

## Licensing Sub-Committee Wednesday 1 September 2021

Report Title	Application for a New Premises Licence at Bluefield Barns, Nassington Road, Apethorpe PE8 5DW	
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### List of Appendices

**Appendix A – Application for Premises Licence**

**Appendix B – Map of Area**

**Appendix C – Representations**

### **1. Purpose of Report**

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- 1.1. To obtain the Sub-committee's decision in respect of an application for a new premises licence for Bluefield Barns, Nassington Road, Apethorpe PE8 5DW.

### **2. Executive Summary**

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- 2.1 An application for a new premises licence for Bluefield Barns, Nassington Road, Apethorpe PE8 5DW was received on 19 July 2021. The appropriate notice was displayed and the advertisement was placed as required. Further to one representation the report invites the Sub-committee to determine the application.

### **3. Recommendations**

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- 3.1 The Sub-committee is recommended to determine the application.
- 3.2 Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown

to be necessary for the promotion of the licensing objectives in any individual case.

#### **4. Report Background**

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4.1 The application is to allow licensable activities to take place in a large barn conversion located on a farm in a remote locality. The premises will be used for private functions aimed specifically (but not exclusively) at weddings.

4.2 The matters for which a premises licence is sought are detailed below:

##### **Licensable Activities**

##### **Live Music**

Monday to Sunday	10:00 – 00:00	Indoors
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##### **Recorded Music**

Monday to Sunday	10:00 – 00:00	Indoors
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##### **Performances of Dance**

Monday to Sunday	10:00 – 00:00	Indoors
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##### **Late Night Refreshment**

Monday to Sunday	23:00 – 00:00	Indoors
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##### **Sale of Alcohol**

Monday to Sunday	10:00 – 00:00	On the premises
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Opening Hours	08:00 – 00:30	
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Non Standard Timings for all activities: From the end of permitted hours on New Year's Eve until 05:00 on New Year's Day

#### **5. Issues and Choices**

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##### **5.1 Determination**

5.1.2 The Panel must carry out its functions to promote the licensing objectives having regard to:

- The Council's Licensing Policy
- S182 Guidance

5.1.3 The Act states that the hearing shall have regard to the representations and following a hearing the panel may take any of the following actions if they deem them necessary to promote the licensing objectives:

- Grant the licence subject to operating schedule and mandatory conditions only
- Grant, subject to further conditions necessary for the promotion of the licensing objectives
- Refuse the application in its entirety

- Refuse elements of the application

## **5.2 Policy Considerations**

5.2.1 This section highlights the elements of the licensing policy that are most relevant with respect to this application. This is not exhaustive and the policy should be considered fully prior to making decisions with respect to applications: -

- 2.12 This Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.
- 2.13 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions relevant to the operating plan will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (e.g. Health and Safety at Work and Fire Safety legislation).

## **5.3 Section 182 Guidance Considerations**

5.3.1 Section 9.31 to 9.41 highlights the elements of section 182 Licensing Guidance that are most relevant with respect to this application. This is not exhaustive and guidance should be considered fully prior to making decisions with respect to applications.

## **6. Implications (including financial implications)**

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### **6.1.1 Resources and Financial**

There are no resources or financial implications arising from the proposals.

### **6.2 Legal**

6.2.1 A Legal Officer will be present at the hearing to outline all legal matters that need to be taken into consideration.

6.2.2 The Licensing Act 2003 sets out how an application for a Premises Licence should be dealt with where valid representations have been submitted. The Sub-Committee have to decide the outcome of the application taking into account the Licensing Objectives.

6.2.3 In accordance with the provisions of the Act, if a Licensing Authority rejects in whole or in part, an application to grant a Premises Licence the applicant may appeal against the decision, to a Magistrates' court within 21 days of being notified of the decision. Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted or that alternative or additional conditions should have

been imposed on the licence, they may appeal against the decision, to a Magistrates' court within 21 days of being notified of the decision.

### **6.3 Risk**

- 6.3.1 There are no significant risks arising from the proposed recommendations in this report.

### **6.4 Consultation**

- 6.4.1 As prescribed by the Licensing Act 2003 the following consultations have been undertaken:

Child Protection	No representation
Fire	No representation
Northamptonshire Police	No representation
Trading Standards	No representation
Home Office	No representation
Health Authority	No Representation
Apethorpe Parish Council	Representation received
Environmental Protection	No representation
Licensing	No representation
Planning	No representation
Public	No representation

- 6.4.2 Following the consultation there is one representation from Apethorpe Parish Council which is concerned with Public Nuisance caused by music and traffic. The representation can be seen in full at Appendix C.

### **6.5 Consideration by Scrutiny**

- 6.5.1 There are no comments received by the Scrutiny Commission in relation to this report.

### **6.6 Climate Impact**

- 6.6.1 There are no climate/environmental impacts that may arise regarding this report.

### **6.7 Community Impact**

- 6.7.1 The licensing regime seeks to minimise any negative community impacts as its purpose is to promote the licensing objective which includes prevention of crime and disorder and public nuisance, public safety and the protection of children from harm.

## **7. Background Papers**

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- 7.1 None