



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	LICENSING SUB-COMMITTEE – 29 FEBRUARY 2024
Subject	APPLICATION FOR A NEW PREMISES LICENCE
Wards affected	Bourton Village
Accountable member	Planning and Licensing Committee
Accountable officer	Kevin Dunford, Licensing Officer Email: ers@cotswold.gov.uk
Report author	Kevin Dunford, Licensing Officer Email: ers@cotswold.gov.uk
Summary/Purpose	To determine an application for a New Premises Licence made by El Group Limited at Coach And Horses, Fosseway, Bourton-on-the-Water.
Annexes	Annex A – Copy of the Application. Annex B – Plan of the site and location. Annex C – Responsible authorities agreed conditions. Annex D – Copy of representations.
Recommendation(s)	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	<ul style="list-style-type: none"> • Delivering good services
Key Decision	NO
Exempt	NO
Consultees/ Consultation	A 28 day consultation has been undertaken with all Responsible Authorities, Ward Member, Parish Council and advertised in accordance with the Licensing Act 2003.



I. BACKGROUND

- I.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.
- I.2** The Application was received by the Applicant, El Group Limited, on 8th January 2024. The Licensing Authority is satisfied that the Application was duly made, the correct notification process was followed, and the Application was appropriately advertised.
- I.3** The Application sought a Premises Licence for the following licensable activities and times:
- Supply by Retail of Alcohol - Every day 10:00 – 01:00
On and Off premises
 - Plays - Every day 12:00 - 00:00
In and Outdoors
 - Films - Every day 07:00 - 01:30
In Outdoors
 - Indoor Sporting Events - Every day 07:00 - 01:30
 - Live Music - Every day 12:00 - 00:00
In and Outdoors
 - Recorded Music - Every day 07:00 - 01:30
In and Outdoors
 - Performances of dance - Everyday 12:00 – 01:00
In and Outdoors
 - Similar Live Recorded Music and Dance - Every day 12:00 - 01:00
In and Outdoors
 - Late Night Refreshment - Every day 23:00 - 01:30
On and Off Premises

A copy of the Application is attached in **Annex A**.



2. SITE DESCRIPTION

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

3. REPRESENTATIONS

Responsible Authorities under the Licensing Act 2003

- 3.1 No representations have been received from Responsible Authorities under the Licensing Act 2003. The Crime Prevention Team for Gloucestershire Constabulary logged no objections and proposed conditions to the applicant which have been accepted and can be found in **Annex C**. The Technical Pollution Team logged no objection and proposed a condition which the applicant has accepted and can be found in **Annex C**.

Parish Council and Residents

- 3.2 The Parish Council have made representations which have been attached in **Annex D**. There have also been 15 resident representations received concerning this application, 5 of which have been withdrawn due to mediation. Copies of the remaining representations from the Parish Council and Residents are attached in **Annex D**.

Views of the Licensing Authority

- 3.3 The concerns raised which we consider are not relevant in the objections are:
- Matters to do with traffic, including road safety;
 - Matter involving parking;
 - Matters concerning areas of Outstanding Natural Beauty and disturbance to local wildlife.
- 3.4 The Licensing Authority does not consider 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 requirements in place.



3.5 It is understood the Applicant has approached the Parish Council and asked whether the following amendments would address the concerns:

- Sale of Alcohol by Retail – reduced in line with other pubs in the area – 11.00 to 23.00 per day, seven days per week.
- Recorded and live music permitted indoor only in line with Sale of Alcohol by Retail 11.00 to 23.00 per day
- Live music permitted outside until 21.00 daily due to this pub being in a residential area, with multiple gardens backing onto the pub grounds.
- New Years Eve – the current application mirrors the 36 hours granted under the old “Justices Licence” and this is one of those grandfather rights which was granted as part of the Licensing Act conversion. To alleviate concerns, I propose a Non Standard timing of 11.00 to 00.30 on New Years Eve and Christmas Eve for the Sale of Alcohol by Retail , Record and Live music (indoors only)
- Remove “Sporting events” from the application.
- Remove “Film” from application from the application.
- A condition to be added with regard to all doors and windows being closed during regulated entertainment.

3.6 The Applicant requested the Licensing Authority distribute the above-suggested amendments to the objectors and discussions are ongoing between the parties.

3.7 It is understood there will be subsequent documents confirming the amendments to the application before the Hearing.

4. NATIONAL GUIDANCE

4.1 The Secretary of State’s Guidance (referred to as ‘Section 182 Guidance’) requires Licensing Authorities, following receipt of relevant representations, to make judgements about what constitutes a 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 in the Licence. Any licence issued will contain the mandatory conditions.



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5. FINANCIAL IMPLICATIONS

- 5.1** 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.

6. LEGAL IMPLICATIONS

- 6.1** There is a right of appeal to the Magistrates' Court within 21 days of the Council's decision.

7. BACKGROUND DOCUMENTS

Cotswold District Council's Statement of Licensing Policy – 2021

Home Office S.182 Statutory Guidance published December 2023.