

Representation following the Application for a New Premises Licence at Holyrood Street, Mill Lane and Boden Street, Chard

Assistant Director: Laurence Willis
Report Author: Anita Legg – Licensing Officer
Contact Details: anita.legg@southsomerset.gov.uk or 01935 462134

Purpose of the Report

To inform members that an application has been received from Mr Timothy Eggins, for a one day premises licence to be granted for 19 March 2016 under the Licensing Act 2003 for specified parts of Holyrood Street, Mill Lane and Boden Street, Chard.

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 Persons. In this case, a relevant representation has been received from an 'Other Person', 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: Mr Timothy Eggins
Licensable activities applied for:

Activity	Start Time	Finish Time	Start Time	Finish Time
Live Music (E)	18:30	22:00		
Performance of Dance (G)	18:30	19:00	20:00	21:30

As this is for a one day event there are no Seasonal Variations or Non-Standard Timings

Late Night Refreshment was also requested from 18:30 and 22:00, however the selling of hot food and/or drink is only licensable between 23:00 and 05:00 and therefore falls outside the hours requested.

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. **(K)**

None

Hours premises open to the public (L)

Day	Start Time	Finish Time
Saturday	18:30	22:00

The premises consist of public highways and are therefore open to the public 24 hours per day, seven days a week, barring any road closures or other obstructions. It is proposed that the event will take place on the specified parts of the roads mentioned above between 18:30 and 22:00, hence timings are shown. The applicant is required to put measures in place so that no more than 4,999 people are in those streets at any one time.

Additional steps put forward by the applicant to comply with licensing objectives. Please see Section M (page 16) of the application form (these where appropriate, 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; the Licensing Enforcement Officer has visited the premises twice and confirmed the notices were in place at the times of his visits. A further notice was placed in the Chard & Ilminster Newspaper for which we are waiting for a copy.

Representation – Responsible Authorities

None

Representations – Other Persons

One letter of representation was received which concerned the potential issue of noise.

Relevant Observations

The applicant has also applied to Somerset County Council for a Traffic Regulation Order to divert traffic from Fore Street along Crowshute Link and Duck Lane to connect with the A358; from the opposite direction drivers can use Old Town Road and Millfield to avoid the event

area. He has also submitted a Traffic Management Plan which states that he “will be writing to all business and private residents again to remind them”[of the closure] and that “there will be signage up at each end of the closure 2 weeks prior to the event to give advance warning along with advertising in the local press”.

“The bus company has been informed of the minor change and will be dropping passengers off along Fore Street.”

Further Information

A letter was sent to the person whom made the representation requesting that meeting to see if their concerns could be allayed, but no response has been received at the time of writing this report.

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 2014.
- 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 are stated at section 18 of the Licensing Act 2003 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 current 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 s18(4)(c) (not applicable in this case as the sale of alcohol has not been requested)
- 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.
