

LICENSING SUB-COMMITTEE

Thursday, 25th June, 2015

Present:- Cllr Hambleton – in the Chair
Councillors Eastwood, Hambleton and Winfield

1. APPLICATION FOR A PREMISE LICENCE - BETLEY COURT FARM

Having taken into account the licensing act 2003 and the guidance issued under section 182 of the act, the Council's statement of licensing policy and also the fact that objections to the application have been received from both Environmental Health and other persons on the basis that to grant the application would undermine the objectives relating to the prevention of public nuisance and public safety.

The committee have considered those licensing objectives in the light of what has been said and have listened to the arguments and are persuaded that it would not offend the licensing objectives to grant the application in part.

Environmental Health has been in contact with the applicant and have agreed to withdraw their representations for so long as the conditions agreed between themselves and the applicants are included in the license to ensure that the licensing objectives are met.

In their submissions other parties have made reference to the application being flawed in terms of notice of the application. the committee took the view that the relevant legal notices had been given and therefore the application was in order.

The committee noted that Staffordshire police had not objected to the application in relation to crime and disorder or any other licensing objective.

Possible traffic related issues had also been identified in the representations but these did not fall within the remit of the committee for consideration.

Counsel for the objectors drew the committee's attention specifically to paragraphs 8.33 to 8.41 relating to the steps to be taken to promote the licensing objectives and also paragraph 2.8 in the Council's statement of licensing policy relating to the promotion of residential amenity.

Reference was also made to the Buddleigh application, which was held on land in the vicinity of the application site which was situated in similar proximity to residential property and where no complaints had been received.

Counsel for the objectors and the applicants had met in order to attempt to reach agreement on the application and counsel put forward their proposals in that regard. whilst agreement could not be reached the committee considered these proposals and having taken all of the issues into consideration including the applicants views as to how they propose to manage potential risks, the committee are disposed, taking into account the matters referred to, to grant the application in the following manner and subject to the conditions which will be set out.

Firstly as regards the young farmers ball on the 8 august 2015 all licensable activities to end by 1 a.m. in the following morning and the function to be limited to 650 people in attendance. The premises to close 30 minutes later.

In relation to other licensable events the position of the marquee shall be agreed in consultation with Environmental Health, the chair of the local parish Council, local ward Councillors and any other persons who, in the view of Environmental Health, could be affected by the licensable activities proposed. The position of the marquee to be marked on a plan. All licensable activities to be located within the marquee and there shall be a maximum number of persons in attendance of 450.

the licensable hours for licensable activities to be Sunday to Thursday 11.00 to 23.00 hours and Friday and Saturday 11.00 to midnight with the premises closing 30 minutes later.

Seasonal variations are not granted.

(The conditions which the committee are disposed to impose in addition to the relevant mandatory conditions and also conditions that are consistent with those listed by the applicant in the operating schedule are:)

1. Those agreed with the Environmental Health department circulated at the hearing on appendix 1 as amended as follows:

Firstly in condition 1 the use of the premises to be restricted to the named events plus 5 others together with the young farmers ball which will be held on the 8 august 2015 and which will be a one off event and

Secondly a minimum of 2 weeks notice must be given to the northern police licensing unit and Newcastle Council's Environmental Health prior to any proposed event. Should all police and Environmental Health concerns not be met then the event must not go ahead.

Agreed Conditions

General

1. The use of the premises license is restricted to annual events namely Betley bonfire, Betley show and Betley gun & game fair plus up to 5 other events per year, together with the young farmers ball which will be held on the 8 august 2015 and which shall be a one off event.
2. This licence shall not be operable when the licence associated with the Betley concerts is in operation.

Public safety

3. The retail sale of alcohol will be prohibited at Betley bonfire and patrons of Betley bonfire will not be allowed to consume their own alcohol.

Prevention of public nuisance

4. Noise from all forms of regulated entertainment together with public address systems shall be controlled by a suitable and sufficient noise limiter

maintained in effective working order. The noise limiter will be set at a level agreed with an authorised Officer of the Environmental Health division of Newcastle under Lyme borough Council. This condition will not apply for the Betley bonfire, Betley show or Betley gun and game fair.

5. Generators shall be effectively silenced and positioned so as not to be audible at the nearest noise sensitive premises when in operation.
6. During an event a responsible person shall monitor the licensed area to deter and control antisocial behaviour or noise from patrons which may affect third parties.
7. Bottle bins shall not be emptied after 11 pm or before 7 am the following day.
8. A noise management plan shall be documented and prepared for each event and shall identify the noise sources, required controls and persons responsible for implementing and monitoring the plan to prevent public nuisance, and to be provided upon request and no later than 7 days to the responsible authorities.
9. Suitable and sufficient signage shall be placed at the exit of the marquee and along routes to car parks asking patrons to respect neighbours and to leave quietly.
10. A minimum of 2 weeks' notice must be given to the northern police licensing unit and Newcastle borough Council Environmental Health prior to any proposed event. Should all Police and Environmental Health concerns not be met then the event must not go ahead.

Chair