

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 4

Hearing Date: 13th November 2017

Contact Officer: Faye Tucker – 01283 595724

HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

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| Applicants Name | Cripps Barn Group Limited |
| Premises Name | Grangefields Farm |
| Address | Dalbury Lees Ashbourne Derbyshire DE6 5BH |

1. PURPOSE

- 1.1 To determine an application to grant a premises licence received by this Authority on the 21st September 2017 from Cripps Barn Group Limited. The application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking to be granted a premises licence for live music, recorded music, performances of dance, late night refreshment and the sale by retail of alcohol for the times stated in paragraph 3.

3. APPLICATION DETAILS

- 3.1 The applicant requests the Licensing Authority to permit the following:

| Activity | Days | Times |
|-------------------------------------------------------------------|-----------------|---------------------|
| Live music (Indoors) | Monday - Sunday | 11:00hrs – 01:00hrs |
| Recorded music (Indoors) | Monday - Sunday | 11:00hrs – 01:00hrs |
| Performances of dance (Indoors) | Monday - Sunday | 11:00hrs – 01:00hrs |
| Late night refreshment (Indoors) | Monday - Sunday | 23:00hrs – 01:00hrs |
| Sale by retail of alcohol for consumption on and off the premises | Monday - Sunday | 11:00hrs – 01:00hrs |
| Opening hours of the premises | Monday - Sunday | 11:00hrs – 01:00hrs |

- 3.2 A plan is attached at **(Appendix 2)** identifying the location of the premises.

- 3.3 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.

4. CONSULTATION RESPONSES

4.1 One representation was received from the Responsible Authorities.

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| Environmental Heath | Representation received during the 28 day consultation period. Full details can be found at (Appendix 3) . |
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4.2 25 representations were received from other interested parties.

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| Andrew Tompkins | Representation received during the 28 day consultation period. Full details can be found at (Appendix 4) . |
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| Robert Wyllie | Representation received during the 28 day consultation period. Full details can be found at (Appendix 5) . |
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| Stewart Adams | Representation received during the 28 day consultation period. Full details can be found at (Appendix 6) . |
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| Timothy O'Conner | Representation received during the 28 day consultation period. Full details can be found at (Appendix 7) . |
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| Mr & Mrs Rennie | Representation received during the 28 day consultation period. Full details can be found at (Appendix 8) . |
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| John Warrington | Representation received during the 28 day consultation period. Full details can be found at (Appendix 9) . |
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| Lucie Bowler | Representation received during the 28 day consultation period. Full details can be found at (Appendix 10) . |
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| P C Dicks | Representation received during the 28 day consultation period. Full details can be found at (Appendix 11) . |
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| D M Taylor | Representation received during the 28 day consultation period. Full details can be found at (Appendix 12) . |
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| Andrew Gell | Representation received during the 28 day consultation period. Full details can be found at (Appendix 13) . |
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| Fiona Dicks | Representation received during the 28 day consultation period. Full details can be found at (Appendix 14) . |
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| Mr & Mrs Walsh | Representation received during the 28 day consultation period. Full details can be found at (Appendix 15). |
| Jim & Ann Archer | Representation received during the 28 day consultation period. Full details can be found at (Appendix 16). |
| Dr M T Eldehni | Representation received during the 28 day consultation period. Full details can be found at (Appendix 17). |
| Mr & Mrs Pateman | Representation received during the 28 day consultation period. Full details can be found at (Appendix 18). |
| H S Wood | Representation received during the 28 day consultation period. Full details can be found at (Appendix 19). |
| Mr & Mrs Timmins | Representation received during the 28 day consultation period. Full details can be found at (Appendix 20). |
| Dalbury Lees Parish Council | Representation received during the 28 day consultation period. Full details can be found at (Appendix 21). |
| Ruth Chidley | Representation received during the 28 day consultation period. Full details can be found at (Appendix 22). |
| Dr Mark Dunning | Representation received during the 28 day consultation period. Full details can be found at (Appendix 23). |
| Mr I Carpenter | Representation received during the 28 day consultation period. Full details can be found at (Appendix 24). |
| A Smith & T Coupland-Smith | Representation received during the 28 day consultation period. Full details can be found at (Appendix 25). |
| Mr & Mrs Pounder | Representation received during the 28 day consultation period. Full details can be found at (Appendix 26). |
| Stephen & Angela Brothill | Representation received during the 28 day consultation period. Full details can be found at (Appendix 27). |
| Mr & Mrs Toone | Representation received during the 28 day consultation period. Full details can be found at (Appendix 28). |

5. OTHER RELEVANT CONSIDERATIONS

- 5.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.
- 5.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 5.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
- 5.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.
- 5.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

6. DETERMINATION

- 6.1 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 1. Grant the licence in accordance with the application.
 2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
 3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
 4. Reject the whole of the application.
- 6.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.
- 6.3 Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.
- 6.4 If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.

7. RIGHT OF APPEAL

- 7.1 Members should note that the applicant or persons making representations have the right of appeal against any decision made by the Sub-Committee.

8. APPENDICES

1. Application for a premises licence to be granted under the Licensing Act 2003
2. A plan identifying the location of the premises
3. Representation from Environmental Health
4. Representation from Andrew Tompkins
5. Representation from Robert Wyllie
6. Representation from Stewart Adams
7. Representation from Timothy O'Conner
8. Representation from Mr & Mrs Rennie
9. Representation from John Warrington
10. Representation from Lucie Bowler
11. Representation from P C Dicks
12. Representation from D M Taylor
13. Representation from Andrew Gell
14. Representation from Fiona Dicks
15. Representation from Mr & Mrs Walsh
16. Representation from Jim & Ann Archer
17. Representation from Dr M T Eldehni
18. Representation from Mr & Mrs Pateman
19. Representation from H S Wood
20. Representation from Mr & Mrs Timmins
21. Representation from Dalbury Lees Parish Council
22. Representation from Ruth Chidley
23. Representation from Dr Mark Dunning
24. Representation from Mr I Carpenter
25. Representation from A Smith & T Coupland-Smith
26. Representation from Mr & Mrs Pounder
27. Representation from Stephen & Angela Brothill
28. Representation from Mr & Mrs Toone