

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – WEDNESDAY, 2 MAY 2018

Title of report	APPLICATION FOR A VARIATION OF A PREMISES LICENCE
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Purpose of report	To determine an application for a variation of a premises licence in respect of the premises trading as Cattows Farm, Normanton Lane, Heather, Coalville, Leicestershire, LE672TD. 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.
Council Priorities	Business and Jobs Homes and communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Screening</p> <p>Human Rights</p>	<p>Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.</p> <p>N/A</p> <p>The risk of cost arising from 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.
Consultees	Leicestershire Police, Leicestershire Fire and Rescue Service, The Home Office, Trading Standards, Health and Safety, Environmental Protection, Licensing Authority, Planning, Health Authority 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 Statement of Licensing Policy – Issue 6
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.

1. Background

- 1.1. The premises is a farm and associated land located on Normanton Lane, Heather. It currently holds a premises licence issued under the Licensing Act 2003. 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. An application for the variation of premises licence was received from Mr James Ludlam on 9th March 2018. A copy of the application is attached as **Appendix 3**.
- 1.4. The variation of premises licence as requested by the applicant is detailed as follows.
 - To amend the licensable capacity from up to 4,999 to up to 9,999 people including staff and performers.
- 1.5. The applicant has specified steps they intend to take in order to promote the four licensing objectives:

General – All four licensing objectives:

We work closely with the event organisers to ensure they promote the four objectives with the diligence we do ourselves. We ensure that every event is morally sound and has been planned to be safe and compliant in every aspect.

The prevention of crime and disorder:

- Larger scale events include Leicestershire Police and private security firms as part of the planning process and in SAG (Safety Advisory Group) meetings.

Public safety:

- We adhere to the Purple Guide and work closely with NWLDC, Leicestershire Police, Leicestershire Fire and Rescue Service, EMAS, private security companies and road traffic and highways agencies to promote this.

The prevention of public nuisance:

- We operate a challenge 21 policy. Our private security companies, stewarding and policing ensures that public nuisance is minimal and a zero tolerance policy adopted to any instances of nuisance.

The prevention of children from harm:

- All current events are child friendly. DBS checks are carried out for those working with children. We monitor event content to ensure no illicit, illegal, or immoral activities take place.

2. Representations

- 2.1. The applicant is also required to serve each of the responsible authorities, namely, the Police, Fire Authorities, Home Office, Trading Standards Department 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.
- 2.2. There have been no representations from the responsible authorities objecting to this application.
- 2.3. Other persons are able to make representations within 28 days of display of the notice of application to the Licensing Authority. Ten representations have been received from other persons on the grounds of: the prevention of public nuisance, the prevention of crime and disorder and public safety.
- 2.4. A summary of the representations is outlined below and copies of all the representations are presented as **Appendices 4-13**.

Appendix No.	Name	Capacity	Issue	Licensing objective
Appendix 4	Gary Austin	Local Resident	Noise	the prevention of public nuisance
Appendix 5	Kathy Price	Local Resident	Traffic Noise	public safety the prevention of public nuisance
Appendix 6	John Fancourt	Local Resident	Traffic Noise	public safety public safety

Appendix 7	Sally Fancourt	Local Resident	Crime Traffic	the prevention of crime and disorder public safety the prevention of public nuisance
Appendix 8	Packington PC	Parish Council	Crime Traffic	the prevention of crime and disorder public safety the prevention of public nuisance
Appendix 9	Liz Colclough Phil Colclough	Local Resident Local Resident	Traffic Noise	public safety the prevention of public nuisance
Appendix 10	Alain Skelding Jean Skelding	Local Resident Local Resident	Traffic Litter Noise Crime	public safety the prevention of public nuisance the prevention of public nuisance the prevention of crime and disorder
Appendix 11	Paul Bailey	Local Resident Parish Council	Traffic Noise	public safety the prevention of public nuisance
Appendix 12	Tony Mackie	Local Resident	Traffic Noise	public safety the prevention of public nuisance
Appendix 13	Gareth Braithwaite	Local Resident	Litter	the prevention of public nuisance

3. 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 1.1 to 1.5, 2.1 to 2.10, 2.15 to 2.31, 3.1 to 3.2, 3.11, 8.38 to 8.85, 9.11 to 9.12, 9.31 to 9.44, 10.1 to 10.10 and 14.1 to 14.3 may have a bearing upon the application.

4. 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 2.1 to 2.5, 3.0, 4.1 to 4.4, 5.1 to 5.4, 6.1 to 6.4, 7.1 to 10.0, 11.0, 22.0, 23.0, and 26.0 may have a bearing upon the application.

5. Observations

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

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

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

- Grant the application as requested.
- Modify the conditions of the licence, by altering or omitting or adding to them.
- Reject the whole or part of the application.

5.3 There is a right of appeal to the Magistrates Court against the decision of the Sub-Committee by the applicant and persons who made relevant representations.