

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**LICENSING SUB-COMMITTEE**

**Date 8 August 2022**

1. **LICENSING ACT 2003**

**Submitted by:** **Head of Regulatory Services**

**Portfolio:** **Sustainable Environment and Operations**

**Ward(s) affected:** **Madeley & Betley**

**Purpose of the Report**

To inform the sub-committee of an application for a new premises licence which has received relevant representations.

**Recommendations**

In accordance with the Licensing Act 2003, the statutory guidance and the Council's own Statement of Licensing Policy the Sub-Committee must consider the Premises Licence and have regard to the four licensing objectives, as below, when making its decision:

- (i) The Prevention of Crime and Disorder
- (ii) Public Safety
- (iii) The Prevention of Public Nuisance
- (iv) The Protection of Children from Harm

**Reasons**

An application for a new premises licence was received from Jayne Speed on the 21<sup>st</sup> June 2022 in relation to Betley Court Farm. As part of the consultation which ended on the 19<sup>th</sup> July 2022 several relevant representations were received both opposing and supporting the application.

1. **Background**

1.1 The licence information relating to this application is as follows:

Premises: Betley Court Farm  
Location: Main Road, Betley, Staffordshire, CW3 9BH  
Application Number: 21250  
Proposed Premises Licence Holder: Mrs Jayne Speed  
Proposed Designated Premises Supervisor: Mr Reuben Speed

1.2 Betley Court Farm currently holds two other premises licenses. One which allows for concerts to be held over the second weekend of August. The premises licence and plan for this is attached as **Appendix A**, with the licence number 9323. The second premises licence permits licensable activity in relation to Betley Bonfire, Betley Show, Betley Gun and Game, a specified young farmer event in 2015 and five other events. This second premises licence and plan are attached as **Appendix B**, with the licence number 12337.

- 1.3 The current application and plans under reference number 21250, are attached as **Appendix C**. They show the details of the new application which is intended to replace the licence 12337, allow more flexibility for events in the outside area and to allow the sale of alcohol in the tea room and associated bed and breakfast accommodation.
- 1.4 The application was received on the 21<sup>st</sup> June 2022, the site notices were checked 28<sup>th</sup> June 2022 and the notice was placed in the local paper on the 28<sup>th</sup> June 2022. The last date for representations was the 19<sup>th</sup> July 2022.
- 1.5 In the course of the statutory consultation period 36 relevant representations either objecting or requesting additional measures were received, 7 of which were subsequently withdrawn. The remaining 29 representations are attached as **Appendices D1-29**. A further 11 representations supporting the application were received and these are attached as **Appendices E1-11**. All those representations received by email on the 15<sup>th</sup> July 2022 were directed to further information on the Council website in relation to making representations and some took advantage of this to make additional comments or relate to the licensing objectives more directly. Two took advantage of this opportunity while two others stated they were satisfied with offering support only.
- 1.6 There were 11 comments of support and 1 comment of objection which did not reference any of the licensing objective or matters that could be attributed but showed the residents general opinion on the matter. One representation was received late and has not been taken into account in any of the above figures.
- 1.7 We were also in receipt of an objection from Environmental Health, attached as **Appendix F**, who have since verbally agreed conditions with the applicant to be attached to the licence if granted. Once a copy of these are available they will be circulated to all relevant parties. The Police have agreed conditions that they would like adding to the licence if granted which are attached as **Appendix G**. Acknowledgements were also received from planning and Staffordshire fire service in which they advised that they had no objections to the application.
- 1.8 A check on the Council record shows 5 complaints. The first complaint dates from 21<sup>st</sup> June 2013 and enquires as to whether the premises has permission for an event being held that day. It was confirmed that the event had been organised through a Temporary Event Notice. The other four complaints relate to the young farmers ball and Betley Concerts held on the 8<sup>th</sup> August and 14<sup>th</sup> to 16<sup>th</sup> August 2015. The complaints relate to noise from the events including sound checks. Noise monitoring took place as part of both events and it was found that there were no breaches prior to 23:00 hours at the young farmers ball however whilst the music was turned down at that time it was still audible at the boundary of the premises until the end of the event at midnight. It was also found that the noise levels went above recommended levels in the day time at the concert event on several occasions. Recommendations were made by environmental health in regard to mitigating these issues and no further complaints are registered on our system since.
- 1.9 A map of the location of Betley Court Farm is attached as **Appendix H**.

