

Allerdale Borough Council

Licensing Panel – 20 August 2020

To consider representations received in relation to an application for a premises licence

The Reason for the Decision	To consider representations received in relation to an application for a premises licence under section 18(3) of the Licensing Act 2003.
Summary of options considered	<p>1) Grant the licence subject to—</p> <p>(i) the conditions mentioned modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and</p> <p>(ii) any condition which must under section 19, 20 or 21 be included in the licence;</p> <p>2) Exclude from the scope of the licence any of the licensable activities to which the application relates;</p> <p>3) Refuse to specify a person in the licence as the premises supervisor;</p> <p>4) Reject the application.</p>
Recommendations	To consider the information contained in the report and reach a decision from the options available in paragraph 5.
Financial / Resource Implications	None
Legal / Governance Implications	There is a right of Appeal against the Licensing Panel's decision to the Magistrates' Court within 21 days
Community Safety Implications	Promotion of the crime and disorder objective.
Health and Safety and Risk Management Implications	None
Equality Duty considered / Impact Assessment completed	No
Wards Affected	<u>Broughton St Bridgets</u>

The contribution this decision would make to the Council's priorities	N/a
Is this a Key Decision	No
Portfolio Holder	Councillor Jim Lister
Lead Officer	Deborah Fletcher Licensing & Compliance Officer Tel: 0303 123 1702 Email: deborah.fletcher@alldale.gov.uk

Report Implications (Please delete where applicable).

Community Safety	Y	Employment (external to the Council)	Y
Financial	N	Employment (internal)	N
Legal	Y	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	Y

Background papers:

Appendix A – Plan of Premises
Appendix B - Operating Schedule (Conditions),
Appendix C – Representations Pack

1.0 Introduction

- 1.1 This report concerns an application for a premises licence for Tallentire Hall, Tallentire, Cumbria. The applicant is Kesh and Krin Ltd.
- 1.2 Representations were received against the application and they must be considered in line with section 18(3) of the Licensing Act 2003 (The Act).

2.0 Application

- 2.1 Kesh and Krin Ltd have applied for a premises licence with the following description:

The premises will trade as guest accommodation, events, such as weddings, celebration events, corporate team building, charitable fundraising events, conferences etc.

There are residential cottages on the grounds, used for guest accommodation will purchase their alcohol via off sales, and drinks will either be charged to the room or paid for at the bar.

2.2 The licence has been applied for no more than 4,999 people. Site plans have been provided and can be found at Appendix A.

2.3 The application is for the following times and activities:

Live Music (indoors), Recorded Music (indoors) and Late Night Refreshment (LNR) (indoors and outdoors)

23:00 to midnight

Supply of Alcohol (on and off the premises)

Non-residents

Opening hours – 11:00 to 00:30

Alcohol sales – 11:00 to midnight

Residents

Opening hours and alcohol sales – 24 hours a day

LNR – 23:00 to 05:00

2.4 The designated premises supervisor will be Ann Harrison. Ms Harrison holds a personal licence with Allerdale Borough Council.

2.5 The applicant has put forward a comprehensive list of conditions they feel will promote the licencing objectives. They can be found at Appendix B.

3.0 Key Points for consideration

3.1 The Licensing Act 2003 has four licensing objectives –

The prevention of crime and disorder;

Public safety;

The prevention of public nuisance; and

The protection of children from harm.

3.3 The application process includes circulating the application to all the responsible authorities. It also includes advertising the application in the local press and a notice on the premises. This is to allow for representations to be made for or against the application. Representations should be about the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

3.4 The application was submitted on 23 June 2020. It was received electronically, and Allerdale Borough Council were under a duty to circulate

the application to the responsible authorities. The applicant advertised the application in line with the regulations.

- 3.6 The Licensing Authority must hold a hearing to consider any representations made unless all parties agree that a hearing isn't necessary. It is considered necessary to hold a hearing to consider the representations in this case.
- 3.7 The Allerdale Statement of Licensing Policy 2016-2021 section 7.1 states that, when considering applications, the Panel should have regard to the Act and its objectives, Government guidance, supporting regulations, representations, duties and obligations under other legislation and the statement of Licensing Policy.
- 3.8 Paragraph 7.2 of the Policy states that an application should be considered on its individual merits.
- 3.9 Revised Guidance issued under section 182 of the Licensing Act 2003 provides advice on considering if a representation is relevant. It recommends in borderline cases the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing will provide an opportunity for the person making the representation to amplify and clarify it.

4.0 Representations and responses

- 4.1 Cumbria Constabulary responded to the application and suggested measures which they felt would promote the licensing objectives. The details can be found in the representations pack at Appendix C.
- 4.2 Environmental Health responded to the application and raised concerns regarding amenity of the area. Full details of the representation are available in the representations pack at Appendix C.
- 4.3 23 representations have been received against the application. They are from interested parties. The representations can be found at Appendix C.

5.0 Options available to the Licensing Panel

- 5.1 The Panel must consider the representations and take such steps as it considers necessary for the promotion of the licensing objectives.
- 5.2 The steps available are:
 - a) Grant the licence subject to the conditions mentioned in the operating schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and any mandatory condition.
 - b) Exclude from the scope of the licence any of the licensable activities to which the application relates;

- c) Refuse to specify a person in the licence as the premises supervisor
- d) Reject the application

5.3 The Licensing Panel should give reasons for its decision.

6.0 Recommendations

6.1 The Panel should consider all the information contained in the report. They should make a decision from the options available in paragraph 5.2 taking into account information received from the applicant, interested parties and any relevant legislation or guidance.

6.0 Appeal

6.1 If any person party to the hearing is aggrieved by the decision of the Council they will have a right of appeal to a magistrates' court within 21 days.

Deborah Fletcher
Licensing and Compliance Officer