



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	LICENSING SUB-COMMITTEE – 31st August 2022 – 16:00
Report Number	AGENDA ITEM 4
Subject	APPLICATION FOR A PREMISES LICENCE VARIATION
Wards affected	Kemble
Accountable Member	Planning and Licensing Committee
Accountable officer	Kevin Dunford, Licensing Officer Tel: 01285 623000 Email: kevin.dunford@publicagroup.uk
Summary	To determine a Premises Licence Variation Application made by Emma Hewer at Bittenham Springs
Annexes	Annex A – Copy of the Application Annex B – Plan of the site and location Annex C – Copy of representations 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 Premises Licence Variation.
- 1.2. The Application was received on the 8th July 2022. The Applicant is Emma Hewer of Bittenham Springs .
- 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 & Glos Standard on Thursday 14th July and a Site Notice advertising the application was placed at the site for 28 days.
- 1.4. The Application seeks a Premises Licence Variation for the following licensable activities and times:
 - Supply by retail of alcohol on the premises
 - Monday to Saturday 10:00 to 23:30 hours
 - Sunday 10:00 to 23:00 hours
 - Live Music
 - Monday to Saturday 23:00 to 00:00 hours
 - Recorded Music
 - Monday to Saturday 23:00 to 00:00 hours

The licensable activities and times are currently:

- Supply by retail of alcohol on the premises
 - Friday, Saturday & Sunday 13:00 to 23:30 hours
 - Live Music
 - Friday, Saturday & Sunday 13:00 to 00:00 hours
 - Recorded Music
 - Friday, Saturday & Sunday 13:00 to 00:00 hours
 - Late Night Refreshment
 - Friday, Saturday & Sunday 23:00 to 23:30 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



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3.1. If the licence is granted the following conditions have already been agreed by the Applicant:

- All doors and windows should be closed except for entrance and exit of patrons after 23:00 to prevent nuisance to neighboring properties.
- No more than 28 events per year.
- CCTV to be in operation

4. REPRESENTATIONS

Responsible Authorities under the Licensing Act 2003

Technical Pollution Services Environmental Health have made a representation to recommend a condition be applied to the licence, which has been agreed by the Applicant and listed in section 3.

Other persons

Parish Council

4.1. Comments were received from Kemble & Ewen Parish Council Parish. This can be found in **Annex C**.

Councillor and Residents

4.2. There has been 1 Councillor and 1 resident representation received in relation to this application; the representations can be found in **Annex C**.

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

- 8.1.** 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.