

LICENSING (SCOTLAND) ACT 2005

NOTICE OF OBJECTIONS/REPRESENTATIONS



SCOTTISH BORDERS LICENSING BOARD
Licensing Unit, Council Headquarters, Newtown St Boswells TD6 0SA

Name and Address of Premises

Scoutscroft Holiday Centre
St Abbs Road
Coldingham
TD14 5NB

Name and Address of Objector

Kay Barnes
Scoutscroft House
St Abbs Road
Coldingham
Scottish Borders
TD14 5NR

Nature of Objections/Representations

We act for KAY BARNES who resides at Scoutscroft House, St Abbs Road Coldingham, Scottish Borders, TD14 5NR (the "Objector").

The Objector has instructed us to submit this objection in the strongest terms to the application by VERDANT LEISURE 2 LIMITED (Company number 07697494) and having its registered office address at 10 Mannin Way, Lancaster Business Park, Lancaster, England, LA1 3SW ("Applicant") for a major variation of its Premises Licence SB/PREM/12 (which was granted by the Licensing Board on 1 September 2009), the details of which are repeated below:-

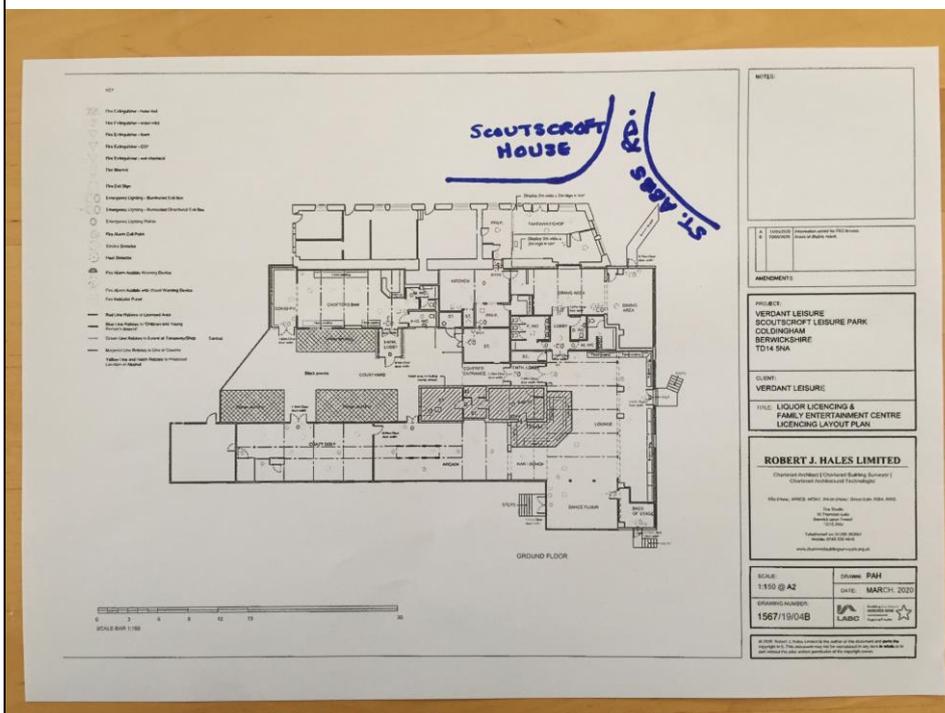
"Variation applied for

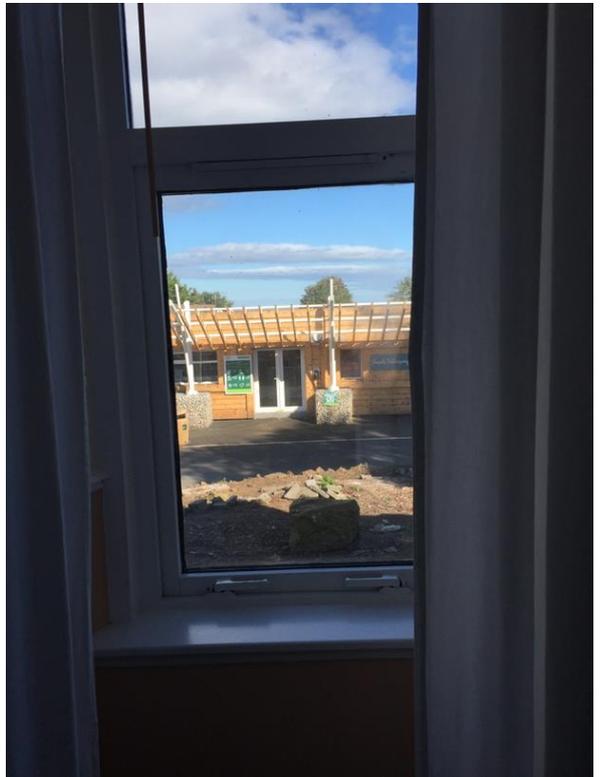
Amendments to Operating Plan and Layout Plan:

