

EMAIL REPRESENTATIONS – KIOSK @ RUTLAND WATER

REPRESENTATION FROM	EMAILED REPRESENTATION / REPLY
<p>Cllr Gale Waller</p> <p>Received 3/3/23</p>	<p>Licensing,</p> <p>I wish to object very strongly to the granting of this licence. This property is, essentially, a small portacabin intended to provide refreshments to walkers and cyclists using Rutland Water. It replaced a temporary facility. It is situated very, very close to housing and a wood; the owners of which encourage wild life through this calm and pleasant habitat not accessible to the public. There is no indoor seating for users of this cabin; it is essentially a “take-away” with picnic benches outside.</p> <p>As a refreshment facility for walkers/cyclists the selling of alcohol is not appropriate, especially as the drinking of it will be in the open and in an area not policed; we have had problems in the past with visitors misusing Rutland Water in the evenings in particular and causing a serious nuisance to residents of Normanton Ward.</p> <p>Selling any refreshments, essentially in the open, so close to residents is not appropriate after, say, 6pm. It is certainly not a suitable venue for an alcohol licence till 9pm. seven days a week.</p> <p>It is also not appropriate for the cabin itself to be open till 11pm, 7 days a week. How could we expect our residents to get any peace in their own homes with this facility next to their garden? Noise carries on a calm summer evening! It would be reasonable to grant a non-alcohol licence from say, 9am to 5pm.</p>
<p>Cllr Gale Waller</p> <p>Received 5/3/23</p>	<p>Licensing,</p> <p>I am told by a local resident that in the planning application Anglian Water said the kiosk was a like for like replacement (which has proven not to be the case with this licensing application) and it was in line with the other cafes in the various car parks. None of the other cafes have a licence to serve alcohol yet they are asking for one at this small kiosk with no indoor seating facilities; no lavatories and nor are they on SSSI grassland in an idyllic Rural area as they are all at car parks.</p>
<p>Reply to Cllr Waller from Darren Dolby</p> <p>Sent 8/3/23</p>	<p>Good morning</p> <p>Thank you for your emails regarding the recent premises licence application made by Anglian Water Services Ltd. Firstly, I can confirm that the location of the application is, as described on the application form, the kiosk near to Normanton Church, Rutland Water. The address sent out with the initial consultee email was that assigned to the</p>

	<p>given postcode on our system to Sykes Lane. I have asked the Licensing Team to send out an email to all consultees to confirm the actual application address. Our apologies for this initial inaccuracy.</p> <p>In relation to your concerns with the application I am only able to comment on the licensable activities applied for within the application. The other concerns relating to non-licensable activities have been passed to the appropriate Council department(s) to comment.</p> <p>The application is for the licensable activity of the retail sale of alcohol from the kiosk from 9am to 9pm. These sales are only for the 'on' sales of alcohol and therefore alcohol must not be taken away from the consumption area defined on the map supplied with the application. With regards to the conditions offered on the application these include that all alcohol will be served in polycarbonate, plastic or shatterproof vessels to prevent broken glass from being a danger to visitors, staff and animals. Also, no 'super strength', ie over 6.5%, beers and ciders, will be sold and all staff will be trained in the prevention of sales of alcohol to underage persons. There are also conditions offered in relation to the prevention of litter in the licensable area including the need for the licence holder to provide litter bins and to ensure that the area is kept clean and litter free. The applicant has stated to me that there will be regular patrols from their Rangers to ensure that all conditions are being met and that customers are adhering to the defined areas for consuming purchased alcohol.</p> <p>There is no application for regulated entertainment (ie music & dancing) to be undertaken on the premises.</p>
<p>Cllr Gale Waller</p> <p>Received 8/3/23</p>	<p>Thank you for this response.</p> <p>There are currently few, if any, patrols from rangers in the evenings with resultant complaints we, as residents, receive from “partying” visitors after the car parks have closed (generally 8.30pm). Those wanting to stay who have cars move them to the highway before the car parks close.</p> <p>There can be no “on” sales as this is a take-away facility. If the area you are referring to as the “consumption area” is that marked in black on the map of the area then not only is this a very large area but is not one marked on the site and so customers will have no idea they must stay within the defined area. Have you visited the site? Why do they need an alcohol licence at all? Their other café facilities do not have alcohol licences. The difference with this site, though, is that Normanton Church is close by. It is currently hired out by Anglian Water and the like and this kiosk will enable Anglian Water to expand their lettings as they will be able to offer alcohol at the church under the guise of this licence.</p> <p>You have not addressed the lack of toilet facilities not the proximity to the SSSI.</p> <p>You have not addressed the request for the general licence to 11pm; hours after Rutland Water’s car parks are closed. I repeat, an alcohol licence for this take-away facility is totally inappropriate.</p>
<p>Reply to Cllr Waller from Darren Dolby</p>	<p>Thank you for your email.</p>

