

Report to Licensing Sub-Committee
Date of meeting 07th October 2011
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DECISION REQUIRED

Not exempt

Report Title: Application for a Premises Licence at Ashleigh Farm, Church Road, Windlesham, GU20 6BS on behalf of Harper Asprey Wildlife Rescue submitted by Horsey Lightly Fynn Solicitors.

SUMMARY

The report presents the application for a new Premises Licence relating to Ashleigh Farm, Church Road, Windlesham, GU20 6BS. The report also includes a plan that sets out the location of the premises and identifies those interested parties that have made representations. The Licensing Authority is required to hold a hearing to determine this premises licence application because relevant representations have been received.

The purpose of the hearing is for the Licensing Sub-Committee to consider the Application, in relation to the Licensing Objectives set out in the Licensing Act 2003. The Licensing objectives relevant to this Application:

- 1 the prevention of crime and disorder
- 2 public safety
- 3 the prevention of public nuisance
- 4 the protection of children from harm

Copies of the application, relevant representations and other correspondence received to date are attached to this report.

RECOMMENDATIONS

The Sub-Committee is recommended:

- i) To determine the premise licence application.

REASONS FOR RECOMMENDATIONS

- i) The Sub Committee is required to make a decision under the Licensing Act 2003

BACKGROUND INFORMATION

1 INTRODUCTION

The purpose of this report

1.1 For the Sub-Committee to determine the application for a Premises Licence in respect of Ashleigh Farm, Church Road, Windlesham, GU20 6BS. under Section 18 of the Licensing Act 2003.

1.2 Background of the premises

A previous application was submitted for a new premises licence with regards to this address on the 3rd June 2011. The application was subsequently withdrawn at the Licensing Sub-Committee on the 19th July 2011.

Statutory background

1.3 The Licensing Act 2003 and secondary legislation in the form of Regulations there under.

Relevant Government policy

1.4 Guidance issued under section 182 of the Licensing Act 2003.

Relevant Council policy

1.5 Statement of Licensing Policy (effective from January 2011).

2. DETAILS

Application

2.1 The application is made by Harper Asprey Wildlife Rescue.

Grounds for the Hearing

Interested parties contend that the carrying on of licensable activities at the premises could lead to the following licensing objectives:

- i) The prevention of crime and disorder;
- ii) Protection of public safety;
- iii) Prevention of public nuisance
- iv) Protection of children from harm;

Being seriously undermined.

Further evidence submitted regarding the Application

2.3 The application was received with the supporting documentation attached to this report. This documentation was also sent by the Solicitor for the applicant, Horsey Lightly Fynn to all responsible authorities.

On the 9th September 2011, the Licensing Officer received an email from Horsey Lightly Fynn requesting that this documentation not be supplied to interested parties as it is only in initial draft form and not a formal part of the application. The Licensing Officer stated that upon receipt of the application, the documentation was clearly marked as 'Supporting Documentation' and has been circulated as such to all interested parties upon request.

Responsible Authority Representations/ Comments

2.4 Details of Responsible Authority representations received:

2.4.1 Police

No representations

2.4.2 Fire

No representations

2.4.3 Local Planning Authority

No representations

2.4.4 Environmental Health

The representations relate to the prevention of public nuisance and public safety licensing objectives. This representation is attached at Document 2.

2.4.5 Child Protection Agency

No representations

2.4.6 Licensing Authority

The application was initially submitted on 16th August 2011. The application was advertised in accordance with the Licensing Act 2003.

2.4.7 Health and Safety Executive

No representations

Interested Party Representations

2.5 Details of Interested Party representations received and relation to the licensing objectives:

Representations have been received from 6 interested parties, all being local residents or affected businesses.

Copies of these representations are attached at Document 2. These representations are relevant to the following: the prevention of public nuisance; prevention of crime and disorder; public safety and protection of children from harm licensing objectives.

2.6 Policy Considerations

Details of relevant policy considerations, including local policy statement:

Paragraphs 1 – 84 and 97 - 138 of the Council's Licensing Policy Statement are applicable to the consideration of this application.

3. NEXT STEPS

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives.

In making its decision, the Sub-Committee is also required to have regard to Guidance issued under Section 182 Licensing Act 2003 as amended and the Council's own Licensing Policy.

The Sub-Committee must have regard to all the representations made and the evidence it hears.

The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:

- To grant the licence subject to conditions
- To exclude a licensable activity to which the application relates
- To refuse to specify a person in the licence as premises supervisor
- To reject the application

The Sub-Committee is asked to note that it may not add conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

Human Rights and Equality issues will be taken into account on the determination of the Application by balancing the competing rights of the applicant, responsible authority and the interested party.

The imposition of conditions will be proportionate having regard to the competing rights referred to above and will only be imposed where necessary to achieve this aim.

Attachments:

Document 1: Application for a Premise Licence

Document 2: Representations

from Responsible Authorities
from interested parties