

5. Representation following the Application for a New Premises Licence for Natural Communities CIC at Gilcombe Farm, Bruton

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Purpose of the Report

To inform members that an application for a new premises licence under the Licensing Act 2003 has been received from Natural Communities CIC for specified areas of Gilcombe Farm, Bruton. It is a time limited application from 10:00 Thursday 3 June until 23:59 on Monday 7 June 2010.

Recommendation

To determine the granting of the premises licence in accordance with the options detailed later in the report.

Background

The Council is the authority responsible for the issue of Premises Licences issued under Section 18 of the Licensing Act 2003.

The Licensing Manager has delegated authority to determine a Premises Licence application, subject to no objections being received from a Responsible Authority or an Interested Party. In this case, three relevant representations have been received from Responsible Authorities and eight from Interested Parties, necessitating the convening of a hearing.

Licensing Objectives

The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision making process. An application will not be refused in whole or part or any conditions attached except those offered by the applicant or required by law except where necessary to promote the licensing objectives.

Application

The details of the application and the subsequent amendment are as follows:

- Applicant: Natural Communities CIC

- Licensable activities applied for:

REGULATED ENTERTAINMENT

Plays (A) on Thursday 3 June from 12:00 hours through to 02:00 hours Monday 7 June

Films (B) Live Music (E), Recorded Music (F), Performance of Dance (G), Provision of Facilities for Dancing (J) Provision of Facilities for Entertainment of a Similar Description (K) on Thursday 3 June from 12:00 hours through to 04:00 hours Monday 7 June

Anything of a similar description (H) on Thursday 3 June from 12:00 hours through to 08:00 hours Monday 7 June

Provision of Facilities for Making Music (I) on Thursday 3 June from 12:00 until 08:00 Monday 7 June and then from 20:00 until 23:59 on Monday 7 June

The actual times and activities will be confined to the various stages and tents as stated in the operating schedule which are as follows:

Chai Wallahs – Categories E, F, G, H, J and K - Grid Reference N/O9

Day	Date	Start Time	Finish Time
Thursday	3 June	15:00	00:00
Friday	4 June	00:01	02:00
Friday	4 June	15:00	00:00
Saturday	5 June	00:01	03:00
Saturday	5 June	15:00	00:00
Sunday	6 June	00:01	04:00
Sunday	6 June	11:00	00:00
Monday	7 June	00:01	02:00

Chai Wallah's Emporium – Categories F and H - Grid Reference N9

Day	Date	Start Time	Finish Time
Thursday	3 June	12.00	15.00
Friday	4 June	02.01	15.00
Saturday	4 June	03.01	15.00
Sunday	5 June	04.01	11.00

Invisible Circus Stage – Categories A, E, F, G, and H Grid Reference J10

Day	Date	Start Time	Finish Time
Thursday	3 June	20:00	00:00
Friday	4 June	00:01	02:00
Friday	4 June	20:00	00:00
Saturday	5 June	00:01	04:00
Saturday	5 June	20:00	00:00
Sunday	6 June	00:01	04:00
Sunday	6 June	20:00	00:00
Monday	7 June	00:01	01:00

Sunrise Dance Stage – Categories E, F, G, H, J and K - Grid Reference K9

Day	Date	Start Time	Finish Time
Thursday	3 June	15:00	00:00
Friday	4 June	00:01	02:00
Friday	4 June	12:00	00:00
Saturday	5 June	00:01	04:00
Saturday	5 June	12:00	00:00
Sunday	6 June	00:01	04:00
Sunday	6 June	12:00	00:00

Alchemy Chill – Categories E, F, G, H, J and K - Grid Reference K9

Day	Date	Start Time	Finish Time
Friday	4 June	02:01	11:59
Saturday	5 June	04:01	11:59
Sunday	6 June	04:01	11:59

