

SWT Licensing Committee (Sub-Committee for West Somerset)

Monday, 29th April, 2019, 12.00 pm

Dunkery Room - West Somerset House

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white on a teal background with a white curved shape at the bottom right.

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**Members:**            **A Kingston-James, K Turner and D Westcott**

**Agenda**

**1.    Hearing to consider an application to vary a Premises Licence for Croydon Hall.**

Members are asked to consider an application to vary a Premises Licence under the Licensing Act 2003 for Croydon Hall, Felons Oak, Rodhuish TA24 6QT.

(Pages 3 - 50)



## Somerset West and Taunton Council

### Licensing sub-committee – 29th April 2019

#### Application to vary a Premises Licence under the Licensing Act 2003

This matter is the responsibility of Cabinet Member Councillor Keith Turner

Report Author: Brad Fear, Case Manager (Licensing)

#### 1 Executive Summary / Purpose of the Report

- 1.1 Members are asked to consider an application to vary a Premises Licence under the Licensing Act 2003 for Croydon Hall, Felons Oak, Rodhuish TA24 6QT

#### 2 Recommendations

- 2.1 That the sub-committee take the decision to grant the variation of the Premises Licence as applied for, to grant the variation of the Premises Licence with added conditions or to deny the application in line with the representations received.

#### 3 Risk Assessment (if appropriate)

##### Risk Matrix

Description	Likelihood	Impact	Overall
Where the subcommittee does not adhere to the Licensing Act 2003 and/or not have due regard to the Home Office guidance, this may result in an appeal against the sub-committee's decision, to the Magistrate's Court. In turn, the licensing authority would be liable for the appellant's legal costs.	2	3	6

### Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			<b>Impact</b>				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

## 4 Background and Full details of the Report

- 4.1 The premises is a hotel, located near Rodhuish. The premises is in a rural location, with a number of residential properties close by. The premises currently has a licence in place which, broadly speaking, permits the sale of alcohol until Midnight from Monday to Saturday and until 23:00 on Sunday.
- 4.2 The current Premises Licence is shown in **Appendix 1**.
- 4.3 Under the old owner, Mr P Davies, complaints were registered by local residents over a number of years regarding noise from Croydon Hall, which were investigated by West Somerset Council. Since taking over at Croydon Hall, Mr Allen McCloud invited local residents to a meeting on 20<sup>th</sup> January 2019 to discuss intentions and outline assurances on how similar problems were going to be avoided in future.
- 4.4 Mr McCloud has, since January 2019, applied for temporary event notices to cover late night events at Croydon Hall (five of these events have been applied for at the time of writing). As monitoring has not taken place, we cannot be sure if licensable activities actually took place under the terms sought. The hotel is marketed as hosting group sex/swingers parties for the 'Exclusively Silks' group, which are usually advertised as taking place into the early hours of the morning.

- 4.5 An application was received from Allen McCloud, to vary a premises licence for Croydon Hall, Felons Oak, Rodhuish TA24 6QT on 6<sup>th</sup> March 2019. The application to vary has been submitted to allow an extension of these hours, Monday to Saturday, allowing licensable activities up to 4am (this includes retail of alcohol, provision for recorded music and late night refreshment).
- 4.6 Notices advertising the proposed variations to the licence (and including the end date for representations/objections) were placed up at the premises site and a copy of this was advertised in the West Somerset Free Press within ten working days, in accordance with The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. A Licensing Officer from Somerset West and Taunton Council visited the site on 7<sup>th</sup> March 2019 and confirmed that notices were on display. A copy of this notice was also posted on the West Somerset Council website, and then (following the creation of the new council on 1<sup>st</sup> April 2019) on the Somerset West and Taunton Council website.
- 4.7 The proposed variations to licensable activities and timings, as per the original application, are represented in table form in **Appendix 2**.
- 4.8 Additional steps to promote the Licensing Objectives have been offered by the applicant in the application. These steps were used to create conditions under an operating schedule, which can be viewed in **Appendix 3**.

#### Conditions proposed by Responsible Authorities

- 4.9 Responsible Authorities have proposed conditions and amendments to the application, which the applicant has agreed to. This has included, but is not restricted to, changing the terminal licensed hour from 4am to 3am. Conditions proposed under the operating schedule and by Responsible Authorities are also shown in **Appendix 3**.

#### Representations

- 4.10 Representations against the application have been received from interested parties within the 28-day consultation period. These are shown in **Appendix 4**. The primary areas of concern, addressed by a number of these, are:
- Noise and public nuisance caused by music played late at night, as well as by the departure of visitors at 4am.
  - The number of vehicles parking in surrounding country lanes and possible implications for public safety when guests leave the hotel at 4am.
- 4.11 It was observed by parties making representations that the applicant did not have the necessary Planning permission to run a 'private members club' from Croydon Hall, which only has Planning permission to operate as a hotel. When asked initially about the 'Exclusively Silks Limited' club, Mr McCloud informed Licensing officers that this private club rented space at the hotel. However, information available on Companies House list Mr McCloud as the 'Director' of this private club, which operates out of Croydon Hall. This could have implications on Planning permission. See paragraph 3.8 regarding response received from Exmoor Planning.

#### Representations from Responsible Authorities

- 4.12 A response has been received from Exmoor Planning department during the period of consultation – shown in **Appendix 5** – which details ongoing enforcement investigation in relation to Croydon Hall. It has been brought to their attention that a private members club is also operating from the hotel. Croydon Hall is currently listed as a 'hotel', but may require listing as a 'mixed-use hotel/private members club' to allow this sort of business.

Planning have not proposed any conditions for the licence or detailed any formal objections, other than advising us of this enforcement action. Exmoor Planning have confirmed they will not be attending the sub-committee hearing.

#### Hotel activities since application

- 4.13 Temporary Event Notices have been applied for, for late night events taking place at Croydon Hall. As these events have not been monitored by responsible authorities, we cannot be sure if licensable activities actually took place under the terms sought.

#### Mediation

- 4.14 Mediation between the applicant and interested parties was held on 16<sup>th</sup> April 2019, at West Somerset House. This was mediated by representatives from Somerset West and Taunton Council. Interested parties that had made representations attended, along with representatives from Avon & Somerset Police. Unfortunately, an agreed position was not able to be reached. Key concerns re-iterated by interested parties included: problems with car parking, noise from music, customers and vehicles, and the danger of drunk drivers. Interested parties expressed a concern over vehicles leaving throughout the night, contesting that this was more disruptive for them than all vehicles leaving at the same time (i.e. at midnight). Conditions or amendments could not be agreed in relation to noise caused by traffic leaving late at night. Interested parties suggested that the premises focus on operating as a hotel. It was suggested by the applicant that Croydon Hall may be undergoing an extension in the future which would provide more rooms for hotel guests. Potentially, when implemented, this could reduce the number of vehicles leaving overnight. As no agreed position was reached, interested parties confirmed that they wished to proceed to a hearing.

#### Responses to notice of hearing

- 4.15 Notices of hearing were sent out to interested parties by post and, where possible, e-mail on Friday 5<sup>th</sup> April 2019. The responses we have received to this notice of hearing are shown at **Appendix 6**.

#### Relevant Licensing Policy considerations

- 4.16 Section 1.2 of the Authority's Licensing Policy states: "The Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives". "These four objectives will be the paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective will be given equal importance". The four objectives are: the prevention of crime and disorder, public safety, prevention of children from harm and prevention of public nuisance.

#### Conditions

- 4.17 Section 1.5.2 of the Policy states "The Licensing Authority may only impose conditions on a premises licence if they are consistent with the operating schedule or after receiving relevant representations. Any conditions attached to the licence must relate to the promotion of the Licensing Objectives".
- 4.18 The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned.
- 4.19 The guidance issued under Section 182 of the Licensing Act 2003 states: "(9.38) *All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.* (9.39) *The authority's determination should be*

*evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. (9.40) Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.”*

## **5 Links to Corporate Aims / Priorities**

- 5.1 The granting of this application would support an existing business within the district, promoting Commercial Awareness in the local area. However, granting of the application could also have an adverse environmental effect on local amenities. These positive and negative implications will both require consideration.

