

Representation following the Application for a New Premises Licence at Gilcombe Farm, Brewham, Bruton, BA10 0QE

Assistant Director: Laurence Willis, Assistant Director (Environment)
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Purpose of the Report

To inform members that an application has been received from Shindig Productions Ltd, for a time limited premises licence (23rd to 25th May 2015) to be granted under the Licensing Act 2003 at Gilcombe Farm, Brewham, Bruton, BA10 0QE.

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 Other Person. In this case, relevant representations have been received from three Responsible Authorities and Batcombe Parish Council, 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 appropriate to promote the licensing objectives.

Application

A copy of the application form is enclosed with the agenda.

The details of the application are summarised as follows:

- Applicant: Shindig Productions Ltd

Licensable activities applied for:

Regulated Entertainment

Films – Kids Kingdom Only (Point D on map)

Day	Start Time	Finish Time
Saturday 23 May	10:00	00:00
Sunday 24 May	00:01	00:00
Monday 25 May	00:01	02:00

Live Music – Indoors in Marquees Only

Day	Start Time	Finish Time
Saturday 23 May	10:00	00:00
Sunday 24 May	00:01	04:00
Sunday 24 May	10:00	00:00
Monday 25 May	00:01	04:00

Only venues permitted to provide live music are:

Le Pub, Ghetto Funk, Cabaret & Circus Tent, Kids Kingdom, Rum Shack, Shindig Cocktail Bar

Recorded Music – Indoors in Marquees Only

Day	Start Time	Finish Time
Saturday 23 May	10:00	00:00
Sunday 24 May	00:01	04:00
Sunday 24 May	10:00	00:00
Monday 25 May	00:01	04:00

Only venues permitted to provide recorded music are:

Le Pub, Ghetto Funk, Cabaret & Circus Tent, Kids Kingdom, Rum Shack, Shindig Cocktail Bar

Late Night Refreshment – Indoors and Outdoors

Day	Start Time	Finish Time
Saturday 23 May	23:00	00.00
Sunday 24 May	00:01	05:00
Sunday 24 May	23:00	00:00
Monday 25 May	00:01	05:00

Late night refreshment venues have not been provided.

Supply of Alcohol – On Sales Only

Day	Start Time	Finish Time
Saturday 23 May	10:00	00:00
Sunday 24 May	00:01	04:00
Sunday 24 May	10:00	00:00
Monday 25 May	00:01	04:00

The only venues permitted to provide sales of alcohol are:

Le Pub, Ghetto Funk, Cabaret & Circus Tent, Rum Shack and Shindig Cocktail Bar

Hours Open to the Public – Not a licensable activity, but shown as part of the application.

Day	Start Time	Finish Time
Saturday 23 May	10.00	00.00
Sunday 24 May	00:01	00.00
Monday 25 May	00:00	15:00

Opening Times of Individual Venues

No.	Type of Venue	Categories & Grid ref	Sat-Sun	Sun-Mon
1	The Pub	E,F,J – D7	12.00- 02:00	12:00—02:00
2	Ghetto Funk	E,F,J – H5	21:00-04:00	21:00-02:00
3	Cabaret and circus Tent	E,F,J – H10	12:00-02:00	12:00-00:00
4	Kids Kingdom	B,E,F – G10	09:00-20:00	09:00-20:00
5	Rum Bar	E,F,J –E8	12:00-02:00	12:00-00:00
6	Cocktail Bar	E,F,J- G5	12:00-22:00	12:00-22:00

Additional steps put forward by the applicant to comply with licensing objectives. Please see the supplied Event Management Plan (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).

Evidence that advertising/notice requirements have been complied with:

- The applicant has confirmed that notice(s) were displayed at premises for the requisite period. A further notice was placed in the Western Gazette newspaper on Tuesday December 23rd 2014 of which we have a copy.

Representations – Responsible Authorities

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

Mrs Nicola King
Yeovil Police Station
Horsey Lane
YEOVIL

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

Mr Paul Huntingdon
Senior Environmental Protection Officer
South Somerset District Council
Brympton Way
YEOVIL

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

Mr Douglas Hallett
Environmental Health Officer
South Somerset District Council
Brympton Way
YEOVIL

Representations – Other Persons

A representation was received from Batcombe Parish Council, as they were concerned about the possibility of noise affecting residents of the area.

Relevant Observations

Further Information

Another premises licence held by another organisation already exists for the premises defined in the application; however each application must be judged on its own merits.

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
- The Statement of Licensing Policy issued in January 2011
- The steps appropriate 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

Options

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

- Grant the licence subject to such conditions which are consistent with the operating schedule modified to such extent as the Authority considers appropriate 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) together with the new mandatory conditions.
- Exclude from the scope of the licence any of the licensable activities to which the application relates s18(4)(b)
- Refuse to specify a person in the licence as the premises supervisor
- 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 for 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 holder of the licence may appeal to the Magistrates Court against any decision to impose conditions on the licence that are consistent with the operating schedule or imposed where having regard to any relevant representations, are considered appropriate to promote 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 holder of the licence may appeal to the Magistrates Court against the decision.

Where a person who made a relevant representation desires to contend that the licence ought not to have been granted, or that on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or ought to have taken a step to exclude a licensable activity or refused to have specified a person as the premises supervisor, he may appeal against the decision to the Magistrates Court.

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

SI 2005 No. 44 Licensing Act 2003 (Hearings) (Regulations) 2005

SI 2005 No. 42 Licensing Act 2003 (Premises licences and club premises certificates)
Regulations 2005
SI 2010 No.860 Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010
The Latest Guidance issued under section 182 of the Licensing Act 2003.
The Statement of Licensing Policy for South Somerset District Council January 2014