Pussyfoot Cabaret Bar – Categories E, F, G, H, J and K - Grid Reference L11

Day	Date	Start Time	Finish Time
Thursday	3 June	15:00	00:00
Friday	4 June	00:01	02:00
Friday	4 June	12:00	00:00
Saturday	5 June	00:01	03:00
Saturday	5 June	12:00	00:00
Sunday	6 June	00:01	03:00
Sunday	6 June	12:00	00:00
Monday	7 June	00:01	02:00

Fredome – Categories I and H - Grid Reference J/K11

Day	Date	Start Time	Finish Time
Thursday	3 June	15:00	00:00
Friday	4 June	00:01	01:00
Friday	4 June	15:00	00:00
Saturday	5 June	00:01	02:00
Saturday	5 June	15:00	00:00
Sunday	6 June	00:01	02:00
Sunday	6 June	15:00	00:00

Triban Cafe – Categories E, F, H, and J Grid Reference L8

Day	Date	Start Time	Finish Time
Thursday	3 June	15:00	00:00
Friday	4 June	00:01	04:00
Friday	4 June	12:00	00:00
Saturday	5 June	00:01	06:00
Saturday	5 June	12:00	00:00
Sunday	6 June	00:01	06:00
Sunday	6 June	12:00	00:00
Monday	7 June	00:01	01:00

Hurly Burly - Categories E, F, G, H and J Grid Reference K10

Day	Date	Start Time	Finish Time
Thursday	3 June	12:00	00:00
Friday	4 June	12:00	00:00
Saturday	5 June	00:01	02:00
Saturday	5 June	12:00	00:00
Sunday	6 June	00:01	02:00
Sunday	6 June	12:00	00:00
Monday	7 June	00:01	01:00

Bimble Inn - Categories E, F and H – Grid Reference L12

Day	Date	Start Time	Finish Time
Thursday	3 June	12:00	00:00
Friday	4 June	00:01	02:00
Friday	4 June	12:00	00:00
Saturday	5 June	00:01	04:00
Saturday	5 June	12:00	00:00
Sunday	6 June	00:01	06:00
Sunday	6 June	12:00	00:00
Monday	7 June	00:01	02:00

Spit n Sawdust Stage A, E, G, H and J – Grid Reference O7

Day	Date	Start Time	Finish Time
Thursday	3 June	12:00	23:00
Friday	4 June	12:00	00:00
Saturday	5 June	12:00	00:00
Sunday	6 June	12:00	23:00

Lost Horizons Sauna Cafe – Categories E and F - Grid Reference O5

Day	Date	Start Time	Finish Time
Thursday	3 June	15:00	00:00
Friday	4 June	00:01	04:00
Friday	4 June	12:00	00:00
Saturday	5 June	00:01	06:00
Saturday	5 June	12:00	00:00
Sunday	6 June	00:01	06:00
Sunday	6 June	12:00	00:00
Monday	7 June	00:01	03:00

All Café's – Category I Only

Day	Date	Start Time	Finish Time
Thursday	3 June	12:00	00:00
Friday	4 June	00:01	02:00
Friday	4 June	10:00	00:00
Saturday	5 June	00:01	02:00
Saturday	5 June	10:00	00:00
Sunday	6 June	00:01	02:00
Sunday	6 June	10:00	00:00

Cinema A Category B Only - Grid reference L8

Day	Date	Start Time	Finish Time
Thursday	3 June	14:00	00:00
Friday	4 June	00:01	04:00
Friday	4 June	14:00	00:00
Saturday	5 June	00:01	04:00
Saturday	5 June	14:00	00:00
Sunday	6 June	00:01	04:00
Sunday	6 June	14:00	00:00
Monday	7 June	00:01	04:00

Cinema B Category B Only – Grid Reference N6

Day	Date	Start Time	Finish Time
Thursday	3 June	12:00	00:00
Friday	4 June	00:01	02:00
Friday	4 June	12:00	00:00
Saturday	5 June	00:01	02:00
Saturday	5 June	12:00	00:00
Sunday	6 June	00:01	04:00
Sunday	6 June	12:00	00:00
Monday	7 June	00:01	02:00