## **6 Finance / Resource Implications**

- 6.1 None.

## **7 Legal Implications**

- 7.1 The Licensing Sub Committee, when determining this application, must comply with the Licensing Act 2003. It should also have due regard to the Home Office Guidance and the Council's Licensing Policy.
- 7.2 In determining an application for a variation of a Premises Licence, any Responsible Authority or other party can make representations in relation to the application.
- 7.3 As mentioned at 3.12, the Licensing Act 2003 created four licensing objectives and in determining this application, only factors that relate to the licensing objectives can be taken into account. Any representation must relate to the licensing objectives and any conditions added by the Licensing Sub Committee must relate to the promotion of the licensing objectives.

### Human Rights Act 1998

- 7.4 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

### Appeals

- 7.5 If the sub-committee modifies conditions or rejects the application, the applicant may appeal within 21 days of notification of the decision to the Magistrates' Court. Those making relevant representations may appeal if they believe that the licence should not

have been granted, or that, when granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded a licensable activity. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.

**8 Environmental Impact Implications (if any)**

8.1 If the concerns raised by the interested parties are realised, there is a potential for a detrimental impact on the environment. This could also have implications for Exmoor National Park, as well as residents. The National Park, however, would not be a primary consideration when determining this application.

**9 Safeguarding and/or Community Safety Implications (if any)**

9.1 If the concerns raised by the interested parties are realised, there is a potential for a detrimental impact on community safety.

**10 Equality and Diversity Implications (if any)**

10.1 None identified.

**11 Social Value Implications (if any)**

12 No social value implications were identified.

**13 Partnership Implications (if any)**

14 No partnership implications were identified.

**15 Health and Wellbeing Implications (if any)**

15.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

**16 Asset Management Implications (if any)**

16.1 No asset management implications have been identified.

**17 Consultation Implications (if any)**

17.1 None identified.

**18 Scrutiny Comments / Recommendation(s) (if any)**

18.1 Not applicable.

**Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency :  Once only    Ad-hoc    Quarterly  
 Twice-yearly    Annually

### List of Appendices

Appendix 1	Current premises licence
Appendix 2	Proposed variations to licence activities and timings
Appendix 3	Conditions proposed under the operating schedule and by responsible authorities
Appendix 4	Representations from interested parties
Appendix 5	Response from Exmoor Planning to consultation
Appendix 6	Responses to Notice of Hearing

### Contact Officers

Name	Brad Fear
Direct Dial	01823 219447
Email	B.Fear@somersetwestandtaunton.gov.uk



**APPENDIX 1**  
**CURRENT PREMISES LICENCE**

**THE LICENSING ACT 2003 - PREMISES LICENCE**

**SCHEDULE 12, PART A**

**LICENCE NO. WSC/LN/000001802**



**Part 1 - Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Croydon Hall Training Venue Felons Oak Rodhuish	
Post town Minehead	Post code TA24 6QT
Telephone number 01984 642200	

<b>Where the licence is time limited - the dates</b>
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<b>Licensable activities authorised by the licence</b>
Alcohol On Sales

<b>The times the licence authorises the carrying out of licensable activities</b>
<b>Alcohol On Sales</b>
Sunday 12:00 - 23:30 -
Monday 11:00 - 00:00 -
Tuesday 11:00 - 00:00 -
Wednesday 11:00 - 00:00 -
Thursday 11:00 - 00:00 -
Friday 11:00 - 00:00 -
Saturday 11:00 - 00:00 -
Non-Standard Good Friday & Christmas Day: 12:00 to 23:30
New Years Eve, except on a Sunday: 11:00 to 00:00
New Years Eve on a Sunday: 12:00 to 23:30
New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day

<b>The opening hours of the premises</b>
Sunday 00:01 - 00:00
Monday 00:01 - 00:00
Tuesday 00:01 - 00:00
Wednesday 00:01 - 00:00
Thursday 00:01 - 00:00
Friday 00:01 - 00:00
Saturday 00:01 - 00:00
Non-Standard

**Where the licence authorises supplies of alcohol - whether these are on and/or off supplies**

On Supplies

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Round Clock Ltd  
Croydon Hall Training Venue, Felons Oak, Rodhuish, Minehead, Somerset, TA24 6QT, ,

Tel:  
Email:

**Registered number of holder, for example company number, charity number (where applicable)**

CO NO 05684606

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Lewis Allen McCloud  
Croydon Hall, Felons Oak, Rodhuish, Minehead  
TA24 6QT

Tel:  
Email:

**Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol**

Licence Number: PL13656  
Issuing Authority: Plymouth City Council

## Annexe 1 – Mandatory Conditions

### Supply of alcohol

1. No supply of alcohol may be made under the Premises Licence –
  - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol;

- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy;
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
  - (b) an ultraviolet feature.
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
8. For the purposes of the condition set out in paragraph 1 –
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula –
 
$$P = D + (D \times V)$$
- Where –
- (i) P is the permitted price;
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) The holder of the premises licence;
  - (ii) The designated premises supervisor (if any) in respect of such a licence, or

- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
9. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
10. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax;
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the Operating Schedule**

### **Restaurant:**

- 1 Alcohol may be sold or supplied:
  - a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11.00 to 00.00.
  - b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.
  - c) On Christmas Day: 12:00 to 23:30.
  - d) On New Year's Eve, except on a Sunday, 11:00 to 00:00.
  - e) On New Year's Eve on a Sunday, 12:00 to 23:30.
  - f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, 00:00 on 31<sup>st</sup> December).

The above restrictions do not prohibit consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises.

- 2
  - a) No intoxicating liquor shall be supplied otherwise than to:
    - i) the residents and staff of the home and,
    - ii) a bona fide guest of any person within category (i) entertained by such person within category (i) entertained at their expense.
  - b) Suitable beverages other than intoxicating liquor (inc drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

### **The following apply to residents only:**

- 3 No permitted hours apply, but sales are only permitted:
  - a) on premises which are bona fide used, or intended to be used, for the purpose of habitually providing for reward, board and lodging, including breakfast and at least one other customary main meal;
  - b) subject to the condition that alcohol shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises;
  - c) there must be adequate sitting accommodation in a room not to be used for sleeping accommodation for the service of substantial refreshment or for the supply or consumption of alcohol.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

NONE

**Annex 4 – Plans**

CROYDON HALL, WASHFORD  
PLAN NO. 6/26/03/101  
DATED JAN 03

**APPENDIX 2**  
**PROPOSED VARIATIONS TO LICENCE ACTIVITIES AND TIMINGS**

<b>SALE BY RETAIL OF ALCOHOL (ON-SALES)</b>		
Proposal: Extension of hours for activity currently covered by their licence (4-hour extension Mon-Sat)		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday	11:00	04:00
Tuesday	11:00	04:00
Wednesday	11:00	04:00
Thursday	11:00	04:00
Friday	11:00	04:00
Saturday	11:00	04:00
Sunday ( <i>no change</i> )	12:00	23:30

<b>LATE NIGHT REFRESHMENT</b>		
Proposal: Addition of activity not currently covered by their licence.		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday	11:00	04:00
Tuesday	11:00	04:00
Wednesday	11:00	04:00
Thursday	11:00	04:00
Friday	11:00	04:00
Saturday	11:00	04:00
Sunday	12:00	23:30
<b>Further Details (from Application):</b> <i>'We are a hotel so would like to offer late night refreshments.'</i>		

<b>RECORDED MUSIC</b>		
Proposal: Addition of activity not currently covered by their licence.		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday	11:00	04:00
Tuesday	11:00	04:00
Wednesday	11:00	04:00
Thursday	11:00	04:00
Friday	11:00	04:00
Saturday	11:00	04:00
Sunday	12:00	23:30
<b>Further Details (from Application):</b> <i>'Standard stereo music with limited volume control.'</i>		



**APPENDIX 3**  
**CONDITIONS PROPOSED UNDER THE OPERATING SCHEDULE AND BY**  
**RESPONSIBLE AUTHORITIES**

**Conditions proposed under Operating Schedule (Section 18(2) letter) – AGREED WITH APPLICANT:**

1. The premises must operate a 'Challenge 25 policy', whereby anyone wishing to purchase alcohol, that appears to be under the age of 25 years, must be asked to provide photographic identification e.g. passport, driving licence, PASS card.
2. A minimum of one notice must be displayed at the premises, requesting customers to leave quietly.
3. Staff must receive training with regards to the legal and social responsibilities of supplying alcohol, and around prevention of illegal drug activity on the premises.
4. All egress and access areas will be adequately illuminated, to minimise the risk of harm to customers.

