

 <p>COTSWOLD DISTRICT COUNCIL</p>	<p>COTSWOLD DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>LICENSING SUB-COMMITTEE (LICENSING ACT 2003 MATTERS) - 16 JUNE 2021</p>
<p>Report Number</p>	<p>AGENDA ITEM 4</p>
<p>Subject</p>	<p>APPLICATION FOR A NEW PREMISES LICENCE - BATHURST PARK, CIRENCESTER</p>
<p>Wards affected</p>	<p>Abbey</p>
<p>Accountable member</p>	<p>Planning and Licensing Committee</p>
<p>Accountable officer</p>	<p>Andrea Thomas, Licensing Officer Tel: 01285 623000 Email: andrea.thomas@publicagroup.uk</p>
<p>Summary</p>	<p>To determine a new Premises Licence Application made by BD Events for a location in Bathurst Park, Cirencester.</p>
<p>Annexes</p>	<p>Annex A – Copy of application Annex B – Event Management Plan and supporting documents Annex C – Site Plan and Location within the Bathurst Estate Annex D – Parish Council objections Annex E – Copy of objections from residents Annex F – Copy of the Licensing Sub-Committee procedures</p>
<p>Recommendation</p>	<p>That the Licensing Sub-Committee is asked, in light of the representations received, to consider the application and determine whether to:-</p> <ul style="list-style-type: none"> • grant the application as requested; • grant the application subject to such conditions that are necessary to promote the licensing objectives; • refuse the application in whole or in part where it is necessary in order to promote the licensing objectives.
<p>Corporate priorities</p>	<p>Ensure that services delivered by the Council are delivered to the highest standard</p>
<p>Key Decision</p>	<p>No</p>
<p>Exempt</p>	<p>No</p>
<p>Consultees/ Consultation</p>	<p>A 28-day consultation has been undertaken with all Responsible Authorities, Ward Member, Parish Council and advertised in accordance with the Licensing Act 2003.</p>

1. BACKGROUND

- 1.1. The Licensing Act 2003 allows applicants to apply for new premises licences, premises licence variations, club premises certificates and personal licences. This application is for a new premises licence.
- 1.2. An application for a new Premises Licence was received on the 21 April 2021, the applicant is BD Events and they are represented today by Mr Nicholas Aston.
- 1.3. The Licensing Authority are satisfied that the application was duly made, the correct notification process was followed and the application was appropriately advertised. The advert appeared in the Wilts and Glos Standard on 29 April 2021 and a site notice advertising the application was placed in the front of the property for 28 days.
- 1.4. The application seeks a Premises Licence for the outside area for the following activities and times:
 - Plays - Monday to Sunday 0800hrs to 2300hrs
 - Films - Monday to Sunday 0800hrs to 2300hrs
 - Live Music - Monday to Sunday 0800hrs to 2300hrs
 - Recorded Music - Monday to Sunday 0800hrs to 2300hrs
 - Performances of Dance - Monday to Sunday 0800hrs to 2300hrs
 - Late Night Refreshment - Monday to Sunday 2300hrs to Midnight

 - Supply by retail of alcohol on and off the premises
Monday to Sunday 1100hrs to 2300hrs

Due to the site being a campsite it will be in operation 24hrs per day.

- 1.5. A copy of the application is attached at **Annex A**. A copy of Event Management Plan and supporting documents submitted by the Applicant are attached at **Annex B**.

2. SITE DESCRIPTION

- 2.1. A copy of the plans of the site are attached at **Annex C**.

3. REPRESENTATIONS

3.1. Responsible Authorities under the Licensing Act 2003

The following conditions have been submitted by an Environmental Health Officer at Cotswold District Council and the Applicant has agreed to these conditions which will form part of the Operating Schedule on the Premises Licence:

- All live and recorded music both indoors and outdoors shall cease promptly at 23:00 hours.
 - A 'Noise Management Plan' shall be submitted six weeks prior to the event for the prior approval of the Licensing Authority.
- 3.2. The Applicant has also agreed to further conditions suggested by the Licensing Authority:
 - The films being shown will be limited to an age rating of U, PG & 12A onsite
 - A full site management team to be in place 24hrs a day whilst the site is open to the public.

- A full child safeguarding and alcohol management policy to be in place.
- Security will be on site 24hrs which hold the appropriate SIA licences.
- Traffic Management and Event Management Plan to be submitted to the Cotswold ESAG six weeks prior to the event.
- All bars will operate a Challenge 25 policy.

3.3. **Local Ward Member and Parish Council**

A representation has been received from Daglingworth Parish Council. A copy of this is attached at **Annex D**.

3.4. **Other Persons**

Residents/Property Owners

There have been 3 resident/property owner representations received in relation to this application. Copies of these representations are attached in **Annex E**.

3.5. The concerns raised in the objections are as follows:

- Traffic, including road safety
- Parking
- Planning permission has not been sought
- Noise emanating from functions
- Crime and Disorder emanating from alcohol
- Lack of toilet facilities and style (compost)
- Disturbance to local wildlife

The Licensing Authority is unable to accept these concerns due to the following reasons.

Traffic, Parking and Area of Natural Beauty

These concerns cannot be taken into consideration under the Licensing Act 2003 and would be dealt with under Planning Law. Planning and Licensing are two separate jurisdictions and it is up to the business operator to ensure that they adhere to both and have necessary requirements in place. The Licensing Officer has been in contact with the Planning Department at Cotswold District Council and they have confirmed that Planning Consent is not required.

Noise

The Council's Pollution specialist has agreed conditions as specified in 3.1.

Crime and Disorder concerns

The Police Licensing Officer has been in contact with the applicant and is happy with the Event Management Plans he has seen so far and will continue to work with BD Events.

4. NATIONAL GUIDANCE

- 4.1. The Secretary of State's Guidance requires licensing authorities, following receipt of relevant representations, to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to a specific premises licence, to prevent it.

- 4.2. Where the Act provides for mandatory conditions to be included in a Premises Licence, it is the duty of the licensing authority issuing the licence to include those conditions of the Licence.

5. PROCEDURES

- 5.1. A copy of the procedure for the Meeting is attached at **Annex F**.

6. BACKGROUND DOCUMENTS

- 6.1. Cotswold District Council's Statement of Licensing Policy – 2016
- 6.2. Home Office S.182 Statutory Guidance published April 2018.

(END)