Whole of Licensed Site (Outside Venues Only) Categories A, G, H, I, J and K (Not including Carnival Dance Area or Fire Performance Area)

Day	Date	Start Time	Finish Time
Thursday	28 th May	12:00	00:00
Friday	29 th May	00:01	00:00
Saturday	30 th May	00:01	00:00
Sunday	31 st June	00:01	00:00
Monday	1 st June	00:01	03:00

Carnival Dance Area (Outdoor Venues Only) Category F, G, H, I and J Grid Reference K/L11

Day	Date	Start Time	Finish Time
Thursday	3 June	12:00	00:00
Friday	4 June	00:01	00:00
Saturday	5 June	00:01	00:00
Sunday	6 June	00:01	20:00

Fire Performance Area (Outdoor Venues Only) Category H Only Grid Reference K9

Day	Date	Start Time	Finish Time
Thursday	3 June	18:00	00:00
Friday	4 June	00:01	00:00
Saturday	5 June	00:01	00:00
Sunday	6 June	00:01	00:00
Monday	7 June	00:01	02:00

LATE NIGHT REFRESHMENT (L) - ALL CAFÉ'S

Day	Date	Start Time	Finish Time
Thursday	3 June	23:00	00:00
Friday	4 June	00:01	05:00
Friday	4 June	23:00	00:00
Saturday	5 June	00:01	05:00
Saturday	5 June	23:00	00:00
Sunday	6 June	00:01	0:500
Sunday	6 June	23.00	00.00
Monday	7 June	00.01	05.00

SUPPLY OF ALCOHOL (M)

From 12:00 on Thursday 3 June until 01:00 on Monday 7 June and then from 20:00 until 23:59 on Monday 7 June. - See below for individual bars

Cider Bar - Grid Reference O6

Day	Date	Start Time	Finish Time
Thursday	3 June	15:00	00:00
Friday	4 June	00:01	01:00
Friday	4 June	12:00	00:00
Saturday	5 June	00:01	02:00
Saturday	5 June	12:00	00:00
Sunday	6 June	00:01	02:00
Sunday	6 June	12:00	00:00

Bimble Inn - Grid Reference L12

Day	Date	Start Time	Finish Time
Thursday	3 June	15:00	00:00
Friday	4 June	00:01	02:00
Friday	4 June	12:00	00:00
Saturday	5 June	00:01	03:00
Saturday	5 June	12:00	00:00
Sunday	6 June	00:01	03:00
Sunday	6 June	12:00	00:00
Monday	7 June	00:01	01:00
Monday	7 June	20:00	23:59

Chai Wallahs - Grid Reference N9

Day	Date	Start Time	Finish Time
Thursday	3 June	15:00	00:00
Friday	4 June	00:01	01:00
Friday	4 June	12:00	00:00
Saturday	5 June	00:01	02:00
Saturday	5 June	12:00	00:00
Sunday	6 June	00:01	03:00
Sunday	6 June	12:00	00:00

Alchemy Juice Bar - Grid Reference K9

Day	Date	Start Time	Finish Time
Thursday	3 June	15:00	00:00
Friday	4 June	00:01	01:00
Friday	4 June	12:00	00:00
Saturday	5 June	00:01	02:00
Saturday	5 June	12:00	00:00
Sunday	6 June	00:01	02:00
Sunday	6 June	12:00	00:00

- Additional steps put forward by the applicant to comply with licensing objectives. (These will become conditions of the licence, subject to the licence being granted, and are in addition to any further conditions imposed by the Licensing Committee).

Please see proposed operating schedule

- Evidence that advertising/notice requirements have been complied with:

Daniel Hurring, the Operations Manager, has confirmed that the notice was displayed at premises for the requisite period and that a further notice, was placed in the Western Gazette newspaper on 4 March 2010 to comply with the requirements of the Licensing Act 2003.

Licensing Enforcement Officers visited the premises and confirmed that notices were displayed at the site.