**Conditions proposed by Responsible Authority – Environmental Health – AGREED WITH APPLICANT:**

1. After 23:00 hours live or recorded music shall only be played inside the main hotel building.
2. After 23:00 noise from live or recorded music shall not be audible at the two monitoring points agreed with Somerset West and Taunton Council. These two agreed points are marked with 'X' on the plan below.



3. The Licence Holder shall provide the nearby residents with a telephone number that they can use to contact the premises to report any problems with noise. This number must be monitored by the premises when there is any live or recorded music after 23:00.

Amendment proposed by Responsible Authority – Police Licensing Officer – **AGREED WITH APPLICANT:**

1. Police have proposed **changing the terminal licensed hour from 4am (as proposed in application) to 3am**. Applicant has agreed to this and confirmed this in writing to both the Police Licensing Officer and to Somerset West and Taunton Licensing.

**APPENDIX 4**  
**REPRESENTATIONS FROM INTERESTED PARTIES**

**REPRESENTATION #1 - MISS VIVIEN IRWIN:**

**Licensing Act 2003 – Representation form**

Your name/Company name/Name of Body you represent	MISS VIVIEN IRWIN	
Postal and email address	[REDACTED]	
Contact telephone number(s)	[REDACTED]	
Name of the premises you are making a representation about	CROYDEN HALL	
Address of the premises you are making a representation about	FELONS OAK RODHULISH TA24 6QT	
Your representation must relate to one of the four Licensing Objectives. Please detail.	Yes or no?	Please detail the evidence supporting your representation and the reason for your representation. (Please use separate sheets if necessary).
The Prevention of harm to children		
To prevent Public Nuisance	YES	NOISE, MUSIC FROM PREMISES, CAR DOORS BANGING AT 4am, REVVING ENGINES, CAR LIGHTS BEAMING INTO NEIGHBORHOOD PROPERTIES.
To prevent crime and disorder		
Public Safety	YES	DRUNKEN DRIVERS AFTER 8hrs OF ALCOHOL DRIVING THROUGH COUNTRY LANES, VILLAGES AND A 39

<p>Suggested conditions that could be added to the licence to remedy your representation, or other suggestions you would like the Licensing Sub Committee to take into account.</p>	<p>Croyden Hall has operated on temporary event notices - however <u>none</u> of the 4 advertised events took place. So no complaints were possible.</p>
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Generally if there is to be hearing to determine the premises licence application, the Councillors will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. (Please attach additional sheets if necessary).

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

All of your representation, including your name and address, will be disclosed to the applicant for the premises licence.

Signed: Vivien Druman [REDACTED]

Dated: 18<sup>th</sup> March 2019

Please return this form along with any additional sheets to: Licensing, Taunton Deane Borough Council, Belvedere Road, Taunton. TA1 1HE.  
Or email to [licensing@tauntondeane.gov.uk](mailto:licensing@tauntondeane.gov.uk)

**This form must be returned within the applications consultation period, which is 28 days for an application for the grant of a premises licence or 10 working days for a minor variation, from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact Licensing to confirm this date – 01823 356343.**

Public Safety

Croyden Hall advertises parking for 80 cars. Within the grounds 35 is the maximum, parking on the side of the approach lane would block access for emergency vehicles. There are 8 houses in the immediate vicinity that would be at risk.



REPRESENTATION #2 - J HOWE:

Your name/Company name/Name of Body you represent		J. HOWE
Postal and email address		[REDACTED]
Contact telephone number(s)		
Name of the premises you are making a representation about		CROYDON HALL
Address of the premises you are making a representation about		FELONS OAK MINEHEAD, TA24 6QT
Your representation must relate to one of the four Licensing Objectives. Please detail.	Yes or no?	Please detail the evidence supporting your representation and the reason for your representation. (Please use separate sheets if necessary).
The Prevention of harm to children		
To prevent Public Nuisance		NOISE FROM PREMISES
To prevent crime and disorder		
Public Safety		TO MANY CARS THROUGH COUNTRY LANES

Suggested conditions that could be added to the licence to remedy your representation, or other suggestions you would like the Licensing Sub Committee to take into account.	
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Generally if there is to be a hearing to determine the premises licence application, the Councillors will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. (Please attach additional sheets if necessary).

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

All of your representation, including your name and address, will be disclosed to the applicant for the premises licence.

Signed: J Howe.	
Dated: 19-03-2019.	

Please return this form along with any additional sheets to: Licensing, Taunton Deane Borough Council, Belvedere Road, Taunton. TA1 1HE.  
Or email to [licensing@tauntondeane.gov.uk](mailto:licensing@tauntondeane.gov.uk)

This form must be returned within the applications consultation period, which is 28 days for an application for the grant of a premises licence or 10 working days for a minor variation, from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact Licensing to confirm this date - 01823 356343.

REPRESENTATION #3 – MR & MRS PITTS

(Letter 1 of 2):

19/03/19

Taunton Deane Licensing Dept  
Deane House,  
Belvedere Road,  
Taunton  
TA1 1HE

Ref: Licence Application from CROYDON HALL (Allen McCloud)  
DJ Music and Alcohol Sales until 4am every night of the week

I tried to ask these questions on the phone but was advised to write to your department instead.

We wish to raise some issues and also, as owners of a house immediately bordering Croydon Hall, object to the above Licence Application in the strongest possible way.

- 1) The Licence Application was lodged on March 6<sup>th</sup>, and we were informed by Nicola Cooper (with whom we have had some communication) that interested parties have 4 weeks in which to make representations. We have sent a link to the Taunton Deane web-site to many such parties, including the local Parish Councils who naturally need some time to discuss and formulate any response. It is now over half-way through the allotted time for such responses – and there is no mention of the Application on your web-site - “Licence Applications Received.” This greatly hinders the ability of people who may have legitimate objections from raising them, favours the applicant, and undermines faith in the equity of the process. In the absence of, or at best with the very delayed publication of the Application is this particular instance now invalid? Should there not at least be an extension of the deadline until 4 weeks after the Application is finally published on the web?
- 2) On the form that one can download from your site it says to return it to Taunton; on the blue notice which is displayed at Croydon Hall it says to write to Williton. Does it make any difference as to where any representations are sent?
- 3) Can you please outline the process that will be followed. There is mention of a Hearing. Is that open to the public, and are we able to make representations at such a meeting?
- 4) Nicola has written to say that in her view there are no grounds to object. We realise that no official decision or position has yet been taken but find this initial view incredible. Can we reverse the question: what grounds are there to accept the application? Why does Croydon Hall need such a Licence, every night of the week? What reasons have they given for such a Licence, to 4am? What events are they planning to hold?
- 5) In contrast to the above point we feel there are extremely strong grounds on which to object. It must be stressed that this Nightclub that they are seeking to set up is not in a Town Centre surrounded by shops, empty at night; nor in an industrial estate where noise and disturbance is irrelevant; nor even isolated in the country-side. It is instead in a quiet residential area of the National Park, with 8 houses closely bordering it. Those houses were built either as estate houses attached to the Hall or later as staff accommodation when it became a school. They are therefore deliberately sited very close and sit within the original grounds. In 2009

when it was granted change of use to become a Hotel strict conditions were applied by the National Park to “protect the local amenity and the neighbourhood” because they recognised how fragile and special that environment is. And that was for a quiet, traditional hotel, not the noisy Nightclub now proposed. The Hall sits in a bowl, any noise magnified and directed up to the houses around it. We know from bitter experience with the previous owner that DJ music, with thumping bass, etc, permeates every corner of our houses, making sleep impossible. People inevitably spill out into the gardens, the pool, the car-park, with increasingly drunken exchanges, shouting, singing, even fights. That was bad enough when the Hall had a Licence for such noise until 11pm. To extend that suffering to 4am any (and every?) night is utterly unacceptable.