- Amend On Sale and Off Sales opening hours on Sunday to commence at 11am (currently 12.30pm)
- Include following activities outwith core hours: bar meals, receptions, live performance, and gaming outwith core hours
- Amend seasonal variation: the premises may take advantage of any general extension granted by the Board in terms of its Policy
- Include Off Sale capacity of 10m²
- Addition of shop within main building and reconfiguration of unlicensed Family Entertainment Centre
- Change description of premises to: detached holiday complex in a small busy rural village comprising of 2 public bars – one with external patio area, both with attached lounges, one restaurant area and a small shop"

Summary of Grounds of Objection

The Objector owns and occupies the closest residential property to the Premises. The Objector and her family have been subject to increasing amounts anti-social behaviour from the operators/occupiers /patrons of the Premises. Please see the Objectors home overlaid below on to the Plan Layout together with photographs (taken from the Objector's home) showing the very close proximity of the Premises to her home:-





Over the last 3 years numerous outdoor disco and karaoke events focussed on the patio area, with excessive noise levels and unsupervised drinking and possible underage drinking have taken place. This has seriously affected the amenity of the Objector's home and the village more generally. At times the noise levels and disturbance are verging on the intolerable. The police have been called out on many occasions and should have kept accurate records of this unacceptable conduct. The Premises lack proper management and supervision and the absence of an onsite manager seriously exacerbates this.

The Applicant has not complied with its existing Premises Licence and Operating Plan and this is a matter that the Board should now immediately investigate and initiate a statutory review into. Fundamentally, the Premises lack effective management and control. The Application to vary the Premises Licence will inevitably lead to an exacerbation of this unacceptable conduct and misbehaviour and it should accordingly be refused. It is seriously doubted that the Applicant has adequate planning permission to undertake all the uses and activities it currently does, let alone what is proposed in the Application to vary.

The Objector objects in terms of the grounds of refusal under Section 23(5) of The Licensing (Scotland) Act 2005 ("2005 Act"). It is considered on the facts that that the Applicant is not a fit and proper person to hold a Premises Licence and is currently in serious breach of the Board's statutory licencing policy and the manner in which the Premises are being run is entirely inconsistent with all of the Board's Licensing Objectives under Section 4 of the 2005 Act which we set out below:-

- Preventing Crime and Disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting and Improving Public Health
- Protecting Children from Harm

In addition, it is considered that having regard to:-

1. the nature of the activities proposed to be carried out on the Premises;
2. the location, character and condition of the Premises; and
3. the persons likely to frequent the Premises.

that the Premises and/or significant parts of them including all outside areas are unsuitable for use for the sale and consumption of alcohol.

The granting of the Application would also result in the overprovision of off-sales licensed premises in the locality as there is adequate provision nearby in the village.

Further information is set forth below in relation to each of the headings of the Application which is deemed to be incorporated into this objection.

Amend on Sale and Off Sales opening hours on Sunday to commence at 11am (currently 12.30pm) and Include Off Sale capacity of 10m²

The Objector seriously questions the need for this and has very understandable concerns that this will result in increased noise disturbance from a consequent increase in outdoor drinking areas (as specified on the Premises website). An enlarged patio has been installed to enable more outdoor drinking (this was done prior to the current Covid-19 crisis and seems to have been motivated entirely by revenues, without thought for local residents). Extending Sunday off-sales hours will also lead to increased noise and disturbance and unsupervised and underage drinking. We would seriously question whether this enlarged patio area has planning permission.

Off sales are already available in the village shop. Given noise disturbance from unruly patrons, the Objector objects strongly to the over provision. The current provision (village shop) is also responsibly managed by the owner, and there is no record of antisocial behaviour arising from that business in contrast to the Premises where there is undoubtedly an antisocial behaviour problem with regard to the Applicant's current level of business – without further expansion).

Patrons gather on the picnic tables around and opposite the Objector's home, causing noise and disturbance. Allowing off sales simply enables drunken behaviour without park staff supervision. Patrons have been coming onto the Objector's home to use the bins, because provision is not adequate - and because drunks don't look further afield to dispose of their empty cans and take-away cartons.

The Objector has very serious concerns about underage drinking - the provision of off-sales, coupled with benches and seating not visible from where the alcohol is sold means that there is increased likelihood of unsupervised youth drinking.

