

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	LICENSING SUB-COMMITTEE – 13th July 2022
Report Number	AGENDA ITEM 1
Subject	APPLICATION FOR NEW PREMISES LICENCE
Wards affected	Stow
Accountable Member	Planning and Licensing Committee
Accountable officer	Kevin Dunford, Licensing Officer Tel: 01285 623000 Email: kevin.dunford@publicagroup.uk
Summary	To determine a new Premises Licence Application made by Berrybank Park Events Ltd
Annexes	Annex A – Copy of application Annex B – Plan of the premises and Location Annex C – Copy of representation Annex D – Hearing Procedures
Recommendation	That the Licensing Sub-Committee is asked, in light of the representations received, to consider the application and determine whether to:- <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.
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 new Premises Licence.
- 1.2.** The application was received on the 6th May 2022. The Applicant is Berrybank Park Events Ltd.
- 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 Stow Journal on Thursday 12th May and a Site Notice advertising the application was placed at the site for 28 days.
- 1.4.** The application seeks a Premises Licence for the following licensable activities and times:
 - Supply by retail of alcohol on the premises
 - Monday to Sunday 10:00 to 22:30 hours
 - Films
 - Monday to Sunday 10:00 to 22:00 hours
- 1.5.** A copy of the application is attached at **Annex A**.

2. SITE DESCRIPTION

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

3. AGREED CONDITIONS

- 3.1.** If the licence is granted the following conditions have already been agreed by the applicant.
 - SIA approved security staff onsite for every event.
 - Maximum Capacity of premises is not to exceed 500.
 - All events are pre-booked.
 - The entrance gate will be closed or have security staff next to the entrance once ticket holders and guests are onsite.
 - Age guidance displayed on all events.
 - Operate a Challenge 25 verification scheme

4. REPRESENTATIONS

Responsible Authorities under the Licensing Act 2003

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

Other persons

Parish Council

- 4.2. Comments were received from Oddington Parish Council. These were not relevant to the licensing objectives and therefore rejected.

Residents/Property Owners

There have been 3 resident (2 properties) representations received in relation to this application. One representation has been deemed as invalid and therefore rejected; the remaining representations can be found in **Annex C**.

- 4.3. The concerns raised in the objections are as follows:

- Traffic , including road safety
- Parking
- Planning permissions
- Noise emanating from functions
- Crime and Disorder, Public Nuisance
- Area of Outstanding Natural Beauty and disturbance to local wildlife/livestock
- Site Capacity.

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

Traffic, Parking, Countryside and Wildlife

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 Operator is in contact with the Planning Department at Cotswold District Council and continue discussions.

Noise

As there are no music activities on this application we are unable to take these concerns into consideration. If residents experience nuisance from the live/recorded music and film provided at the site then these should be logged and reported to the Council's Operations team so that they can investigate this further. Residents can apply for a review of the Premises Licence if a regular nuisance occurs.

The Council's Pollution specialist did not raise any concerns with this application.

Crime and Disorder, Public Nuisance concerns

The Police Licensing Officer has not made any comments in relation to the application.

Site Capacity

The applicant has agreed to a licence condition limiting the capacity to 500. Operators often sell tickets to events prior to a Premises Licence being granted. If the application is refused it would be up to the Operator to reimburse any monies taken.

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 D**.

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.