- 6) There is also the issue of car noise in the middle of the night. The noisy events that caused the locals so much grief previously were by people actually staying at the Hall: it had dormitory-style accommodation for 80. Now the Hall has no more than 8 bedrooms; they advertise parking for 80 cars. So at 4am any night the vast majority of those 80 cars will have to leave, with noisy farewells in the car park, slamming of doors, revving of engines, headlights shining directly into a neighbour's house, as they drive noisily away past other houses. So in terms of Public Nuisance there are the strongest possible grounds to object to this application.
- 7) Mr McCloud himself is well aware that the noise his events will create is a major issue. In January he invited neighbours to a meeting to reassure us of his intentions. He volunteered the opinion that the noise he knew we had suffered from the previous events was totally unacceptable; that the Hall, sitting in the bowl with houses closely around it, could not in all conscience host such events. He therefore promised us that they would not host raucous events; he assured us that all music would stop at 11pm; all alcohol sales would stop at 11pm; so many people would actually leave by midnight. Now he has written in the local paper that Croydon Hall is available for Lads' Nights and Hen Parties! And is applying for 4am music and alcohol every night.
- 8) Would granting such a Licence for permanent 4am music and drinking in a quiet residential area be unprecedented? We understand from Nicola that in this area there are no other premises that have such a Licence. Is that your understanding of the situation? Indeed, under the Freedom of Information legislation, can you please give us a list of any and all premises, located within a residential area, that have such a permanent 4am deadline for DJ music and alcohol sales?
- 9) Nicola also told us that “they have already been hosting their parties until 0400hrs...there have been up to 50 people attending each event.....we have received no complaints.....is evidence that there are no issues.” Is that also your understanding? If you have been told this by the owners we fear you have been badly, and deliberately, misled. As you will understand we and other neighbours have monitored their activities very closely. One neighbour over-looks the car park; another walks his dogs past the Hall late every night; we ourselves have checked late at night on 4 of the 5 occasions their events were advertised, the latest this Saturday, (Mar 16<sup>th</sup>). And they have not occurred. No cars. The Hall in total darkness. Only one event of *any* type, not advertised on their Exclusively Silks web-site, has happened since their opening in December and that had only 15 cars – not the 80 they anticipate. So no conclusions can be drawn from the current lack of complaint – there have been *no* events of the type they envisage – and that we fear - so there couldn't possibly be any complaint. If the owners have told you otherwise they are deliberately seeking to obfuscate.
- 10) In addition to objecting on grounds of Public Nuisance we feel there is a grave issue of Public Safety. As above the owners plan for 80 cars; very few of the occupants can stay overnight; the vast majority will therefore leave at 4am in their cars. They will have had 8 hours of partying, with access throughout that time to alcohol. Even those drivers who do not partake of the latter will be very tired, and who can guarantee that some at least will not

take advantage of the alcohol on offer. (Mr McCloud told us unequivocally that if he saw an obviously drunk person get behind the wheel of their car: "I can't stop them" ) So in the early hours of the morning up to 80 cars drive along unfamiliar, narrow, winding country lanes, through villages such as Rodhuish and Withycombe (with the additional disturbance that that will cause to a wider community) and on to the A39, notorious for accidents often caused by excessive speed as people hit unexpected bends. And this is to happen, night after night.

- 11) We understand from Nicola that Croydon Hall already has a Licence as a hotel for alcohol 24 hours a day: this new application for disco music and alcohol until 4am must therefore be as its new proposed function as a Nightclub. But they do not have Planning Permission to operate as such – and so far have ignored National Park instructions to apply. So it seems they may get a Licence from you to operate music and drinking as a Nightclub that they would then be operating illegally as far as the National Park are concerned. That seems illogical. (We also understood that it is against their Licence to offer free alcohol as part of a wider package. But they are still advertising their sex events at "£80 Inclusive and £40 Not Inclusive". Does that imply they are still giving out free alcohol?)

You will understand from the above that we, and all the other neighbours, are deeply concerned by this proposed development. Indeed, members of the wider community, not directly affected, are aghast at even the suggestion of it.

Were such activities to be licenced into the early hours of the morning on any night of the week, let alone every night, the situation would be utterly intolerable. The local residents include a family with 5 young children and also some vulnerable elderly people, living alone.

We bought our houses in this quiet residential part of the National Park expecting it to remain peaceful and tranquil – and protected.

Of course, as a hotel, Croydon Hall will host events – as envisaged and allowed by the Planning regulations imposed by the National Park: parties, weddings, etc that end, as is usual, at 11pm.

To instead or as well as to turn it in to a Nightclub – of any type – with music and drinking until 4am all week and tens of cars leaving at that time is surely unacceptable, and we urge the relevant authorities to deny this application on grounds of Public Nuisance and Public Safety.

We are very willing to attend any meeting or hearing and if appropriate express our worries further.

Thank you for considering this matter.

Yours faithfully



David Pitts



Anne Pitts

(Letter 2 of 2):

31/3/19

Taunton Deane Licensing Dept.

Re: Licence Application for Croydon Hall, Rodhuish

Dear Brad,

We understand from you that in the event of a Hearing we would only be able to talk to points previously raised by letter.

Further to our letter of March 19<sup>th</sup> raising objections to the above Licence Application we therefore wish to give additional details of some points touched on in that letter and also to refer to the Home Office Guidance in interpreting the 2003 Act.

In doing so we wish first to cite two bodies who may not give a formal representation to you, but whose previous statements and decisions are clear indicators and evidence of the totally inappropriate nature of the current application – namely the Exmoor National Park and the applicant, Mr McCloud.

1)

One of the strongest arguments against allowing music and drinking beyond 11pm on any night of the week has indeed been put forward and argued by the applicant, Mr McCloud, himself. He invited neighbours to a meeting on January 20<sup>th</sup> to tell us of his intentions. Five neighbours attended. He specifically spoke about the noise and nuisance that he knew had occurred under the previous owner. He stated unequivocally that in the context of the Hall's location, closely surrounded as it is by housing, he thought it totally unacceptable to have such noise after 11pm. He therefore assured us that they would not do anything like that.

- He promised us categorically that they would not host “raucous events.”
- He assured us that all music would stop at 11pm.
- Alcohol, he told us, would not be served after 11pm – and therefore many people would leave by midnight.
- They would hold no more than one event a month.

Subsequent events reveal that these were blatant lies, designed presumably to mislead us as to their true intentions. (The very week that he told us about no raucous parties he wrote in the local paper of how Croydon Hall is an excellent venue for “Lads' Nights and Hen Parties”! – and no less than three of their sex events were advertised just for March, with two more in April. And now he applies for music and alcohol not to stop at 11 as promised but to continue to 4am).

But he very clearly understands and accepts that late-night noise from such music and drinking is indeed a major, totally unacceptable issue for the neighbourhood. Hence his categorical promise that it wouldn't happen.....

If the applicant himself knows and indeed argues that such a Licence is so utterly damaging to the local neighbourhood how can he in all conscience apply for it – and how can it be granted?

2)

As far as the National Park is concerned the application also needs to be seen in the geographical context of Croydon Hall, located as it is in a residential area of the Park.

When it was granted permission to become a hotel in 2009 several strict conditions were applied. The main purpose of those is explained in the section of the Planning Approval quoted below:

“In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990, (as amended by the Planning & Compulsory Purchase Act 2004).

