contributing factor"*

The scope of this application includes indoor and outdoor licensed activities such as amplified music and dance for up to ... 5,000 people alongside the consumption of alcohol and potentially large groups of loud individuals potentially under the influence within the premises.

*It should be noted that technical references state that sound waves are not absorbed by outdoor hard surfaces such as buildings they bend around them.

Out with the premises noise disturbance from arrivals and departures or congregating or dispersing such as those waiting for taxis or dispersing along the footpaths.

Vibration Nuisance

As late-night discos have been held after events resulting in music and shouting being heard within our house and bass vibrations being felt through the floors these effects should be expected to increase in frequency, severity and duration with the likely expansion into party type events.

Antisocial behaviour

Increased likelihood of antisocial behaviour and emboldened previous behaviours.

Lighting

The premises have in recent weeks installed a high-powered floodlight over the open area that as evidenced in appendices is dazzling road users approaching from the west (Stobhill direction). The nuisance and dangers posed will increase significantly as we move through winter when the deciduous hedging that currently affords some degree of screening loses its leaves

The light is positioned to dazzle vehicles accessing the site, which under the best of conditions let alone these has substantive risk of drivers coming off a fast road and possibly under the influence of alcohol and drugs ploughing straight into people in the open area.

Its use will increase as a function of operating hours if the license were approved

This is in addition to the dazzle issues caused in the same westerly direction by the riding arena floodlights that appear un-permissioned. The cutting down of a large row of screening trees I believe earlier this year has increased the problem now the darker nights are upon us.

Odour

The planning officers report 7-4-17 in respect of a change of use from A1 shop to A3 café noted odour mitigation in respect of “the scale of the proposal” and “an external flue”

The increase in the scale of the proposal and expansion into outdoor areas possibly including cooking/ barbeque / grilling activities would likely cause negative effects particularly considering the west east wind direction.

Litter

Litter is an ongoing issue from current activities including an abundance of confectionary wrappers from products targeted at children.

An increase in litter from the numbers and potentially nature of people involved along with items such as paper napkins and potentially takeaways, and people arriving or departing as it is not uncommon to find or even see items being thrown from passing cars.

Outdoor Location and Prevailing West to East Wind Direction

As previous planning officers reports regarding the west to east wind direction. This application being for indoor and outdoor areas significantly increases most factors of public nuisance in respect of the application.

Timing and duration

The licensing hours being applied for undermine the licensing objectives

The premises are stated to open at 08:00 so considering dispersals realistically occurring up to 01:30 Monday – Sunday, the premises public nuisance impact is ~ **17.5 hours per day, every day.**

Following the potential 15hrs of all day and evening impact of the premise’s daytime activities, events and operations then notably the premises appear to be the only venue in the area offering late night refreshments to 01:00

The impacts of individuals arriving or departing to carry the night on either in groups on footas it probably won’t seem so far when under the influence... or even driving whilst under the influence exacerbates the impact of timing and duration.

Inadequate/ Inaccessible parking

Along with tooting horns and car doors slamming then as can be seen in the appendices parking for current needs is inadequate and inaccessible. There is serious impact of public nuisance and safety risks on the fast road as a direct result of this application.

Equally there is an event history of the field adjacent to our boundary and within 2m of the house being used for parking of vehicles causing significant disturbance.

There is limited scope for nor any proposal for mitigating any of these factors

Overall, the effects of approving the licence have an unacceptable adverse impact on local residents and those who work in, or use the area, they are disproportionate and unreasonable, particularly in a rural green belt area.

The risk of harm to children

There is no plan to promote the objective regarding "The risk of harm to children".

The applicant has failed to identify or address any of the licence requirements under NCC LA policy 4. –notably 4.1 where appropriate 4.2 loud noises, 4.3, 4.4 demonstrable policy, unaccompanied (*unsupervised*) children, 4.10 adequately protected , 4.12 policy and verification.

Specific aspects that will prevent the risk of harm to children objective being met include

Conflicts and risks associated with existing businesses and operations of the premises.

History of concerns regarding safeguarding and protection of children from harm such as;

Multiple instances of unsupervised young children being present in fields with horses and not wearing hats.

