



<u>Committee and Date</u>
Licensing Act Sub-Committee
Wednesday 12 th April 2017

<u>Item</u>
3
Public

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
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1. Summary

To consider an application for a new Premises Licence.

Premises: Detton Hall Farm Neen Savage Cleobury Mortimer Shropshire
DY14 8LW. A location plan is attached to the report as Appendix
A.

Shropshire Council being the authorised licensing authority for the above premises has received an application for a new premises licence.

The application has been accepted as a valid application and during the statutory consultation period relevant representations were made. The application is required to be determined by way of a hearing of the Licensing Sub-Committee.

In determining the application the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all parties;
- Guidance issued under Section 182 of the Licensing Act 2003;
- Shropshire Council's Licensing Policy.

After considering all the relevant issues the licensing authority may grant the application in full or in part, subject to such conditions that are deemed necessary and appropriate. Any conditions imposed must be appropriate for the promotion of the licensing objectives.

Alternatively the application can be refused if it is considered appropriate for the promotion of the licensing objectives.

Following a hearing, the licensing authority should give its decision and provide reasons to support it. This will be important if there is an appeal by any of the parties.

All parties are required to be notified of a decision and that decision should be accompanied by information on the right of the party to appeal.

2. Recommendations

That the Sub-Committee determines the application in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the information contained within this report, supporting documentation and having had due regard to the applicant and the parties/authorised bodies making relevant representations.

That the Sub-Committee determines the application in accordance with the options in paragraph 9.

That the Sub-Committee provides the reasons for its decision.

REPORT

3. Human Rights Act Appraisal

The Committee is required to consider the consequences of refusal or approval on the applicant's human rights.

4. Financial Implications

None.

5. Purpose of Report

To consider an application for a new Premises Licence for Detton Hall Farm Neen Savage Cleobury Mortimer Shropshire DY14 8LW.

6. Background

- 6.1 Detton Hall Ltd, has made an application for a new Premises Licence, the requested licensable activities and opening hours are:

Plays (Outdoors), Live Music (Outdoors), Recorded Music (Outdoors), Performance of Dance (Outdoors) and Late Night Refreshment (Outdoors)

Monday to Thursday – 23:00 to 01:00

Friday to Sunday – 23:00 to 02:00

Supply of Alcohol (On the premises)

Monday to Thursday – 08:00 to 01:00

Friday to Sunday – 08:00 to 02:00

Opening Hours

Monday to Thursday – 08:00 to 01:00

Friday to Sunday – 08:00 to 02:00

6.2 For a new application, applicants are required to submit an operating schedule detailing how they intend to promote the four licensing objectives, these are the prevention of crime and disorder, promotion of public safety, the prevention of public nuisance and the protection of children from harm. The applicant has indicated that the following steps would be taken (after taking into account comments from responsible authorities).

6.2.1 Prevention of Crime and Disorder

1. Staff shall be trained in Fire Marshalling, First Aid, Age Verification and Underage sales prevention. Staff shall also be trained in identifying early signs of intoxication in order to comply with Licensing Law surrounding the sale of alcohol to a drunk and potential vulnerability.
2. Any Outside Caterers serving alcohol will be given a copy of the age verification policy prior to commencement of trading and will be required to sign a declaration of understanding of the policy.
3. Any and all instances of crime and disorder will be reported promptly to the police.
4. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of the Council or the Police, which will record the following:
 - i) All crimes reported to the venue
 - ii) Any complaints received
 - iii) Any refusal of the sale of alcohol
 - iv) Any visit by a relevant authority or emergency service.
5. The incident log shall be signed by the DPS of the premises on a monthly basis.
6. Events Marshalls shall be provided for events of over 50 people.

6.2.2 Public Safety

1. All exit routes throughout the premises shall be kept unobstructed, free of trip hazards and clearly signed.
2. Public areas will be maintained free from obstruction and trip hazards
3. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place by staff.

6.2.3 Prevention of Public Nuisance

1. Refuse such as bottles will be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
2. Highway and public spaces in the vicinity of the premises will be kept free from litter.
3. Notices shall be prominently displayed at all exits requesting patrons to leave the premises quietly.
4. Noise from regulated entertainment shall not be clearly audible at the boundary of any noise sensitive premises.

5. Prior to any licensable activities taking place, a Noise Management Plan shall be submitted to and approved in writing by the licensing Authority. This management plan shall be fully implemented at all times that regulated entertainment occurs.

6. Any legitimate complaint made by a resident to the management of the premises in relation to noise will be addressed with the minimum of delay.

6.2.4 Protection of Children from Harm

1. A challenge 25 policy will be adopted with proportionate and appropriate signage displayed.

2. A refusal to serve log shall be maintained and made available for inspection by a Police Officer or Authorised Officer, this log shall include the Date, Time, Name and signature of the staff member who refused the sale.

3. The refusal to serve log shall be signed by the DPS of the premises on a monthly basis

4. Front of House Staff shall be trained in Licensing Law with regards to age verification, children and alcohol, and the procedures that shall be adopted if it is considered that an individual may be under the age of 18.

5. Proof of id being passport, photo card driving licence and/or PASS photo card.

7. **Objections Received (Responsible Authorities)**

West Mercia Police has objected to the application citing inadequate information in the application form/plan as to location of the 'bar' meaning it was not possible to assess the proposed measures for Prevention of Crime and Disorder and Protection of Children from Harm.

8. **Objections received (Other Persons)**

8.1 Fourteen representations have been received from other persons, who have concerns in respect of crime and disorder, public nuisance, public safety and protecting children from harm. Principally the concerns relate to the nuisance/disorder that might be caused if a licence was to be granted and the nature of the access road to the site being unsuitable.

8.2 The applicant has indicated that they wish to continue with the application as detailed above.

8.3 The representations have not been withdrawn.

9. **Options for Consideration**

9.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- To refuse to grant the licence
- To grant the licence with conditions
- To grant the licence but restrict the licensable activities
- To grant the licence with restricted times

- 9.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraph 6.2 of this report would need to be included in the licence, if deemed necessary and appropriate, with an appropriate decision.
- 9.3 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premises, it would not be appropriate to impose similar duties.
- 9.4 Members of the Sub-Committee should be advised that the applicant or any other person who made relevant representations in relation to the application may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

10. Standard of Decision Making

- 10.1 In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications where a relevant representation has been made need to be determined by this Sub-Committee.
- 10.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:
- The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 10.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 10.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Shropshire Council Licensing Policy.
Guidance issued under section 182 of the Licensing Act 2003 (Mar 2015).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form.
Copies of representations received.

Cabinet Member (Portfolio Holder)

Cllr M Price

Local Member

Cllr M Shingleton
Cllr G Butler

Appendices

Appendix A – Location Plan