1. To restrict the use of the premises in the interests of the amenities of the locality.
2. To protect the amenities of the locality, including the amenities of neighbouring residential properties.”

The original Planning Committee clearly accepted and understood that the site and situation of Croydon Hall brings serious protection issues, many of which are relevant to this Licence Application:

- It is situated in a quiet residential area within the Exmoor National Park.
- It sits in a bowl, with 8 closely neighbouring houses over-looking it – indeed, those houses are deliberately sited very close as they were built as part of the original country estate or later as staff accommodation for the school.
- Any noise is magnified by the shape of the land and directed up to those dwellings.

As part of the National Park's determination that this fragile neighbourhood should remain protected the permission was strictly for Hotel use only:

“The premises shall be used for hotel use and for no other purpose (including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).”

It is our understanding that this is still the situation. Croydon Hall has not been granted Planning Permission to change from being a Hotel to a Nightclub, and any development towards such a change – including this Licence application - would fly in the face of the clearly identified need to preserve the neighbourhood and local amenity.

If a Licence is granted for there to be music and alcohol until the early hours of the morning on any night then the preservation and protection demanded by the National Park Planning Committee will be utterly destroyed.

We know from bitter experience the level of noise that will be created and which then echoes and reverberates around the bowl:

- noise from the disco music being played, the amplified bass throbbing into every corner of our houses, such that sleep is impossible;
- noise from that music which will be even worse in the summer months when windows and doors are inevitably opened for air;
- noise from increasingly intoxicated people going out in to the gardens and car park – shouting, singing, calling noisy farewells at 4 in the morning;
- noise of slamming doors and revving engines from up to 80 cars as they leave the nightclub in the early hours and roar away up the drive.

On Saturday March 30<sup>th</sup> Mr McCloud hosted a Social Event for Exclusively Silks. We were accosted by him and his security officer as we walked down the public right-of-way drive to visit neighbours. In the exchange with him he was at pains to point out that there was – and would be – no noise.

Yet at about 11.15pm a neighbour was disturbed in his house by shouting and screaming coming from the rear garden and lower car park of Croydon Hall. The neighbours are not making a formal complaint, aware that this whole issue is currently under discussion, but it precisely illustrates our points about noise:

- Mr McCloud was apparently walking the boundary of the Hall to ensure no noise;
- His security officer was doing the same and was on hand to sort out any problems;

- Both of them – and presumably other staff in the Hall – were extremely anxious to prove that there would be no noise;
- There were less than 20 cars parked, so the event was much smaller than he hopes and plans;
- It was winter so all doors and windows were closed;
- And being winter people were less likely to venture outside for fresh air, smoking, etc than on a warm summer's evening.

And yet, with all those factors working to mitigate the chance of any noise, it happened – to the extent of being heard tens of metres away, and sufficient to bring the neighbour down to the perimeter of the Hall to ascertain what was happening.

As we have said repeatedly, it is quite impossible to prevent such external noise. People will go outside. They will make noise. The Hall's position amplifies that noise.

It is bad enough when such outbreaks are confined to before 11pm. To have that occurring constantly or even intermittently up to 4am is intolerable.

This is exactly the sort of disturbance the National Park sought to prevent.

3)

As above we understand that for any points to be considered we must raise them prior to any meeting.

We therefore wish to state that we will be referring to the Home Office Revised Guidance issued under Section 182 of the Licencing Act 2003 (April 2018).

This is particularly important as both a neighbour and ourselves have been given an indication by relevant Licensing officers that their initial view is that there are no significant issues with the current application.

This seems totally contrary to both the letter and spirit of the Home Office guidance.

We are concerned that late night noise from recorded music, people outside, and from everyone leaving in the early hours of the morning will be utterly damaging to the local neighbourhood. That is precisely one aspect of concern to the Home Office: “It is therefore important that in considering the promotion of this licensing objective, (Public Nuisance), licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises **on persons living in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.**” (2.15).

Similarly they state “It may include in appropriate circumstances **the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.**” (2.16) This reduction in local amenity – highlighted so strongly by the National Park - is precisely our fear, and what we know would happen.

One of our main concerns is the time-scale of the application, with music and alcohol consumption going on to 4am. Again the Guidance looks specifically at such an issue: “Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, **the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping.**” (2.19)

And if sleep is vaguely possible despite the dance music thumping from the premises, nothing can be done to mitigate the noise as people go out to the car park, slam doors, etc: As the Guidance states, the authority needs “**....to address any disturbance anticipated as customers enter and leave.**” (2.19)

We hope that the Council will not be less vigilant in their duty of care and protection just because there are only 8 houses involved. Apart from the wider disturbance and dangers posed by so many cars leaving and driving through the general area, as discussed elsewhere, the residents in those neighbouring houses warrant the same protection as anyone else. Typical guidance is offered by Medway Council: "Public nuisance could include low-level nuisance, **perhaps affecting a few people living locally** as well as major disturbance affecting the whole community." We are sure – and expect – that West Somerset and Taunton Deane take a similar view.

We have been told that the Licence may be granted, but that the Council can always look at it again if necessary – i.e. the neighbours must suffer a certain number of utterly disturbed nights before remedial action is taken. But the Home Office Guidance is very clear: "... **as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention.**" (2.18). It is patently clear to everyone – including the applicant – that late night noise of a totally unacceptable level is inevitable in this situation. To grant a Licence, encouraging the applicant to plan for numerous late-night events and then withdraw that permission when the inevitable Public Nuisance becomes manifest is surely not the best or indeed right way to proceed.

It would be wholly wrong to grant this Licence. Indeed, we believe it is unprecedented. We have yet to be told of any other premises in this entire region, sited within a residential area, that have been granted a permanent Licence for Music and Alcohol Sales beyond 11pm. We are of the opinion that were a premises, such as a pub or club situated in a village or on a housing estate, to apply for such a Licence it would be denied. Rightly so. Do the residents of the 8 houses that will be blighted by the proposed development warrant less protection?

Quite simply Croydon Hall's site and situation make it totally inappropriate as a venue for any late-night function involving continuous alcohol consumption and DJ music. In addition there are considerable grounds to question the applicant's credibility.

The only feasible response from the Council is that any activity beyond 11pm is refused; and also that the current Licence to 11pm is rigorously reviewed with consideration of whether the applicant is a fit, responsible and credible person to organise public events.

You told us that before any Hearing there would be a Mediation Meeting. We will be very willing to attend that and explain our concerns. but we are adamant that we wish any meeting to take place at Williton Council Offices.

Yours sincerely,

David Pitts

Anne Pitts

REPRESENTATION #4 – SUSAN BRIERLEY:

From: Susan Brierley  
Sent: 26 March 2019 10:53  
To: Licensing <[licensing@tauntondeane.gov.uk](mailto:licensing@tauntondeane.gov.uk)>  
Subject: Croydon Hall - application to vary a premises licence

I am writing from [REDACTED] (Opposite Croydon Hall)

I wish to object to the proposal to extend the licensed hours for music and alcohol to 4am Monday to Saturday and till 3am on Sunday.

Firstly, I want to ask whether it is appropriate for you to consider this application. On 03/03/2009 Exmoor National Park approved a planning application from Croydon Hall. The proposed change of use from Class C2 to Class C1 was approved subject to various conditions one of which was -the premises shall be used for hotel use only and for no other purpose (including any other purpose in Class C1 of the schedule to the Town and Country Planning (use classes) Order 1987. The reason given for this was to restrict the use of the premises to protect the amenities of the locality, including the amenities of neighbouring residential properties. In relation to parking, there should be a maximum of 34 spaces and 1 lorry space and cycle parking provision.

Since the purchase of the Hall in the autumn 2018, by Mr McCloud, it has been advertised on line as 'Exclusively Silks' private members club, operating until 4am with parking for 80 cars. Is Croydon Hall acting 'lawfully', operating a private members club?

Exmoor National Park Authority has asked them to apply for planning permission for a Mixed Use Hotel. So far this has not been done so an enforcement notice may be applied. Should the Licensing Authority consider this application if the status of the hotel is in doubt? Can a licence be given to a business in breach of use?