Several instances of unsupervised young children riding around on an agricultural mower sometimes two at a time and including the engagement of blades that, in one observed instance sent debris flying due to the blade height settings.

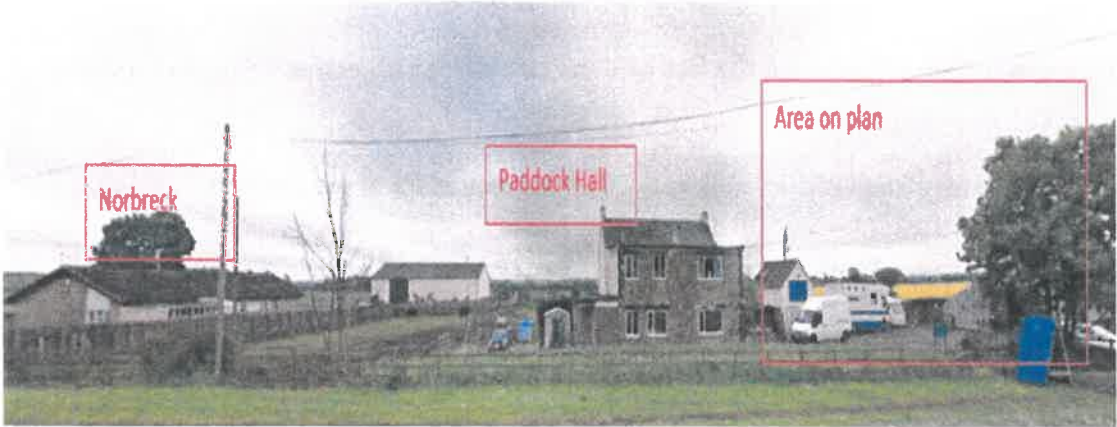
The level of supervision in specific respect of the application is of concern particularly regarding the potential for unsupervised access to alcohol, inappropriate behaviour, language or remarks.

The demographics of riding establishments typically include numbers of teenage girls who have their own specific vulnerabilities and safeguarding risk profiles.

Appendices Photos

Appendix A - Location

Location



Plan area



Appendix B - Existing Conflicts and Risks

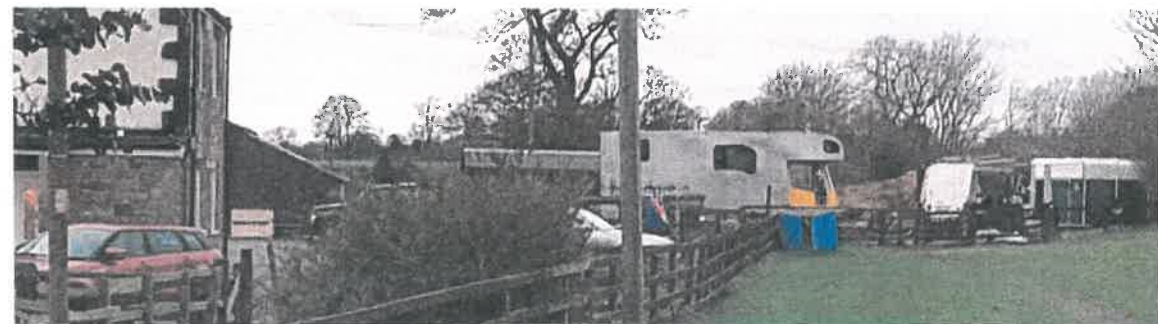
Inadequate and Inaccessible parking, parking on verges, blocking access



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Parking area across westerly frontage inadequate / inaccessible



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Blocking access and parking in hub area