## 2. **Issues**

- 2.1. The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives;
  - (i.) The Prevention of Crime and Disorder
  - (ii.) Public Safety
  - (iii.) The Prevention of Public Nuisance
  - (iv.) The Protection of Children from Harm

2.2. The Licensing Act 2003 requires the Council to publish a “Statement of Licensing Policy” that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. Copies of the Council’s Statement of Licensing Policy and the Government’s Statutory Guidance will be available at the Licensing Sub-Committee hearing.

2.3. In making their decision on the application the Sub-Committee are obliged to have regard to the Statutory Guidance and the Council’s own Statement of Licensing Policy. The Sub-Committee must also have regard to the representations made and the evidence heard at the hearing. However, the Sub-Committee must disregard any representations that do not relate to the promotion of the four licensing objectives.

### 3. **Options Considered**

3.1 The relevant options considered in relation to this application are:

- a) To refuse to grant the application
- b) To grant the application with amended conditions
- c) To grant the application but restrict the licensable activities
- d) To grant the application with restricted times
- e) To grant the application as proposed
- f) To grant the application with a combination of options b-d

### 4. **Proposal**

4.1 Officer’s recommendation in accordance with the Licensing Act 2003 and the licensing policy and guidance would be for members to consider the application taking into account the relevant representations and in particular the conditions agreed with the responsible authorities.

4.2 The Sub-Committee, where it considers that action under its statutory powers is appropriate, may take any of the following steps for the promotion of the four licensing objectives. The steps available to the Sub-Committee are listed in Section 3.1 of this report.

4.3 For this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

4.4 The Sub-Committee are asked to note that they may not modify the conditions or take any other steps merely because they consider it desirable to do so. Any action taken must be appropriate in order to promote the licensing objectives.

### 5. **Reasons for Preferred Solution**

5.1 To ensure that the Council promote the licensing objectives in accordance with their statutory duty.

### 6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 *The four corporate priorities are:-*

- Local services that work for local people
- Growing our people and places
- A healthy, active and safe borough
- A town centre for all

7. **Legal and Statutory Implications**

7.1 The power to determine an application for a new premises licence falls under Section 18 of the Licensing Act 2003.

7.2 Hearings will be carried out in a fair, proportionate and consistent manner in line with:

Article 6(1) guarantees an applicant a fair hearing

Article 14 guarantees no discrimination

8. **Equality Impact Assessment**

8.1 Not Applicable

9. **Financial and Resource Implications**

9.1 All parties to the application have the right to appeal the decision at the Magistrates Court and if successful could apply for the award of costs.

10. **Major Risks**

10.1 As above

11. **Sustainability and Climate Change Implications**

11.1 Not Applicable

12. **Key Decision Information**

12.1 Not Applicable

13. **Earlier Cabinet/Committee Resolutions**

13.1 The Licensing Committee has previously resolved to have regards to its Licensing Policy.

14. **List of Appendices**

14.1 Appendix A – Betley Concerts Licence 9323

Appendix B – Betley Events Licence 12337

Appendix C – Proposed Application and Plans

Appendix D1-30 – Representations including objections and measures to be added

Appendix E1-11 – Representations showing support

Appendix F – Environmental Health representation

Appendix G – Police agreed conditions

Appendix H – Map of Betley Court Farm area

15. **Background Papers**

15.1 [Licensing Policy 2020-2025](#)

15.2 [Licensing Act 2003 Statutory Guidance](#)