My objection to the proposed variation is on the grounds of Public Nuisance:

Mr McCloud has been given temporary extensions until 4am for his swingers events. The Licensing Authority is now minded to give him a permanent extension for alcohol and music as there have been no complaints. However, we have had no cause to complain as the advertised events have not taken place! The only activity has been 1 evening with 15 cars. This could change in the future with improved publicity and the arrival of summer. The Hall under the previous owner was practically dead in winter but busy in the summer.

It is not clear if Croydon Hall wants to operate solely as a private members club or also as a hotel offering a venue for weddings, corporate events, Stag Dos etc. In the case of the Swingers Club, up to 80 cars could arrive late in the evening and leave in the early hours of the morning at a time when neighbours are trying to sleep.

The proximity of the neighbouring houses to the Hall should be noted (see my photos and Google Earth). There are 8 houses within 100yards of Croydon Hall, which is situated in a bowl amplifying the sound. The Lodge is at the entrance to the road leading to the Hall. The Gatehouse is on the lane, opposite the gates to the Hall. The first parking space is just 10 yards from the house. There is space for about 25 cars in front of the Hall with additional parking at the side. There is not space for 80 cars so additional parking would be in the lane by our houses! The disturbance at 1,2,3,4am would be this: people talking, slamming car doors, engines starting, cars accelerating up the drive, headlights on the Gatehouse windows, turning into the road and accelerating up past the other houses. Residents would be woken up. Would our family and children want to come and visit us?

The proposed extension of the alcohol and music licence till 4am, 3am on Sunday:

My family has owned the Gatehouse since the estate was split up and auctioned in 1960. We have had direct experience of any trouble associated with the Hall. This has been largely due to noise. In recent years the licence was restricted to 11pm following complaints of disturbance by neighbours. The previous caretakers tried to contain the disturbance by turning off the power to the music at 11pm and insisting on security for certain groups. An extended alcohol and music licence would only increase the possibility of disturbance. If music continued after 11pm in the summer, even if only permitted inside, the windows would be open and the sound would reach the neighbouring houses. People are less considerate under the influence of alcohol and do not want to be told to keep the noise down. A previous caretaker was assaulted in such a situation and subsequently felt he had to leave his position. Residents have left or have considered leaving because of the noise. Would they be able to sell their houses?

I cannot stress too strongly how badly we could be affected by activities at the Hall if an extended alcohol and music licence is permitted. Nights of loud music and cars and being woken in the early hours would be extremely stressful. We live in this relatively isolated spot because we appreciate the peace and quiet of the Exmoor National Park. However, Croydon Hall is not isolated but has neighbours whose way of life can be ruined.

[I shall send some photos in a separate email]

REPRESENTATION #5 - P.R. BATEMAN & J.K. BATEMAN:

DATE 24/3/2019.

TAUNTON DEANE LIC DEPT,  
DEANE HOUSE,  
BELVEDERE ROAD,  
TAUNTON,  
SOMERSET,  
TA1 1HE.

REF: LICENCE APPLICATION FROM CROYDON HALL  
(ALLEN Mc CLOUD) DJ MUSIC AND ALCOHOL SALES  
UNTIL 4AM EVERY NIGHT OF THE WEEK.

DEAR SIR/MADAM,

AGAIN WE FIND OURSELVES IN A  
POSITION OF A TROUBLED YEAR AHEAD. I CANNOT  
BELEIVE THAT CROYDON HALL HAS APPLIED FOR SUCH  
A LICENCE TO COVER 11.00AM - 4.00AM, SURELY  
YOU CAN SEE WHAT PROBLEMS THAT WILL CAUSE,  
OVER THE PAST 6YRS APPROX WE HAVE PUT UP  
WITH DRINK AND NOISE RELATED PROBLEMS, WITH  
THE POLICE BEING CALLED OUT ON A NUMBER OF  
OCCASIONS. WE HAVE TO KEEP ALL DOORS AND WINDOWS  
SHUT, EVEN IN THE SUMMER WITH HIGH TEMPS, THIS IS  
VERY UNCOMFORTABLE, BUT BECAUSE THE NOISE IS  
SO LOUD WE HAVE NO CHOICE. I THINK THEY ARE  
SUPPOSED TO KEEP ALL MUSIC INSIDE THE HALL  
BUT THIS NEVER HAPPENS, AGAIN MAKING IT VERY  
UNCOMFORTABLE. I COULD CARRY ON WITH

COMPLAINING BUT I THINK I WILL STOP HERE.  
BUT JUST BARE IT IN MIND WHAT IS LIKELY TO  
HAPPEN IF YOU GRANT THIS LICENSE, DRINK  
IS GOING TO LEAD TO NOISE & TROUBLE WHICH  
WE HAVE ALREADY HAD ENOUGH OF.  
LET'S HOPE SOMEBODY CAN SEE WHAT IS LIKELY  
TO HAPPEN IF THIS PROBLEM GOES ANY FURTHER.

YOURS FAITHFULLY  
P.R. Bateman & J.K. Bateman.

REPRESENTATION #6 – BRUCE FELLOWS:

**Representation on the application for changes to the licensing hours at Croydon Hall**

My chief concern is that the applied for licensing hours extension until 4am will lead to a great deal of noise in the early hours of the morning as cars leave the car parks at Croydon Hall.

Any noise at that time will affect anybody staying at the Gatehouse situated directly opposite the main gate of Croydon Hall. The Gatehouse is owned by my wife, Susan Brierley, and her sister, Jean Martin. The house has been in the family for almost sixty years and is occupied for about two-thirds of the year by family members and friends.

The windows of the Gatehouse's four bedrooms open directly on the lane the Gatehouse is situated on. From my observations, by 10.15 pm on Saturday March 30<sup>th</sup> 2019, there were 10 cars parked in the driveway outside Croydon Hall. 20 others were parked in the car park to the side of Croydon Hall. Taxis had also come and gone before 10.15 pm.

I was woken as the first car left from the driveway outside Croydon Hall at 1.15 am and cars continued to leave until approximately 2.30 am. I believe 8 left in all from the driveway during that period. In addition 4 taxis arrived and left. All were clearly audible from the bedroom I was in. There was the noise of car doors closing, cars starting, driving up to the gate (just across from the Gatehouse) and turning into the lane before driving off. The taxis of course were heard arriving and leaving.

In addition, with each car's departure, headlights swept around the bedroom.

Cars departing from the car park at the side of the Hall were also heard. In the morning of the 20 previously parked there, 6 were left.

I assume there was a special licence in operation on 30<sup>th</sup> March allowing the sale of alcohol after the normal licence hour of 11pm, which led to cars leaving in the early hours of the morning.

I am worried that if a licence were granted until 3 or 4 am, what happened on 30<sup>th</sup> March would become a regular event and that anyone staying at the Gatehouse would be disturbed in the middle of the night. As the weather improves, windows will be left open at the Gatehouse at night and the traffic noise will intrude even more. The lane to Croydon Hall and the Gatehouse is not a major road, in fact outside the Gatehouse, it becomes an unpaved track as it continues up an incline to three other houses which are equally as close to the Hall as the Gatehouse is. We are in the middle of the Exmoor National Park. Until now, apart from the very infrequent late arrival home of a neighbour, our nights, as one might expect, have been quiet and uninterrupted by traffic noise.

I am also concerned about the danger of noise from loud music as the weather improves and windows are left open at the Hall because of the heat. Another potential source of late night noise with extended licensing hours is from people attending events who might well spill out of the Hall to enjoy the extensive grounds surrounding the Hall at the front and rear.

I would prefer no change to the current licence.