<p>Sent 10/3/23</p>	<p>Allow me please first to clarify the role of the Licensing Authority in the premises licence application process. Our role is to process, consult, mediate (where deemed possible) and to determine applications based on information provided. At all stages of the process we are governed by the due legal process of the Licensing Act 2003 and to ensure that all applications and licences promote the four licensing objectives (prevention of crime & disorder, promotion of public safety, prevention of crime & disorder and the protection of children from harm). When determining an application we take in to account any relevant representations for or against the application. The representations may only be deemed as relevant if they concern the promotion of one or more of the four licensing objectives by the applicant and premises. Any other issues identified as not relevant to the promotion of the licensing objectives are not able to be taken into account. However, these issues may be addressed under other legislation and/or by other Council departments.</p> <p>With regard to my previous email, I wanted to highlight the information placed on the application that may be relevant to your concerns. It would be the responsibility of the applicant to answer any concerns and if these concerns cannot be alleviated (through possible mediation) then the application would be placed in front of the relevant licensing committee for determination.</p> <p>Moving forward, I will be asking for the application to be determined by the relevant licensing committee where you (and indeed any other respondents) will have the opportunity to put your relevant representations to the committee to assist them to determine the application. I will also pass your representations on to the applicant and encourage them to engage with you and other respondents with regard to the application, and in particular the parts of your representations that the Licensing Authority is not able to answer.</p>
<p>Cllr Gale Waller Received 28/3/23</p>	<p>This does not address all the points made:</p> <p>The revised opening hours refer to the selling of alcohol, not the opening of the kiosk itself. Do Anglian Water propose keeping it open after they have closed their carparks? If so, that is not acceptable.</p> <p>Residents locally have never seen a Ranger so how many Rangers are there? With what frequency do they patrol? How frequently will they be at the kiosk? How does the operator summon a Ranger? How will a member of the public summon a Ranger if there are problems? Will there be a 'phone, or at least 'phone number at the kiosk? Rutland Water is some 30miles diameter; that's a lot of ground for Rangers to patrol.</p> <p>The application is for an "on premises" licence not a "take-away" licence. Why is this? Anglian Water have confirmed they cannot confine users to the defined area:</p>

	<p><i>The applicant confirmed that the following additional conditions would be placed on the licence to ensure that the licensable area is defined (as best as possible) :</i></p> <p><i>There will be notices on the grass area denoting the boundary of the licensable area & where alcohol purchased at the kiosk may be consumed</i></p> <p><i>At the kiosk there will be notices reminding customers that any alcohol purchased at the kiosk must be consumed within the consumption area.</i></p> <p>“As best as possible” being the key here. This is a SSSI area so fencing the area is not an option and it would be normal human behaviour for someone purchasing from a take-away to walk away to consume the items; a few notices are not likely to be sufficient to contain the consumption of alcohol in this area.</p> <p>As ward members we have received complaints of ASB at Rutland Water over a number of years, mostly BBQs being lit and alcohol being consumed after the carparks have closed.</p> <p>The no swimming policy does not address the question I raised; that is people getting drunk and falling in in the Water, especially from the path round Normanton Church as the path is narrow and the water deep. I was not referring to the beach area which is the opposite side of Rutland Water to Normanton Church and the kiosk. Lifeguards at the beach would not be able to assist someone falling in at the church.</p>
<p>Reply to Cllr Waller from Darren Dolby</p> <p>Sent 29/3/23</p>	<p>Thank you for your email which I have forwarded on to the applicant.</p> <p>Your comments will be included in the report that will be presented to the Licensing Committee at the determination hearing.</p>
<p>Cllr Kenneth Bool</p> <p>Received 5/3/23</p>	<p>Support Email.</p> <p>May I please add my strong concerns and objection in support of the various emails from Cllr Waller.</p> <p>Gale has clearly set out the concerns of the parish council.</p> <p>May I ask for a copy of the officer decision and justification for granting this licence.</p> <p>The key issues for me are the time extension to 9pm for the alcohol licence together with an 11pm closure. Please advise the conditions of similar (small) units within the grounds. What are the reasons for such times from the applicant noting the park closure times – where is the need?</p> <p>The location is away from the car parks but close to residential homes.</p> <p>Potential noise is a serious factor.</p>
<p>Reply to Cllr Bool from Darren Dolby</p>	<p>Good morning</p> <p>Thank you for your emails regarding the recent premises licence application made by Anglian Water Services Ltd.</p>

