



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	LICENSING SUB-COMMITTEE (LICENSING ACT 2003 MATTERS) – 12 OCTOBER 2021
Report Number	AGENDA ITEM 04
Subject	APPLICATION FOR A VARIATION TO A PREMISES LICENCE
Wards affected	Tetbury East and Rural
Accountable Member	Planning and Licensing Committee
Accountable officer	Kevin Dunford, Licensing Officer Email: kevin.dunford@publicagroup.uk
Summary	To determine a Variation to a Premises Licence Application made by Tetbury Rail Lands Regeneration Trust.
Annexes	Annex A – Copy of application Annex B – Plan of the premises and concept Annex C – Copy of objections from residents Annex D – Applicant response to representations Annex E – Hearing Procedures
Recommendation	<i>That the Licensing Sub-Committee is asked, in light of the representations received, to consider the application and determine whether to:-</i> <ul style="list-style-type: none"> • <i>grant the application as requested;</i> • <i>grant the application subject to such conditions that are necessary to promote the licensing objectives;</i> • <i>refuse the application in whole or in part where it is necessary in order to promote the licensing objectives.</i>
Corporate priorities	Ensure that services delivered by the Council are delivered to the highest standard
Key Decision	NO
Exempt	NO
Consultees/ Consultation	A 28 day consultation has been undertaken with all Responsible Authorities, Ward Member, Town Council and advertised in accordance with the Licensing Act 2003.



1. BACKGROUND

- 1.1.** The Licensing Act 2003 ("the Act") allows applicants to apply for new Premises Licences, Premises Licence variations, Club Premises Certificates and Personal Licences. This application is for a variation to a Premises Licence.
- 1.2.** The application was received on the 20 August 2021. The Applicant is Tetbury Rail Lands Regeneration Trust.
- 1.3.** The Licensing Authority is satisfied that the application was duly made, the correct notification process was followed and the application was appropriately advertised. The advertisement appeared in the Wilts and Gloucestershire Standard on 26 August 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 variation to the Premises Licence for the addition of a new outside bar area.
- 1.5.** A copy of the application is attached at **Annex A**.

2. SITE DESCRIPTION

- 2.1.** A copy of the site plan and concept are attached at **Annex B**.

3. REPRESENTATIONS

Responsible Authorities under the Licensing Act 2003

- 3.1.** There have been no representations made by any of the Responsible Authorities under the Act.

Local Ward Member and Parish Council

- 3.2.** No comments were received from Tetbury Town Council.
- 3.3.** Comments have been received from Cllr Ind. A copy of this is contained within **Annex C**.

Other Persons

Residents/Property Owners

- 3.4** There have been 3 resident/property owner representations received in relation to this application. Copies of these representations are attached in **Annex C**.
- 3.5** The Applicant has provided a written response to the representations and this is attached at **Annex D**.



4. PLANNING PERMISSION

- 4.1. The planning permission concerns raised in the objections cannot be taken into account by the Licensing Authority. Planning and Licensing are two separate jurisdictions and it is the responsibility of the business operator to ensure that they adhere to both and have the necessary requirements in place.

5. NATIONAL GUIDANCE

- 5.1. 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.
- 5.2. 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 in the Licence.

6. PROCEDURES

- 6.1. A copy of the procedure for the Meeting is attached at **Annex E**.

7. FINANCIAL IMPLICATIONS

- 7.1. There are no financial implications arising directly from the consideration of this application. However, any appeal to the Magistrates' Court against the refusal of the application or against the imposition of Conditions could result in the Council having to bear the legal costs of defending its decision.

8. LEGAL IMPLICATIONS

There is a right of appeal to the Magistrates' Court within 21 days of the Council's decision should the Council refuse the application or against the Conditions imposed on the Licence.

9. BACKGROUND DOCUMENTS

- 9.1. Cotswold District Council's Statement of Licensing Policy – 2021
- 9.2. Home Office S.182 Statutory Guidance published April 2018.