Bruce Fellows 2<sup>nd</sup> April 2019

### Licensing Act 2003 – Representation form

Your name/Company name/Name of Body you represent	BRUCE FELLOWS	
Postal and email address	[REDACTED]	
Contact telephone number(s)	[REDACTED]	
Name of the premises you are making a representation about	CROYDON HALL	
Address of the premises you are making a representation about	CROYDON HALL, FELONS OAK NR. MINEHEAD, TA24 6QT	
Your representation must relate to one of the four Licensing Objectives. Please detail.	Yes or no?	Please detail the evidence supporting your representation and the reason for your representation. (Please use separate sheets if necessary).
The Prevention of harm to children		
To prevent Public Nuisance	YES	PLEASE SEPARATE SHEETS
To prevent crime and disorder		
Public Safety		

Suggested conditions that could be added to the licence to remedy your representation, or other suggestions you would like the Licensing Sub Committee to take into account.	NONE
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Generally if there is to be hearing to determine the premises licence application, the Councillors will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. (Please attach additional sheets if necessary).

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

All of your representation, including your name and address, will be disclosed to the applicant for the premises licence.

Signed:	B. Fellows
Dated:	03/04/19

Please return this form along with any additional sheets to: Licensing, Taunton Deane Borough Council, Belvedere Road, Taunton. TA1 1HE.  
Or email to [licensing@tauntondeane.gov.uk](mailto:licensing@tauntondeane.gov.uk)

This form must be returned within the applications consultation period, which is 28 days for an application for the grant of a premises licence or 10 working days for a minor variation, from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact Licensing to confirm this date – 01823 356343.

REPRESENTATION #7 – PAUL & SONIA CHAVASSE:

31<sup>st</sup> March 2019

Re: Application for the VARIATION of a PREMISES LICENCE  
Allen McCloud, Croydon Hall, Rodhuish, Minehead TA24 6QT

Dear Sir/Madam,

We would like to oppose the authorizing of the extension of the hours of the above licence. We consider the associated noise that would be associated from the extension, particularly in the early hours of the morning to be unacceptable. This would take the form of increased noise from activity of customers and staff from the extension of the alcohol and music licence and to the noise from the vehicles leaving the premises after 4a.m. Although the current terms of the licence are specifically for the building only, with the exclusion of temporary shelters in the grounds, there would still be the noise pollution from open windows and people outside in the grounds. Croydon Hall stands in a very quiet area of Exmoor National Park, it is not within a village or near any other building open to the public so any extension of the licence will inevitably create more noise in the surrounding area. We would like to draw your attention to the Exmoor National Park Local Plan 2011 to 2031 regarding tranquility and noise pollution, see below.

From Exmoor National Park Local Plan 2011-2031, Section 8, Achieving Enjoyment for all.

8.12 Tranquillity is one of Exmoor's special qualities; providing an experience of calm in an area protected for its high quality landscapes. It is important for people's health, ill-being and improving quality of life; and is also significant for Exmoor's economy, as people come here to escape the noise disturbance and visual intrusion experienced in more urban areas. 381 This does not imply no noise generation at all, but there are some recreational pursuits such as motorised sporting activities and clay-pigeon shooting grounds that are considered to be inappropriate in the National Park. This is because they have the potential to have an adverse effect on the quiet enjoyment of others (including neighbouring properties and users of nearby public rights of way and access land) through exposure to unacceptable levels of noise disturbance that may be sustained for significant periods of the day throughout the year (see paragraph 5.151 and CC-S7 Pollution). Impacts on landscape character and tranquillity, through intensity of activity, noise, and overall scale will be key considerations in determining whether proposals for recreation and tourism developments are acceptable.

8.14 Sites for recreation and tourism development on Exmoor should be small-scale, in keeping with the pattern of development and conservation of the natural environment and cultural heritage of the National Park

From Section 5 Responding to climate change and managing resources.

Light and Noise Pollution 5.151

Tranquillity, which results from the experience of a combination of low noise and dark night sky, is a special quality of Exmoor. The quiet enjoyment of the National Park is supported by policy RT-S1 Recreation and Tourism. Noise is defined as 'unwanted sound' and its impact is

a material consideration in determining planning applications. Unacceptable intrusive noise-generating development is inappropriate in the National Park context and will not be permitted where it would have a significant adverse impact on Exmoor's special qualities, health, environment, surrounding land uses, quality of life or amenity. The adverse impacts of noise should be minimised to avoid the gradual erosion of tranquillity where this may have an effect on the character of an area.

We consider that the effect of increased noise generation will be detrimental to the inhabitants and wildlife of the local area and that the licence should not be extended.

Yours faithfully,



Paul and Sonia Chavasse

REPRESENTATION #8: CHRISTOPHER M THOMAS

To  
Planning officer wsdc  
Re Croydon Hall

3rd of April 2019

I am writing to express my concern about the proposed change in licensing laws at Croydon Hall to allow music until 4 am throughout the week. Croydon Hall is situated amongst 8 other properties some with young children also retired people.  
The prospect of loud music until 4 am in the morning seems preposterous in a rural community in Exmoor National Park.

There will always be functions at Croydon Hall which will possibly cause inconvenience to the other residents but the proposed change in the licensing laws is a step too far.

We have had problems in the past with drunken stag nights, confrontations with drunken revellers in peoples gardens and a caretaker beaten up and ending up in hospital. All the local residents are very concerned that there would be a repeat of this kind of behaviour.

Yours sincerely



Christopher M Thomas  
Owner of Felons Oak Cottage and local landowner

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REPRESENTATION #9: MRS P RAINBOW

F.A.O.  
Licencing



Dear Sirs,

Re Variation of Premises Licence for Croydon Hall.

I strongly oppose this application on the grounds of considerable disruption it will cause to the lives of the people who in area.

The application for music to be allowed until 4am six days a week will have a adverse effect on the sleep of residents particularly children and the elderly. We are already experiencing the increase of traffic on the narrow lanes, sometimes at unacceptable speeds, causing problems for dog walkers, horse riders, and cyclists. I hope the committee will take these factors into consideration when discussing this application.

Yours Faithfully

P. Rainbow

Mrs P Rainbow, [REDACTED]





**APPENDIX 5**  
**RESPONSE FROM EXMOOR PLANNING TO CONSULTATION**

**From:** Dean Kinsella  
**Sent:** 01 April 2019 08:52  
**To:** Fear, Brad  
**Subject:** Croydon Hall, Rodhuish

Dear Mr Fear,

Thank you for consulting with Exmoor National Park regarding the application to extend the alcohol and music licence for Croydon Hall. While Exmoor National Park do not consider it appropriate to comment on whether the application should succeed or not, we would like to draw your attention to the current enforcement investigation that is currently under review. The alleged breach is that the building is being used for a mixed use as a hotel/private members club. The investigation is on-going but concerns have been raised by local residents regarding the nuisance created by vehicles leaving the premises during the early hours of the morning, the relative high volume of vehicle movements and the disturbance of headlights and noise in an area that is remote, tranquil and peaceful. The Local Planning Authority are currently in process of preparing an enforcement notice, subject to seeking further advice, as the Local Planning Authority consider that a change of use of the hotel has occurred.

I do hope that the above is of some assistance and I would be grateful if you could let me know your decision on the application.

Many Thanks,

Dean Kinsella  
**Head of Planning & Sustainable Development**  
Exmoor National Park Authority



**APPENDIX 6**  
**RESPONSES TO NOTICE OF HEARING**

**#1 MR ALLEN MCCLOUD:**

**From:** Allen McCloud  
**Sent:** 08 April 2019 08:04  
**To:** Fear, Brad  
**Subject:** Re: WK42646 Croydon Hall - End of Consultation Period

Hi Brad

Thank you for the information. I can confirm I will be at both meeting as requested.

Kind Regards  
Allen McCloud

**#2 DEAN KINSELLA – EXMOOR PLANNING:**

**From:** Dean Kinsella  
**Sent:** 08 April 2019 10:10  
**To:** Fear, Brad  
**Subject:** Hearing for application WK/42646 - Croydon Hall, Roadhuish

Dear Mr Fear,

Thank you for your letter informing me of the hearing for the above application. I would like to confirm that I will not be attending the hearing on the 29<sup>th</sup> April 2019 but would welcome being informed of the decision.