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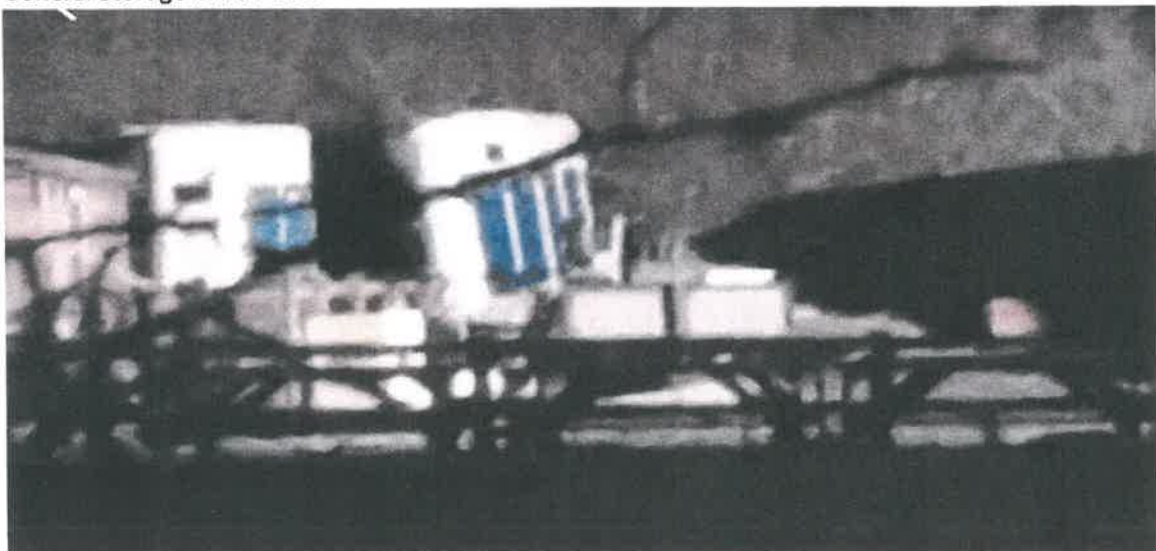
Hay/ straw storage in hub area



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General Storage in hub area



Flammable gasses

26-11-20 Level of weed growth inside and in front of unused storage cage, LPG tanks



Flammable gases storage in the hub area



Road user dazzle from newly installed light



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Appendix C – Nuisance History Examples

Vehicles parking in empty field

Current window blockage since 28-8



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Historical



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Applicants horsebox parked in front of his bedroom window... empty field



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Event vehicle parking, events



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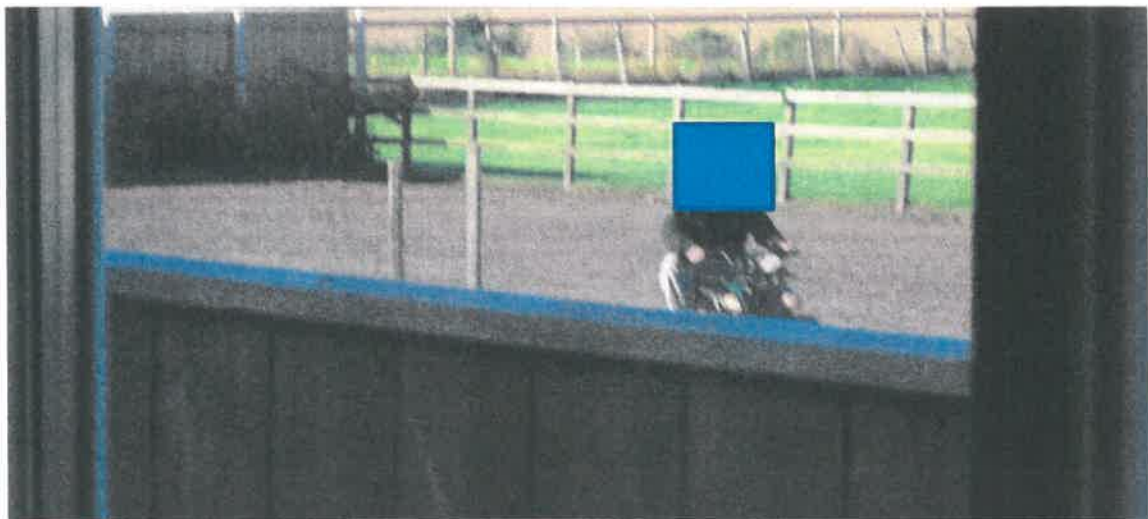
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Signed A J Maher Date 04-12-20

Please send this notice to the address below:

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