

Allerdale Borough Council

Licensing Panel – 12 March 2021

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

Land at Holly House, Goodyhills, Mawbray, Maryport

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| Portfolio holder | Councillor Jim Lister Finance and Legal |
| Report from | Deborah Fletcher, Licensing and Compliance Officer |
| Wards affected | Holme Ward |
| Is this a key decision | No |

1.0 The reason for the decision

- 1.1 To consider representations received in relation to an application for a premises licence under section 18(3) of the Licensing Act 2003.

2.0 Recommendation

- 2.1 The Panel should consider all the information contained in the report. They should make a decision from the options available in paragraph 7.0 taking into account information received from the applicant, other persons and any relevant legislation or guidance.

3.0 Background and Introduction

- 3.1 The Licensing Act 2003 allows for responsible authorities and other persons to make representations for or against an application. Representations must outline relevant information on how an application will promote or undermine the licensing objectives.
- 3.2 Representations were received against the application and they must be considered in line with section 18(3) of the Licensing Act 2003 (The Act).

4.0 Content

4.1 The applicant is Simon Kay.

4.2 The application relates to the area of land known as Land at Holly House, Goodyhills, Mawbray, Maryport and camping fields on the adjacent land at North Lakes Country Park, Tarnside, Silloth. The plan of the premises can be found at Appendix A.

4.3 The applicants have given a general description of the premises:

That of a music festival running over the bank holiday weekend and consistent to the previously approved licence of Solfest.

This licence is to move the premises across the road. The festival site is comprised of camping (land at North Lakes Country Park) and the adjacent arena field (Land at Holly House, Goodyhills).

The whole Solfest Festival will be managed and governed in accordance with the Solfest 2019 Event Management APPENDIX Plan which, along with its appendices, should be considered as supporting documentation for this application.

4.4 The application is to allow live music, recorded music and the sale of alcohol in the following terms:

Supply of alcohol on and off the premises and the following regulated entertainment:

Plays, films, live music, recorded music, performances of dance and anything of a similar description (indoors and outdoors)

Thursday 18:00 to 00:00

Friday 00:00 to 00:00

Saturday 00:00 to 00:00

Sunday 00:00 to 00:00

Monday 00:00 to 16:00

Late Night Refreshment (indoors and outdoors)

Thursday 23:00 to 00:00

Friday 23:00 to 05:00

Saturday 23:00 to 05:00

Sunday 23:00 to 05:00

Monday 00:00 to 05:00

- 4.6 The premises will be open to the public from Thursday 18:00 through to 06:00 on Monday. The applicant has given the following information in relation to the premises being open to the public:

The main festival arena field will be open to the paying patrons of the festival between the hours of Friday noon to 4am on Monday morning.

We would like to reserve the right to provide some low key entertainment in the camping fields on the Thursday evening should we wish.

- 4.7 The applicant wishes to duplicate the licensing conditions from the 2019 licence. That licence can be found at Appendix B.

- 4.8 The designated premises supervisor is Simon Kay. Mr Kay has a personal licence with Allerdale Borough Council.

- 4.9 Cumbria Constabulary replied to the consultation and have agreed the following condition with the applicant:

Incorporate measures for the mitigation of Covid into the 2021 Event Management Plan. Measures will be in compliance with whatever national guidelines are in place at the time of the event.

- 4.9 As well as responsible authorities, any other person can make representations for or against an application. One representation has been received against the application. The representation can be found at Appendix C.

5.0 Legislation and Policy

- 5.1 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.

- 5.2 The application process includes circulating the application to all the responsible authorities. It also includes advertising the application in the local press and displaying a notice at 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.

- 5.3 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.

- 5.4 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.

- 5.5 Paragraph 7.2 of the Policy states that an application should be considered on its individual merits.
- 5.6 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.

6.0 Implications and Impact

6.1 Finance/Resource implications

The applicants have paid a non-refundable fee of £100.00.

6.2 Legal and governance implications

The applicant or any person who has made relevant representations to the application is entitled to make an appeal if they are aggrieved by the decision of the Council. That person has the right of appeal to a Magistrates' Court within 21 days of the decision.

6.3 Equality impacts

Impact Assessment not completed.

6.4 Health and Safety impacts

None.

6.5 Health, wellbeing and community safety impacts

The licensing objectives adequately deal with any potential impact's community safety and wellbeing. Health is not a licensing objective.

6.6 Environmental/sustainability impacts

Not applicable in respect of the licensing objectives.

6.7 Other significant implications

None.

7.0 Options available to the Licensing Regulatory Panel

7.1 The Panel must consider the representations and take such steps as it considers necessary for the promotion of the licensing objectives.

7.2 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

7.3 The Licensing Panel should give reasons for its decision.

Appendices attached to this report

| Appendix number | Title of appendix |
|------------------------|----------------------------|
| A | Premises plan |
| B | Premises Licence from 2019 |
| C | Representation |

Background documents available

| Name of background document | Where it is available |
|------------------------------------|------------------------------|
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Report author(s) and contact officer(s):

Deborah Fletcher
Licensing and Compliance Officer
Deborah.fletcher@allerdale.gov.uk
01900 702862