Many Thanks,

Dean Kinsella  
**Head of Planning & Sustainable Development**  
Exmoor National Park Authority

#3 BRUCE FELLOWS & SUSAN BRIERLEY:

**From:** Bruce Fellows  
**Sent:** 11 April 2019 18:56  
**To:** Fear, Brad  
**Subject:** Re: UPDATE: WK42646 Croydon Hall - End of Consultation Period

Dear Brad

Thank you for the email about the earlier deadline. I'm contacting you now to confirm that my wife Susan Brierley and I will be attending the Licensing Sub-committee meeting for application ref WK/42646 Croydon Hall to be held at West Somerset House on Monday 29th April at midday.

Best regards

Bruce Fellows

#4 DAVID & ANNE PITTS:

8/4/19

Brad Fear  
Case Manager  
Licensing  
Somerset West and Taunton Council  
PO Box 866  
Taunton  
TA1 9GS

Ref WK/42646  
Variation of Premises Licence  
Allen McCloud  
Croydon Hall

Dear Mr Fear,

Thank you for your letters concerning a Mediation Meeting on April 16<sup>th</sup> 2019 and the Hearing before a Licensing Sub-Committee on April 29<sup>th</sup> 2019.

We write to confirm that David Pitts and Anne Pitts will be attending both meetings and will wish to talk to the documents we have previously submitted.

Yours sincerely,

  
David Pitts

  
Anne Pitts

#5 VIVIEN IRWIN:

Phone call from Miss Irwin with Brad Fear, Case Manager – Licensing – on 18<sup>th</sup> April 2019 at 10:58 am, confirming that she will be attending the sub-committee hearing on 29<sup>th</sup> April 2019.

#6 MRS P RAINBOW:

**Sent:** 17 April 2019 13:38

**To:** Fear, Brad

**Subject:** ref WK/42646

Dear Sir,  
RE NOTICE OF HEARING BEFORE A LICENSING SUB COMMITTEE  
I will not be able to attend the above meeting.  
Mrs P. Rainbow,

#7 PAUL AND SONIA CHAVASSE:

17<sup>th</sup> April 2019

Dear Brad,

We are e-mailing you to inform you that we would like to attend the Hearing before the Licensing Sub-Committee on Monday 29<sup>th</sup> April, concerning Croydon Hall. We continue to believe that the granting of a licence extension to Croydon Hall is inappropriate and contrary to the council / licencing authority's duty to prevent public nuisance.

When Croydon Hall was granted change of use to C1 (hotel) by Exmoor National Park Authority (ENPA) in 2008 (6/26/08/111) (<http://www.exmoor-nationalpark.gov.uk/PAttachments/Copy%20planning%20certificates/2009/6.26.08.111.pdf>) this was for the premises to be used as a hotel and for no other purpose (Condition 2). The extra licensing appears to us to facilitate and encourage other uses of the premises (e.g. as a nightclub or similar) which was not permitted by ENPA as it was inappropriate for the location and would cause public disturbance and nuisance which the licencing authority should not permit.

Condition 6 of the planning permission stated that a traffic management plan should be submitted and agreed and that the premises should then operate in accordance with the plan. The traffic management plan ([www.exmoor-nationalpark.gov.uk/PAttachments/Applications%20Somerset/Year%202008/Old%200Cleeve%206.26/6.26.08.111/6.26.08.111.0%20Transport%20Statement.pdf](http://www.exmoor-nationalpark.gov.uk/PAttachments/Applications%20Somerset/Year%202008/Old%200Cleeve%206.26/6.26.08.111/6.26.08.111.0%20Transport%20Statement.pdf)) plan envisaged 34 cars parking at a residential location, in line with the existing number of hotel rooms, as it envisaged a residential establishment with day-time seminars with traffic primarily arriving and departing during daylight hours and not creating a night-time disturbance (to local residents and the park's amenities).

It is for this reason, we presume, that further usage, such as a nightclub was not permitted. While parties and functions are permitted, they are explicitly (Condition 8) restricted to 'within the existing buildings only', again suggesting a limited, primarily residential clientele. It is the nature of parties, functions and conferences that they are organised by separate people (who invite the guests) from the hotel / premises (which provide the facilities). This does not seem to be the nature of Exclusively Silks, which may technically be a separate organisation, but has overlapping ownership; further, according to the company website (<https://exclusivelysilks.co.uk/>), refurbishment of Croydon Hall would appear to have been undertaken specifically for Exclusively Silks which would not imply independence, but that the premises were being consciously run as a nightclub or similar venue, not just as a hotel.

As was stated at the mediation meeting, Croydon Hall already has all the licensing it needs to park, entertain and serve alcohol to its resident guests within the premises of the property. The only reason therefore for an extension of the licensing for music and alcohol beyond the existing permissions would be to extend the services offered by Croydon Hall to those which in our view (and we assume in the view of ENPA in not granting a broader licence) would cause public nuisance and also potentially increase the risk to public safety. This is contrary to the licencing authority's statutory objectives and therefore the authority should not permit the extension.

Turning to some specific points:

- The traffic management plan (which Croydon Hall needs to abide by) envisaged 34 cars parking at a residential establishment. At the moment I understand that Croydon Hall has 8 bedrooms, yet at the mediation meeting it was stated that there was parking for 80 cars. Their website, noted above, also states there are 300 lockers for use by temporary visitors. This seems in breach of Clause 6 of the permissions, and means that the bulk of the visitors are anticipated to be travelling and leaving the premises at night-time during the hours of darkness, which will cause major nuisance, whether visitors depart by private car or taxi (which is twice as many journeys), to both the very local residents and residents of Withycombe village on the way to the main road. Given the very narrow nature of the roads and lack of street lighting (as appropriate for the National Park) this also must increase the risk to public safety if anyone is, say, walking home in Withycombe or working late at any of the farming premises en route. By granting this licence the authority would clearly be acting contrary to its statutory duty to reduce public nuisance and the risk to public safety.
- Noise. While the proposed licence has an agreed clause (Condition 1 agreed with Environmental Health) that restricts all music to inside the existing premises (which is appropriate) and that nothing should be audible at identified locations, we have severe doubts that this is realistic with the proposed number of visitors in summer. The number of events and number of guests recently attending Croydon Hall has been very limited and this has been during the colder winter months. If the envisaged number of guests attend events during the warmer summer months then it seems inconceivable that music in the early hours will not travel through open windows and visitors will not go outside to cool down, talk and make phone calls (all of which types of noise travel extensively on still nights or with the prevailing wind). Further if up to eighty cars and an unspecified number of taxis depart the premises between, say, midnight and 3 am, with closing doors, bright headlights and driving uphill, then that equates to a car passing on average every 2 minutes, which would not permit nearby residents to sleep at all and would undoubtedly be a serious nuisance.
- Lighting. The proposal has an agreed clause (Condition 4 under Operating Schedule (Section 18(2) letter) which potentially conflicts with Condition 3 of the 2008 ENPA planning

permission, which states that no external lighting shall be installed on the site without the prior permission of the authority. Given the Authority's policy of protecting night skies and the Park's amenities, excess lighting would be a nuisance. We would like to see evidence that permission has been granted by ENPA.

While we appreciate that the licencing authority's remit is separate from that of ENPA planning remit, any licence issued by the ENPA would be to protect the Park's amenities and prevent public nuisance and disturbance. The licencing authority should therefore not grant an extension, which, as we have outlined, seems directly contrary to the ENPA's intentions and will undoubtedly, as we have also demonstrated with the substantially increased number of visitors and vehicles, cause serious public nuisance and an increase in risk to public safety on the narrow roads.  
Yours sincerely,

Paul and Sonia Chavasse

#8 PAUL BATEMAN:

Brad Fear met with Mr Bateman at the Mediation Meeting on Tuesday 16<sup>th</sup> April 2019. Mr Bateman confirmed in person at the mediation that he and Mrs Bateman would be unable to attend the hearing on 29<sup>th</sup> April 2019.

