



**COTSWOLD**  
DISTRICT COUNCIL

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>LICENSING SUB-COMMITTEE – 26<sup>th</sup> April 2023 – 16:00</b>
Subject	<b>APPLICATION FOR A NEW PREMISES LICENCE</b>
Wards affected	Grumbolds Ash With Avening
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 Application made by Victoria Hazell on behalf of Robomagic Live Limited at Worcester Lodge
Annexes	<b>Annex A – Copy of the Application</b> <b>Annex B – Plan of the site and location</b> <b>Annex C – Copy of representations</b> <b>Annex D – Hearing Procedures</b>
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"><li>• grant the application as requested;</li><li>• grant the application subject to such conditions that are necessary to promote the licensing objectives;</li><li>• refuse the application in whole or in part where it is necessary in order to promote the licensing objectives.</li></ul>
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.
- 1.2. The Application was received on the 28<sup>th</sup> February 2023. The Applicant is Robomagic Live Limited.
- 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 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
    - Friday to Sunday 12:00 to 23:00 hours
  - Performance of Dance
    - Friday to Sunday 12:00 to 22:30 hours
  - Films, indoors and outdoors
    - Friday to Sunday 12:00 to 22:30 hours
  - Similar Live Recorded Music and Dance, indoors and outdoors
    - Friday to Sunday 12:00 to 22:30 hours
  - Live Music, indoors and outdoors
    - Friday to Sunday 12:00 to 22:30 hours
  - Recorded Music, indoors and outdoors
    - Friday to Sunday 12:00 to 22:30 hours
  - Plays, indoors and outdoors
    - Friday to Sunday 12:00 to 22:30 hour
- 1.5. A copy of the Application is attached at **Annex A**.
- As a result of mediation due to representations, an earlier finish for licensable activities, excluding sale of alcohol, to 22:30 plus 30 minutes contingency for over runs has been actioned. Additionally, the removal of sporting and boxing events. Additional Conditions have been agreed by the applicant and listed at **Section 3**. Where agreed condition times relating to the original times applied for differ from the above, the conditions will be updated to reflect this change.

## 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 been agreed by the Applicant which will form part of the Operating Schedule on the Premises Licence:

1. A maximum of 3 live days per year that could be used individually or consecutively.
2. No active programming beyond 22:30.
3. A copy of a Noise Management Plan (NMP) for each event is to be made available to the Technical Pollution services at Cotswold District council and Environmental Control and Protection Team at Wiltshire Council 3 weeks prior to any event. This NMP is to include:
  - Location of monitoring points to include Holly Bush Cottage.
  - Annotated site map including direction of speakers.
  - Regular subjective checks at the boundary of surrounding residential properties. If noise can be heard here, complaints may follow, and the noise should be adjusted accordingly.
  - Installation of signs and notices detailing guests are to respect those living in the area and ensuring customers are asked to leave quietly and are mindful of neighbours.
  - The engagement of a suitably qualified noise consultant to set noise levels (dBA) at the mixer. This is to determine what levels are appropriate for live music and must account for management of people noise also. The Music Noise Level (MNL) over a fifteen-minute period throughout the duration of the event will be agreed in advance in the NMP with relevant responsible authorities from all local authorities where noise sensitive premises are located. The MNL must be measured by an acoustic expert using a Class I specification sound level meter capable of measuring third-octave bands.
  - The control limits at the mixer position on each stage will be in the NMP and agreed in advance with the relevant responsible local authorities where noise sensitive premises are located. These will be a dB limit in the 63Hz and 125Hz octave frequency bands throughout the duration of the concert or event.



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4. The event organiser must provide prior notification of the event to local residents including details of the event timings. The distribution for the notification letter will be agreed with the Environmental Control and Protection Team. A noise “hot line” number will also be included to allow residents to contact an event representative should they need to make a complaint during the event.
5. Amplified music (including live music) is permitted between the hours of 12:00 to 23:00 on Friday and 12:00 to 23:00 on Saturday and Sundays of any event.
6. The Premises Licence Holder (PLH) will, so far as is reasonably practicable, ensure that any event will operate in accordance with an event specific Event Management Plan (EMP). The EMP is a living and dynamic document, under constant review, and allows for input from all stakeholders, the Licensing Authority (CDC) and all Responsible Authorities. The EMP will vary in scope and content for each event but shall contain detailed proposals for each event in policies and plans to promote all the licensing objectives. At a minimum, the EMP will include (either as part of a single document or a series of documents) the following:
  - (a) An overall description of the event, the style(s) of any music to be performed and the anticipated demographics of attendees, and anticipated number of attendees.
  - (b) A detailed plan of the event site.
  - (c) Details of persons with specific responsibilities for ensuring the smooth running and safety of the Event
  - (d) Details of the Event Organiser’s public and occupiers’ liability insurances.
  - (e) A Security and Stewarding Plan
  - (f) A Crowd Management Plan
  - (g) An Emergency and Contingency Plan
  - (h) A Major Incident / Terrorism Plan
  - (i) A Communications Plan
  - (j) An Alcohol Management Policy
  - (k) A Searching Policy
  - (l) Where relevant to the nature of the event, a Drug Policy
  - (m) A Noise Management Plan
  - (n) A First Aid and Welfare Plan.
  - (o) Where minors are permitted, a Child Welfare Plan
  - (p) A Traffic Management Plan
  - (q) Risk Assessments
  - (r) Fire Risk Assessment that will include details of firefighting equipment and any pyrotechnic displays planned.



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7. A copy of the proposed final version of the EMP (subject to any necessary and proportionate amendments being made by the PLH) must be submitted to CDC at least 14 days prior to any event taking place. Any amendments to the EMP after the final version submission, shall be brought to the attention of CDC as soon as reasonably practicable and in any event within 48 hours of being made.

#### **4. REPRESENTATIONS**

##### **Responsible Authorities under the Licensing Act 2003**

Public Protection at Wiltshire Council, Technical Pollution Services Environmental Health Cotswold District council and the Stroud & Cotswolds Liquor Licensing Constable have made representations to recommend conditions which have been agreed to by the Applicant and listed 1 to 7 of **section 3**.

Principal Environmental Health Officer, Stroud District Council, comment is within the representations found in **Annex C**.

##### **Other persons**

##### **Parish Council**

- 4.1. Comments were received from Didmarton Parish and Sopworth Parish. These can be found in **Annex C**.

##### **Residents**

- 4.2. There have been 35 representations from 39 individuals, received in relation to this application; the representations can be found in **Annex C**.

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

- Traffic , including road safety
- Parking
- Crime and Disorder
- Area of Outstanding Natural Beauty and disturbance to local wildlife
- Planned events

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

Traffic, Parking, Toilet Facilities 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. A member of the public has been in contact with the Planning Department at Cotswold District Council and they have confirmed that Planning Consent is not required.

Traffic management for individual events is managed during Event Safety Advisory Group(ESAG) meeting in which Highways and Emergency Services attend.

#### Crime and Disorder concerns

The Police Licensing Officer has suggested conditions which the applicant has agreed to and can be found in **section 3.1** numbered 6 and 7.

#### Planned events

The application is to be considered for the licensable activities applied for and how the licensing objectives will be met.

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



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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.