<p>Sent 8/3/23</p>	<p>Firstly, I can confirm that the location of the application is, as described on the application form, the kiosk near to Normanton Church, Rutland Water. The address sent out with the initial consultee email was that assigned to the given postcode on our system to Sykes Lane. I have asked the Licensing Team to send out an email to all consultees to confirm the actual application address. Our apologies for this initial inaccuracy.</p> <p>In relation to your concerns with the application I am only able to comment on the licensable activities applied for within the application. The other concerns relating to non-licensable activities have been passed to the appropriate Council department(s) to comment.</p> <p>The application is for the licensable activity of the retail sale of alcohol from the kiosk from 9am to 9pm. These sales are only for the 'on' sales of alcohol and therefore alcohol must not be taken away from the consumption area defined on the map supplied with the application. With regards to the conditions offered on the application these include that all alcohol will be served in polycarbonate, plastic or shatterproof vessels to prevent broken glass from being a danger to visitors, staff and animals. Also, no 'super strength', ie over 6.5%, beers and ciders, will be sold and all staff will be trained in the prevention of sales of alcohol to underage persons. There are also conditions offered in relation to the prevention of litter in the licensable area including the need for the licence holder to provide litter bins and to ensure that the area is kept clean and litter free. The applicant has stated to me that there will be regular patrols from their Rangers to ensure that all conditions are being met and that customers are adhering to the defined areas for consuming purchased alcohol.</p> <p>There is no application for regulated entertainment (ie music & dancing) to be undertaken on the premises.</p>
<p>Michael & Elizabeth Griffin</p> <p>Received 9/3/23</p>	<p>Licensing</p> <p>The granting of a licence to serve alcohol from the above Kiosk is totally inappropriate. Our residence is only 30yds away from the planned 'AREA'. In fact, as there is no physical boundary for the consumption of alcohol, it lends itself to drinking further afield, even nearer our property. This could cause considerable noise disturbance, not only to us, but to the wildlife in our abutting established Woodland and any wildlife in the vicinity.</p> <p>There is no mains water supply to the Kiosk thus it will result in unnecessary and unwanted recycling and inevitable litter.</p> <p>The only toilet facilities nearby are in Normanton Car Park about 500yds away. These are locked overnight when the Car Park closes around 8.30pm.</p> <p>The planned 'AREA' for alcohol consumption includes Normanton Church and an area of open grassland crossed by the perimeter road used by walkers and cyclists. Apart from the water around Normanton Church there is no physical</p>

