

# Allerdale Borough Council

## Licensing Panel – 23 September 2021

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

#### The Art Lounge, Scenery Hill House, Branthwaite

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<b>Portfolio holder</b>	Councillor Colin Sharpe Finance and Legal
<b>Report from</b>	Deborah Fletcher, Licensing and Compliance Officer
<b>Wards affected</b>	Dalton Ward
<b>Is this a key decision</b>	No

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#### **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 and representations**

4.1 The applicant is Eileen Watson.

4.2 The application relates to the premises known as The Art Lounge. The address is Scenery Hill House, Branthwaite.

4.3 The applicant has given a general description of the premises:

*A detached Georgian double stored, Country house B&B, with an in-house art gallery for guests, we will be running Art courses in the gallery. The property is set in an acre of mature enclosed private gardens, having many points in the gardens for guests to eat and relax. The business comprises of main property having 4 guest rooms and an additional guest suit in a small coach house with its own enclosed patio. Drinks will only be sold for consumption on the property, on sales only. We will host small reception lunches or afternoon high teas, max 20 people and daytime only (funerals/conference/baby shower etc). We have adequate private car park facilities to accommodate this and alcohol will only be sold ancillary to food.*

4.4 The applicant has provided a plan of the premises and that is available at Appendix A.

4.5 The application is to allow the sale of alcohol in the following terms:

##### **Supply of alcohol on the premises**

Monday 11.00 to 22.30

Tuesday 11.00 to 22.30

Wednesday 11.00 to 22.30

Thursday 11.00 to 22.30

Friday 11.00 to 22.30

Saturday 11.00 to 22.30

Sunday 11.00 to 22.30

Extension of hours of sale from 22.30 to 24.00 would be required on Christmas Eve, Christmas Day, Boxing Day and New Year's Eve

##### **Hours premises are open to the public**

Monday 09.00 to 23.00

Tuesday 09.00 to 23.00

Wednesday 09.00 to 23.00

Thursday 09.00 to 23.00

Friday 09.00 to 23.00

Saturday 09.00 to 23.00

Sunday 09.00 to 23.00

- 4.6 The designated premises supervisor would be Eileen Watson. Ms Watson has a personal licence with Allerdale Borough Council.
- 4.7 The applicant has listed ways they will promote the licensing objectives. If the licence is granted these would become conditions of that licence. The measures can be found at Appendix B.
- 4.8 Consultation on the application was carried out in accordance with the Licensing Act 2003. Representations can be made in support or against the application and must be relevant to one or more of the licensing objectives.
- 4.9 Cumbria Constabulary made recommendations for conditions which they felt would help to promote the licensing objectives. These were agreed with the applicant and are attached at Appendix C.
- 4.10 Cumbria Fire and Rescue responded to the application with no representation but some advice regarding fire safety risk assessments.
- 4.11 As well as responsible authorities, any other person can make representations for or against an application. Six representations have been received against the application. The representations can be found at Appendix D.
- 4.12 Dean Parish Council responded to the application to state they would not be making any representations.
- 4.13 Discussions are ongoing with all involved with a view to resolving the relevant points in the representations made.

## **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 2021-2026 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 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	Conditions to promote the licensing objectives
C	Representation – Police
D	Representation – Other persons

## Background documents available

Name of background document	Where it is available

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