

# Licensing Acts Panel

Report of Head of Legal & Democratic Services

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To: Licensing Acts Panel

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## **Application for a new premises licence for Church Farm, Shellingford, near Faringdon.**

### **Recommendation**

That the panel consider the application for a premises licence and the objection to the application and decide whether to a) grant the licence as applied for, b) grant the licence with modified timings and/or conditions, c) exclude from the scope of the licence any of the licensable activities to which the application relates or d) reject the application.

### **Purpose of Report**

1. To present the facts and relevant representations received in respect of an application to grant a premises licence for College Farm, Shellingford, near Faringdon under Section 18 of the Licensing Act 2003 to the Licensing Acts Panel in order that it can determine the application.

### **Strategic Objectives**

2. The relevant strategic objective is that of 'building the local economy'. The relevant corporate priority is that of 'maintain low levels of crime and anti-social behaviour'.

### **Background**

- 3.1 The Licensing Act 2003 ('the Act') has established a single integrated scheme for licensing premises which are used for the supply of alcohol, regulated entertainment, late night refreshment or permission to carry on some or all of these activities. In the Act these activities are referred to collectively as the 'licensable activities'.

3.2 Any assessment of licensable activities must consider and promote the four statutory licensing objectives:

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

3.3 Licences will normally be granted by the licensing officer under delegated powers but in the event of representations being received regarding the grant or variation of a premises licence the application is then referred to the Licensing Acts Panel to be considered.

3.4 An application has been received from Christian Vision for Men (CVM) for a new premises licence to hold an event for one weekend a year at the above location supplying alcohol, providing late night refreshment and providing regulated entertainment. A copy of the application is attached at **appendix 1**.

3.5 The application has been forwarded to the responsible authorities. Thames Valley Police have asked for a condition to be added to the licence that an event management plan be submitted to them at least two months before the event. The council's environmental protection team have asked for two conditions that the organisers submit health and safety, and food safety documentation for approval at least 120 days before the event. The applicant has agreed to these conditions.

3.6 The applicant advertised the application in the local press and placed the required notice at the entrance to the site. Shellingford parish council was sent a copy of the application by the licensing team.

3.7 One representation was received from a local resident stating that the noise from the music and the increased traffic will cause a nuisance to local residents. The letter is attached at **appendix 2**.

3.8 Another resident contacted the licensing team by e-mail but did not wish to make a formal representation.

3.9 A plan of the location is included at **appendix 3**.

## Options

4.1 In determining the application the authority must give weight to:

- representations received from Responsible Authorities
- relevant representations received from any other parties
- the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003
- the council's statement of licensing policy and

- the steps necessary to promote the licensing objectives

4.2 In view of the above, the panel is requested to consider the application for the grant of the premises licence and decide whether to:

- (a) grant the application as applied for,
- (b) grant the licence with modified timings and/or conditions,
- (c) exclude from the scope of the licence any of the licensable activities to which the application relates or
- (d) reject the application.

## **Financial Implications**

5 Should the applicant or any interested party wish to appeal against a decision of the council, they may do so to the Magistrates' Court. The council would incur costs should this occur, although the court may decide to award costs if the council's decision was upheld.

## **Legal Implications**

6.1 The Human Rights Act 1998 requires public bodies to ensure everything they do is compatible with convention rights and makes it unlawful for a public authority to act incompatibly with those rights. When determining whether to grant the application the panel will be aware of human rights considerations, specifically Part 1, Article 6, the right to a fair trial, Part 2 and Article 8, the right to respect for private and family life for those making representations.

6.2 The hearing of all applications is subject to the principles of natural justice.

6.3 Section 17 of the Crime and Disorder Act 1998 states, 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of those functions and the need to do all that it reasonably can to prevent crime and disorder in its area'.

6.4 Under Schedule 5, Part 1 of the Licensing Act 2003, any person aggrieved by the decision in respect of the application may appeal to a Magistrates' Court within 21 days of the date of the decision.

## **Conclusion**

7 This report provides information submitted by the applicant and local residents and responsible authorities. The panel should determine this application with a view to promoting the four licensing objectives. It must, having had regard to all the relevant objections made and the evidence it hears to a) grant the licence as applied for, b) grant the licence with modified timings and/or conditions, c) exclude from the scope of the licence any of the licensable activities to which the application relates or d) reject the application.

## **Background Papers**

None.