

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – 16th OCTOBER 2012

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| Title of report | APPLICATION FOR THE REVIEW OF A PREMISES LICENCE |
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| Purpose of report | To determine an application for a review of a premises licence in respect of premises trading as Cattows Farm and located at Normanton Lane, Heather, Coalville, Leicestershire, LE67 2RF. This report outlines the application and also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority's Licensing Policy. |
| Strategic aims | Safer & Healthier District |
| Implications: Financial/Staff Link to relevant CAT Risk Management Equalities Impact Assessment Human Rights | <p>Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.</p> <p>Business CAT.</p> <p>The usual risks of cost involved of an appeal against the decision of the Committee. In any event and in order to mitigate these risks, the Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in Court.</p> <p>Equality Impact Assessment already undertaken, issues identified actioned.</p> <p>Article 1 of Protocol 1 of the European Convention of Human Rights provides that everyone is entitled to the peaceful enjoyment of his possessions, except in the public interest and subject to the conditions provided for by law.</p> |
| Transformational Government | Not applicable. |

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| Consultees | Leicestershire Fire and Rescue Service, Trading Standards, Health and Safety, Environmental Protection, Planning and members of the public/local businesses by way of notice at the premises, on the Council's website and at the Council Offices, Coalville. |
| Background papers | Guidance issued under Section 182 of the Licensing Act 2003 - available for reference at www.culture.gov.uk and Statement of Licensing Policy -available for reference at www.nwleics.gov.uk/licensing |
| Recommendations | THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION. |

1. Background

- 1.1 The premises currently operate as a pick your own farm with a tea room on site and are the holders of a premises licence. The premises are also the location of the Strawberry Fields music festival which is held each year. The premises licence permits the following licensable activities

Sale by retail of alcohol for consumption on and off the premises

09:30hrs to 01:30hrs Monday to Sunday.

Performance of recorded music, performance of dance, anything of a similar description to live music, recorded music and dance, the provision of entertainment facilities for making music, provision of facilities for dancing and entertainment of a similar description:

Monday to Sunday – Outdoors 09:30hrs to 23:00hrs

Monday to Sunday – Indoors 09:30hrs to 02:30hrs

Live music

Monday to Sunday – Outdoors 10:00hrs to 23:00hrs

Monday to Sunday – Indoors 10:00hrs to 02:30hrs

Late night refreshment

Monday to Sunday 23:00hrs to 02:30hrs

A copy of the premises licence is attached as appendix 1.

- 1.2 A map showing the location of the premises is attached as appendix 2.

- 1.3 On 28th August 2012, an application for a review of the premises licence was received from Packington Parish Council. A copy of the application is attached as appendix 3. The review application relates to the prevention of public nuisance licensing objective and the grounds for review relate to noise disturbance during the Strawberry Fields festival held on

10th, 11th 12th August 2012. A full breakdown of the grounds for review are detailed in the application.

2.0 Representations

- 2.1 The Licensing Authority is responsible for advertising the review application by displaying prominently a notice at, on or near the premises to which the application related, on the Council's website and at the main offices of the Licensing Authority for not less than 28 consecutive days. The required notices were displayed at the premises, on the Council's website and in the reception area of the Council Offices, Coalville on 28th August 2012.
- 2.2 In respect of a review of a premises licence, the applicant is responsible for serving the application on the premises licence holder and each of the responsible authorities, namely, the Fire Authorities, Trading Standards Department, Leicestershire Area child protection committee and the District Council's Health and Safety, Environmental Protection and Planning Sections. Officers are satisfied that the applicant has served all parties as required.
- 2.3 A representation has been received from the District Council's Health and Safety department on the grounds of Public Safety. A copy of this representation is attached as appendix 4.
- 2.4 A representation has been received from the District Council's Environmental Protection department on the grounds of Public Nuisance. A copy of the representation is attached as appendix 5.
- 2.5 Other persons who have an interest in the premises are able to make representations within 28 days of the application to the Licensing Authority.
- 2.6 11 representations have been received from other persons based on crime and disorder, public nuisance and public safety. Copies of these representations are attached as appendices 6 to 16.

3.0 Statutory Guidance

- 3.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 2.1 to 2.16, 2.17 to 2.32, 2.33 to 2.40, 8.6 to 8.11, 8.12, 8.13, 9.11, 11.1 to 11.12 to 11.24 may have a bearing upon the application.

4.0 Statement of Licensing Policy

- 4.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 2.3, 2.4, 7.1 to 7.2, 8.1 to 8.4, 9.1 to 9.3, and 11.1 to 11.3 may have a bearing upon the application.

5.0 Observations

- 5.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 The Committee may take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence.

5.3 Any determination made by the Sub-Committee shall not come into effect until the end of the period given for appealing against the decision or if the decision is appealed against, until the appeal is disposed of.

5.4 There is a right of appeal to the Magistrates Court against the decision of the Sub-Committee by the applicant and the premises licence holder.