	<p>boundary for the grassland therefore it would be impossible to limit alcohol consumption to the plan submitted in the Application Form. Will it be assumed that alcohol could be consumed INSIDE Normanton Church as well as OUTSIDE?</p> <p>This is an application for an 'On Premises' Licence but there are no premises for consumption, it is merely a Take-Away facility for alcohol to be bought and consumed anywhere in the area. The Kiosk is situated on open grassland in a rural and idyllic setting. It is a facility to provide refreshments for walkers and cyclists during the daytime, eg 9.00am to 6.00pm. If an 'On Premises' licence is wanted it should be addressed to one of the Catering Cafes or Restaurants that already exist in the Rutland Water Carparks.</p>
<p>Reply to Michael & Elizabeth Griffin from Darren Dolby</p> <p>Sent 10/3/23</p>	<p>With regard to your representations I will be asking for the application to be determined by the relevant licensing committee where you (and indeed any other respondents) will have the opportunity to put your relevant representations to the committee to assist them to determine the application. I will also pass your representations on to the applicant and encourage them to engage with you and other respondents with regard to the application, and in particular the parts of your representations that the Licensing Authority is not able to answer.</p>
<p>Dr Jonathan Griffin & Dr Lelia O'Connell</p> <p>Received 10/3/23</p>	<p>Dear Licensing,</p> <p>We wish to object in the strongest possible terms to the granting of this licence, which we see as wholly inappropriate. Our reasons for this are detailed below:</p> <p>1. Resident disturbance, noise and anti-social behaviour</p> <p>We are immediate neighbours to this recently built kiosk. Our property, garden and woodland are all within a few metres distance of it. The prospect of having alcohol sold in this isolated, rural location, 7 days a week until 9pm (with the facility open until 11pm) is completely inappropriate and utterly unreasonable for us as Normanton residents. With a young family living here, it would cause huge concerns in terms of a high likelihood of even more anti-social behaviour (particularly in the evenings), even more noise, even more litter (which already badly affects our adjacent woodland and is not very well managed), and more general disturbance. No proper consideration has been given to the social disturbance aspect by the applicant which is wholly unacceptable, and no consultation has taken place.</p> <p>2. Wildlife disturbance and SSSI site mean this is not a suitable location to licence</p> <p>Granting a licence would create more noise disturbance in this area and cause detrimental impact to many ground-nesting, tree-nesting and roosting birds and other wildlife in our adjacent woodland and property. It will also create more disturbance near and on Rutland Water itself for wildfowl and water-roosting birds. The location is situated on an SSSI site which is an inappropriate place to license and sell alcohol in the first place. Anglian Water (AW) seem less</p>

concerned about this impact, but more focused on commercial gain, which is very disappointing given the site's protected SSSI status. As a water company, AW should be showing more responsibility and stewardship for wildlife in this specific area which will undoubtedly be negatively affected if the licence were granted. Rutland & Leicestershire Wildlife Trust should have a similar view on this?

3. Far better-suited, alternative AW facilities already exist.

AW already have 4 large, existing sites with proper infrastructure, parking, toilet facilities and cafe/restaurant facilities at Normanton Fishing Lodge, Skyes Lane, Whitwell and Barnsdale. If they want to apply for alcohol licences these are the appropriate areas for those licences, NOT right by Normanton Church, in an isolated location with no proper facilities at all (toilets, parking, indoor tables etc.) and right by our property, so is entirely inappropriate. Why not use their existing main locations instead.

4. Misleading application premise in an unsecured area

The premise of the application is impractical; if the applicant is (as we understand) applying for an "on" sales licence this will be impossible to properly police and maintain. There is no actual "premises" to drink in/on - it is a small wooden kiosk with no indoor seating for users. It is suitable only for serving cold & hot soft drinks and snacks for general visitors, walkers and cyclists; as with the previous temporary kiosk in place for many years before AW built this new kiosk. Irrespective of the 'demarkation area for consumption' submitted in this application, there are no barriers here, it is a completely open area, so public buying alcohol from this kiosk could wander anywhere along the water and by our property drinking, causing disturbance and dropping litter. That is a fairly inevitable outcome and is totally unacceptable as neighbouring residents. This is an isolated area which is not policed; we have had problems in the past with people misusing Rutland Water particularly in the evenings, causing serious nuisance to us as residents. Selling any alcohol in this location so close to us will worsen this and is not appropriate at any time. It is simply not a suitable venue for an alcohol licence under any circumstances.

5. Inadequate 'out of hours' late-night security / supervision issues

Why are AW applying for an alcohol serving license until 9pm with general licence to 11pm well after the point when Rutland's Water's car parks are already normally closed and after which most Rangers have gone home? Where are these people going if car parks are closed? There is very little supervision by Rangers in general into the late evenings once the last fishing boats come in and there are existing problems with anti-social behaviour around the water late into the night especially during summer months. We are often disturbed by shouting, loud music or noise and AW should be providing far better late-night security around their own site and popular areas of the water, one of which

is Normanton Church. Serving alcohol late into the evening will only exacerbate and worsen already existing issues for local residents. Licensing is inappropriate in this isolated, inadequately supervised site.