Representations – Responsible Authorities

A representation was received on behalf of the Chief of Police for the area from:

Inspector Andrew Bishop
Operations Support
Yeovil Police Station
Horse Lane
YEOVIL

This representation has been withdrawn due to amendment of the operating schedule by the applicant.

A representation was received on behalf of Environmental Protection Service from:

Mr Paul Huntingdon
Senior Environmental Protection Officer
South Somerset District Council
Old Kelways
Somerton Road
LANGPORT

This representation has been withdrawn due to amendment of the operating schedule by the applicant.

A representation was received on behalf of Health & Safety from:

Mr Robert Killick
Health & Safety Officer
South Somerset District Council
Brympton Way
YEOVIL

This representation has been withdrawn its due to amendment of the operating schedule by the applicant.

Representations – Interested Parties

Eight relevant representations were received from Interested Parties, which were mainly concerned with anticipated noise affecting them during the proposed festival. One representation has been withdrawn.

Relevant Observations

None

Further Information

Interested Parties

Clarification has been sought from Interested Parties concerning the following matters in accordance with Regulation 7(1)(d):

- The severity of the complaint
- Details of any dates and times complaints made concerning the licence granted to Natural Communities CIC for 2009 (if any); to which body the complaints were made e.g. The Environmental Protection Service and/or The Police; and to which Officer
- Proof (if any) that incidents relate to the patrons of the Sunrise Festival

Considerations

In determining the Application with a view to promoting the licensing objectives in the overall interests of the community, the Committee must have regard to and give appropriate weight to the following considerations: -

- Any relevant and valid representation (including supporting documentation received)
- The Latest Guidance issued under s182 of the Act
- Guidance issued under s182 of the Act
- The Statement of Licensing Policy issued in December 2007
- The steps necessary to promote the licensing objectives as set out in s18(4) Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1

The Committee may depart from the Guidance and the Policy referred to above if the merits of the application require it. Full reasons must be given for any departure made.

Options

The options available to the committee in this case are as follows:

- Grant the licence s18(4)(a)
- Grant the application subject to modification to such extent as the Authority considers necessary for the promotion of the Licensing Objectives and any condition, which must under s19-21, be included in the licence s18(4)(a)(i)(ii).
- Exclude from the scope of the licence any of the licensable activities to which the application relates s18(4)(b)
- To refuse to specify a person in the licence as the premises supervisor s18(4)(c)
- Reject the application s18(4)(d).

Right of Appeal

Schedule 5 of the Licensing Act 2003 sets out the rights and procedures for making appeals against the decision of the Licensing Authority.

Where the Licensing Authority has rejected an application to grant a premises licence, the applicant may appeal to the Magistrates' Court against the decision to reject.

Where the Licensing Authority has granted the licence, the applicant may appeal to the Magistrates Court against any decision to impose conditions on the licence that are consistent with the operating schedule or imposed as steps considered necessary for the promotion of the licensing objectives.

Where the Licensing Authority has granted the licence subject to the exclusion of any of the licensable activities or refused to specify a person as the premises supervisor, the applicant may appeal to the Magistrates Court against the decision.

If the applicant receives a favourable decision from the Licensing Authority, the person(s) making the representation also can appeal to the Magistrates' Court against the grant of licence or that the Licensing Authority ought to have imposed different or additional conditions.

If the applicant receives a favourable decision from the Licensing Authority, the person(s) making the representation also can appeal to the Magistrates' Court on the ground that it ought to have taken a step to exclude a licensable activity or refused to have specified a person as the premises supervisor.

The appellant commences the appeal by giving a notice of appeal to the designated officer for the Magistrates' court within 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision appealed against.

On determining the appeal, the court may,

- Dismiss the appeal
- Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or

- Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

and may make such order as to costs as it thinks fit.

Background Papers

Licensing Act 2003

Licensing Act 2003 (Hearings) (Regulations) 2005

Guidance issued under section 182 of the Licensing Act 2003.

The Statement of Licensing Policy for South Somerset District Council