The Objector has serious concerns regarding patron behaviour - the closing time spill-out already results in rowdy behaviour.

Include following activities outwith core hours: bar meals, receptions, live performance, and gaming outwith core hours

There have been numerous occasional outdoor disco and karaoke events in the last 3 years, focusing on the patio area, which is close to adjacent housing - these have been repeated weekend events, with noise permeating through the Objector's home, even with all windows closed, often till late at night. The outdoor speaker systems have been rigged up in the car park, with the result that it is like having to live in the middle of a music festival event. These have happened on Saturdays and Sundays, when it is impossible for the Objector and other residents to sit outside in their own gardens.

A verbal complaint and request to turn the noise down on one occasion (in the late afternoon) resulted in a threat of violence from the disco operator.

When these events take place, often late into the night, the noise within the Objector's home is quite unbearable. The outdoor element of the entertainment usually finishes by 10 pm, but following this VERY loud noise from INSIDE the bar (which is also right next door to the Objector's home) can go on till the wee small hours. The police have been called on multiple occasions and despite verbal assurances, these events continue to be held, continue to be loud and are a serious disturbance to all neighbouring properties

Also the same concerns about patron behaviour exist with regard to events being held in the club house. See comment in previous paragraph. Also, the club house is used for external functions, which cause additional traffic/parking hazards and nuisance. People leaving the venue in the early hours of the morning are often drunk and extremely noisy, featuring arguments, vehicle doors slamming, shouting, carousing – everything you would expect from an unmanaged drinking party.

Amend seasonal variation: the premises may take advantage of any general extension granted by the Board in terms of its Policy

Currently the peak of disturbance is between Easter and late Summer/early autumn (although some events have been outwith these dates). The Objector strongly objects to variations to the Premises Licence that are likely to create a further a public nuisance in breach of the Board's policy.

Addition of shop within main building and reconfiguration of unlicensed Family Entertainment Centre

The addition of a shop would give rise to additional traffic and transient visitors and the entrance is on a blind corner where there are already safety concerns, and where parking provision is not obvious at night - meaning patrons park across the Objector's driveway. It requires to be established that the Applicant has the necessary planning permission for this intended use as a shop. We attach a photograph of the blind corner below:-



The existing fish and chip shop (and the benches outside) has already become a magnet for youths misbehaving. The fish and chip shop door is kept wide open and the smell (this is the smell of stale oil – quite repulsive at times) is continuous. Prior to recent cosmetic changes to the entrance of the caravan park, there were also 4 parking spaces opposite the Objector's home, now reduced to 1 - which is usually occupied by the Applicant's van, so people park dangerously and block the Objector's driveway. The parking spaces were blocked by the addition of a picnic table and benches, and cosmetic alterations to the frontage of the retail and storage units opposite the Objector's home. There is a small car park beyond the area in question, but it is already inadequate to the Premises needs and is usually full to capacity. When there are special events or external bookings at the club house, the parking is woefully inadequate and dangerous. Additionally, visitors to the take-away simply do not use it, as it would necessitate walking an additional 50 yards or so from the car park to the take-away. They simply "double park", park across the Objector's driveway, and park dangerously close to the junction at the entrance to the caravan park and St. Abbs Road, on a blind junction as above.

Coldingham has enjoyed excellent service from its little village shop and mini-market for many years. It is relied upon by elderly residents. This has been especially apparent during the current Covid-19 pandemic, when the shopkeeper has regularly delivered essential supplies to local residents. The addition of a shop on the caravan park will significantly undermine the viability of the village shop.

Change description of premises to: detached holiday complex in a small busy rural village comprising of 2 public bars – one with external patio area, both with attached lounges, one restaurant area and a small shop.

The existing description from the Premises Licence is:

Detached Holiday Complex in small busy rural village comprising:

2 public bars – one with external patio area, both with attached lounges and one restaurant area

The Applicant wishes to include reference to the “small shop” in the varied Premises Description. For all of the above reasons the shop should not be included in a change of description. We would ask that the Board looks critically at the description of the Premises in the Operating Plan and the Premises Plan. The authorised uses should be checked to establish if they have the necessary planning permission and properly cross referenced to the Operating Plan and Layout Plan.

Conclusion

On behalf of the Objector we respectfully invite the Board to refuse the Application and also to seek an urgent review of compliance by the Applicant with the existing Premises Licence and Operating Plan.

The Objector would wish to speak or be represented at the meeting of the Board to consider the Application.

Alastair McKie

On behalf of the Objector

9 September 2020

Partner

Anderson Strathern

1 Rutland Court

Edinburgh

EH3 8EY

Parking Pictures