6. Health & Safety - higher risk to danger of life (by drowning)

The consumption area submitted is situated by very deep water which is not guarded or fenced off in any way. What happens if members of the public having consumed alcohol or worse are intoxicated by alcohol, sold under licence, fall into the water or decide to go into the water on their own accord? The latter already happens in summer months which we have witnessed a number of times and that is without alcohol present! With alcohol available it will impair people's poor decision-making further. It is dangerous water, with heavy weed build up in the summer right around Normanton Church, and shelves off steeply around this area and from the surrounding shorelines. In the event of such situations, a person's ability to swim to safety in cold water, (especially if clothing weighs them down) would be significantly impaired by excess alcohol. There will be poor or non-swimmers consuming alcohol right by this deep water as well. Normanton Church is marked as part of the "on premises" for alcohol consumption, yet is sited on a promontory surrounded by uneven, loose rocks (which people frequently clamber onto) and deep water to all sides. As a responsible water company, knowing full well the present dangers of water, we would question why AW are applying for an alcohol licence application in this location. It seems to us that commercial priorities appear to supercede public safety best interests in this instance.

From a Health & Safety perspective alone this application should be rejected, if not it could lead to serious questioning in the event of any alcohol related accident in the water. As a responsible licensee, we trust you would see that dangerous deep water, an isolated location, lack of any guarding protection and alcohol consumption late into the evening don't mix well and should be totally avoided. Alcohol licensing is not appropriate here and could lead to higher risk of serious injury or worse.

7. Inappropriate location and usage of historic landmark church building for licensing

Normanton Church is a historic building in Rutland (formerly St Matthews Church, part of Normanton Hall) situated in an isolated rural location. Why do AW want to sell and allow consumption of alcohol here, 7 days a week, all hours of the day and into the late evenings? We believe it shows a level of disregard bordering on disrespect for this historic landmark dating back to the 14th Century and one of a number of focal points for local tourism in Rutland. The prospect of people wandering around it drinking alcohol, potentially causing disturbance and anti-social behaviour for local residents and other visitors alike is both ill-conceived and extremely sad.

An alcohol licence of any kind is totally inappropriate and unsuitable for this kiosk and for Normanton Church for all reasons above. We hope and trust you will come to the same conclusion.

<p>Reply to Dr Jonathan Griffin & Dr Leila O'Connell from Darren Dolby</p> <p>Sent 10/3/23</p>	<p>With regard to your representations, I will be asking for the application to be determined by the relevant licensing committee where you (and indeed any other respondents) will have the opportunity to put your relevant representations to the committee to assist them to determine the application. I will also pass your representations on to the applicant and encourage them to engage with you and other respondents with regard to the application, and in particular the parts of your representations that the Licensing Authority is not able to answer.</p>
<p>Christopher Renner</p> <p>Received 7/3/23</p>	<p>This is a totally unsuitable application with apparent inconsistencies. In one section times are from 9.00-21.00 in another from 9.00-23.00 ,for 7days. The kiosk is in close proximity to Normanton Church which is frequently used for weddings the sale of alcoholic drinks so close will detract from the atmosphere of the venue. Part of the attraction of the setting of the Church especially on a calm Summer evening is the tranquility of sitting looking across the water, this will be destroyed by the proposed application. Anglian Water is in danger of destroying the very image of what is the now nationally recognised symbol of Rutland that of a Church in an idyllic, rural setting. Not only do they not get the address right as according to their plans it is near Normanton Church off Normanton Park Road not Sykes Lane car park. They don't seem to appreciate the totally inappropriate site for this kind of application especially as nearby there are other premises offering this service with toilets, seating, reused glassware etc that would eliminate the litter produced. Normanton Parish Meeting strongly objects to this application and fully supports the comments of others.</p>
<p>Reply to Christopher Renner from Darren Dolby</p> <p>Sent 13/3/23</p>	<p>Firstly, I can confirm that the location of the application is, as described on the application form, the kiosk near to Normanton Church, Rutland Water. The address sent out with the initial consultee email was that assigned to the given postcode on our system to Sykes Lane. I have asked the Licensing Team to send out an email to all consultees to confirm the actual application address. Our apologies for this initial inaccuracy.</p> <p>With regard to your representations, I will be asking for the application to be determined by the relevant licensing committee where you (and indeed any other respondents) will have the opportunity to put your relevant representations to the committee to assist them to determine the application. I will also pass your representations on to the applicant and encourage them to engage with you and other respondents with regard to the application, and in particular the parts of your representations that the Licensing Authority is not able to answer.</p>