

Representation following the Application for a Variation to the Premises Licence Gilcombe Farm, Bruton, BA10 0QE (Farm Fest)

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Purpose of the Report

To inform members that an application has been received from Mr George Portch, to vary a premises licence under the Licensing Act 2003 at Gilcombe Farm, Bruton, BA10 0QE (Farm Fest)

Recommendation

To determine the granting of the variation to the premises licence in accordance with the options detailed later in the report.

Background

The Council is the authority responsible for the determination of variations to Premises Licences under Section 35 of the Licensing Act 2003.

The Lead Specialist – Environmental Health has delegated authority to determine a variation to a Premises Licence application, subject to no objections being received from a Responsible Authority or “Other Persons”. In this case, relevant representations were received from two Responsible Authorities, it is therefore necessary to convene a hearing to determine the application.

Licensing Objectives

The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision making process. An application will not be refused in whole or part or any conditions attached except those offered by the applicant or required by law except where appropriate to promote the licensing objectives.

Application

A copy of the application form is enclosed with the agenda; it does not however include a copy of the plan of the premises, which is available for inspection upon request. The purpose of the application is to make changes to the conditions, in particular increase the number of days the event can take place to 4 days as well as removing or amending certain conditions and to add timings for the additional day. The application does not seek to remove or amend the requirement for only one event per year using the licence.

The details of the application are summarised as follows:

- Applicant: Mr George Portch

Licensable activities applied for:

Plays (A) Indoors and Outdoors

Day	Start Time	Finish Time
Thursday	17:00	00:00
Friday	09:00	00:00
Saturday	00:01	00:00 (as per existing licence)
Sunday	00:01	16:00 (as per existing licence)

Further Details: Children's entertainers, puppets, stand-up comedy. All located inside a marquee or outdoors. It will be supervised by a stage manager.

Seasonal Variations: None.

Non-Standard Timings: None.

Live Music (E) Indoors and Outdoors

Day	Start Time	Finish Time
Thursday	17:00	00:00
Friday	09:00	00:00
Saturday	00:01	00:00 (as per existing licence)
Sunday	00:01	16:00 (as per existing licence)

Further Details: 8 stages. 2 are located outside, the other 6 are located inside marquees. Most music is amplified. Some live performances are roaming and these will not be amplified.

Seasonal Variations: None.

Non Standard Timings: None.

Recorded Music (F) Indoors and Outdoors

Day	Start Time	Finish Time
Thursday	17:00	00:00

Friday	09:00	00:00
Saturday	00:01	00:00 (as per existing licence)
Sunday	00:01	16:00 (as per existing licence)

Further Details: 8 stages. 2 are located outside, the other 6 are located inside marquees. All music is amplified.

Seasonal Variations: None.
Non Standard Timings: None.

Performances of Dance (G) Indoors and Outdoors

Day	Start Time	Finish Time
Thursday	17:00	00:00
Friday	09:00	00:00
Saturday	00:01	00:00 (as per existing licence)
Sunday	00:01	16:00 (as per existing licence)

Further Details: Performances of dance primarily on or around the stages but not exclusively. Some may occur around the whole site. There will be no sexually explicit dance.

Seasonal Variations: None.
Non Standard Timings: None.

Late Night Refreshment (I) Indoors

Day	Start Time	Finish Time
Thursday	23:00	00:00
Friday	00:01	05:00
	23:00	00:00
Saturday	00:01	05:00
	23:00	00:00
Sunday	00:01	05:00

Further Details: A row of food traders using their own gas appliances with their own gas supply, electrical appliances using electricity supplied by the event. Some outdoor seating will be available.

Seasonal Variations: None.
Non-Standard Timings: None.

Supply of Alcohol (J) – Consumption ‘On the Premises Only’

Day	Start Time	Finish Time
Thursday	17:00	00:00

Friday	09:00	00:00
Saturday	00:01	00:00 (as per existing licence)
Sunday	00:01	16:00 (as per existing licence)

Seasonal Variations: None.
Non-Standard Timings: None.

Hours premises open to the public (L) – Not a licensable activity, but shown as part of the application.

Day	Start Time	Finish Time
Thursday	15:00	00:00
Friday	00:01	00:00
Saturday	00:01	00:00
Sunday	00:01	18:00

Seasonal Variations: None.
Non-Standard Timings: None.

Additional steps put forward by the applicant to comply with licensing objectives. Please see Section M (page 16) of the application form; (these where appropriate, will become conditions of the licence, subject to the variation of the licence being granted, and are in addition to any further conditions imposed by the Licensing Committee).

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation.

- Remove condition 40 (p.16) Same as condition 41
- Remove condition 42 (p.16) Our assessment of the medical provision is sufficient
- Rendezvous Points and emergency access routes are a separate requirement of this licence
- The ambulance service do not require any further facilities
- Remove condition 47 (p.16) This is covered by the medical needs assessment conducted as part of condition 41
- Remove condition 54 (p.17) This event will no longer provide a shuttle bus service
- Remove condition 7 (p.22) This has now been included in condition 41
- Remove page 23 onwards due to repetition



Evidence that advertising/notice requirements have been complied with:

The applicant has provided photographic evidence that the notices were displayed at the premises and has also confirmed that they were on display throughout the consultation period. The notice was published in the Blackmore Vale and the applicant provided a copy of the notice.

Representations – Responsible Authorities

- A representation was received from a representative of the Chief Officer of Police.
- A representation was received from a representative of Environmental Health

Representations – Other Persons

None.

Relevant Observations

The applicant has met with representatives of the Police and Environmental Health, however, at the time of writing none of the representations had been withdrawn.

Further Information

Details from the current licence (timings and conditions) can be found in Appendix 1. The conditions which the applicant has requested to be removed or amended are shown in italics.

In determining the application with a view to promoting the licensing objectives in the overall interests of the community, the Committee must have regard to and give appropriate weight to the following considerations:

- Any relevant and valid representation (including supporting documentation received)
- The Latest Guidance issued under s182 of the Act
- The Statement of Licensing Policy issued in January 2014.
- The steps appropriate to promote the licensing objectives as set out in s18(4)
- Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1

Options

The options available to the committee are stated at section 35(4) of the Licensing Act 2003 and are as follows:

- (a) to modify the conditions of the licence



- (b) to reject the whole or part of the application
- And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.

The Committee may also vary the premises so that it has effect subject to different conditions in respect of-

- (a) Different parts of the premises concerned:
- (b) Different licensable activities.

Right of Appeal

Schedule 5 of the Licensing Act 2003 sets out the rights and procedures for making appeals against the decision of the Licensing Authority:

Where an application to vary the premises licence is granted (in whole or in part) under section 35

The applicant may appeal any decision to modify the conditions of the licence

Where a person who made relevant representations in relation to the application desires to contend that

- (a) The variation made ought not to have been made, or
- (b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, he may appeal against the decision to the Magistrates Court.

The appellant commences the appeal by giving a notice of appeal to the designated officer for the Magistrates' court within 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision appealed against.

On determining the appeal, the court may,

- Dismiss the appeal
- Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

and may make such order as to costs as it thinks fit.

Background Papers

Licensing Act 2003

SI 2005 No. 44 Licensing Act 2003 (Hearings) (Regulations) 2005

SI 2005 No. 42 Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

SI 2010 No.860 Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

The Latest Guidance issued under section 182 of the Licensing Act 2003.



South Somerset
District Council

The Statement of Licensing Policy for South Somerset District
Council January 2014.