

DATE: 17 September 2019
MY REF: Licensing Sub-Committee
YOUR REF:
CONTACT: Jessica Hammond
TEL NO: 0116 272 7638
EMAIL: committees@blaby.gov.uk

To Members of the Licensing Sub-Committee

Cllr. David Clements
(Reserve)

Cllr. Roy Denney

Cllr. Michael O'Hare

Cllr. Bev Welsh

Dear Councillor,

A meeting of the **LICENSING SUB-COMMITTEE** will be held in the Council Offices, Narborough, Leicester at these offices on **TUESDAY, 1 OCTOBER 2019 at 2.00 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



Colin Jones
Corporate Services Group Manager



AGENDA

1. Election of Chairman

2. Apologies for Absence

3. Disclosures of Interests from Members

To receive disclosures of interests from Members (i.e. the existence and the nature of those interests in respect of items on this agenda).

4. Premises Licence Variation (Pages 3 - 22)

To consider the report of the Senior Licensing & Enforcement Officer (enclosed).

Blaby District Council
Licensing Sub-Committee

Date of Meeting 1 October 2019
Title of Report **Application to Vary a Premises Licence – Foxlands Farm, Croft Road Cosby LE9 1SG**
Report Author Senior Licensing & Enforcement Officer

1. What is this report about?

- 1.1 The Licensing Sub-Committee is required to determine an application to Vary a premises licence BLPR0184, relating to Foxlands Farm, Croft Road, Cosby Leicestershire LE9 1SG

2. Recommendation

- 2.1 That the Licensing Sub-Committee determines the application in accordance with the Licensing Act 2003.
Having considered the application and representation, members must consider whether to:
- Grant the licence without modification
 - Grant the licence subject to conditions
 - Exclude from the licence any of the licensable activities
 - Refuse to accept the proposed premises supervisor
 - Reject the application
- Members must give full reasons for each decision made.

3. Reason for Decision Recommended

- 3.1 The Licensing Act 2003 requires that the Licensing Sub-Committee determine a variation of a premises licence where relevant representations are received.

4. Matters to consider

- 4.1 The Licensing Authority received a complete application for a variation to a premises licence on 6 August 2019. The application was submitted in accordance with the requirements of the Licensing Act by Stephen Pepper and requested the following variations to the activities authorised by the current premises licence.
- To increase the area for licensable activities in accordance with the submitted plan and highlighted in red.
 - To increase the hours for the sale of alcohol on Sundays between 11:00hrs and 18:00
 - To change the consumption from on the premises only to consumption

- To remove all the conditions attached to the licence in Annex 2
- To permit Live Music and Recorded Music
 Friday and Saturday 08:30 to 01:30
 Sunday 08:30 to 00:00
 Music will be played over the public address system during the Victory Show only. This will cease at 18.30. Music in the Marquee will be until 01:30 or 00:00

The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (Section M).

In arriving at its decision with regards to this variation application the Licensing Authority's primary consideration must be the promotion of the 4 licensing objectives.

A copy of the full application and plan is attached at Appendix A.

- 4.2 **Responsible Authorities** – There were no representations received from any of the Responsible Authorities.

Other Persons – A Letter of representation was received from 1 resident. The letter of representation is in relation to the prevention of public nuisance.

A Copy of the letter of representation is attached at Appendix B.

- 4.3 **Appropriate Consultations**

The Act requires that the applicant sends a copy of their application to the Licensing Authority and all Responsible Authorities. When the application is accepted the applicant must place a notice detailing the application and the relevant dates for representations to be submitted, once in a local publication and on, at or near to the premises for 28 consecutive days. The Licensing Authority must also display a notice detailing the application on their website for 28 consecutive days commencing on the day after the application has been accepted. All of the above requirements were met.

- 4.4 **Significant Issues**

Human Rights have been considered but there are no overarching matters for concern in relation to this report. There are no specific legal or Human Resources implications. There is no requirement for an EINA or DPIA.

5. **Other significant issues**

- 5.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

6. Appendix

6.1 Appendix A – A copy of the application for a variation to a premises licence and Plan of the premises

6.2 Appendix B – A copy of the letter of representation made by other persons

7. Background paper(s)

7.1 The Licensing Sub-Committee shall refer to the current Statement of Licensing Policy, in particular sections:

7.0 Promotion of the Licensing Objectives,
8.0 Prevention of Public Nuisance,
13 Planning & Building Control

The current Guidance, issued under Section 182 of the Licensing Act 2003(April 2018), by the Home Office should also be taken into consideration. In particular:

Section

1.2 – 1.5 Licensing objectives and aims
1.15 – 1.17 General Principles – each application on its own merits
2.15 – 2.21 Public Nuisance
8.41 – 8.49 Steps to promote the licensing objectives
9.31 – 9.41 Hearings
9.42 – 9.44 Determining actions that are appropriate for the promotion of the
Licensing objectives
10.1 – 10.3 Conditions - general
10.8 – 10.9 Imposed conditions
14.51 – 14.52 Licensing Hours

8. Report author's contact details

Mandy Geary Senior Licensing & Enforcement Officer
mandy.geary@blaby.gov.uk 0116 272 7513

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/~~WE~~ STEPHEN PEPPER
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	BLP20184.
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
FOXLANDS FARM CROFT ROAD COSBY LE			
Post town	LEICESTER	Postcode	LE9 1SG

Telephone number at premises (if any)	07711 430472.
Non-domestic rateable value of premises	£

*

Part 2 – Applicant details

Daytime contact telephone number	07711 430472
E-mail address (optional)	STEPPER229@BTINTERNET.COM
Current postal address if different from premises address	
Post town	
Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐ No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
1	1	1	1	1	1	1	1

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

INCREASING LICENSED AREA. AS INDICATED IN RED.

Removing annex 2 conditions

Increasing recorded + live music times.

Alcohol Sales on + off premises

Increasing sale of alcohol hours

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

NO CHANGE

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					



E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors <input checked="" type="checkbox"/>	<input type="checkbox"/>
				Outdoors <input type="checkbox"/>	<input type="checkbox"/>
				Both <input type="checkbox"/>	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri					
Sat	08.30	24.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun	00.00	01.30			
	08.30	24.00			
	00.00	01.30			
	08.30	00.00			

amended.

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u> MUSIC WILL BE PLAYED OVER THE PUBLIC ADDRESS SYSTEM DURING THE VICTORY SHOW ONLY. THIS WILL BE AT 18:30 MUSIC IN THE MARQUEE WILL BE UNTIL 01:30.		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Thur					
Fri	08:30	24:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat	00:00	01:30			
	08:30	24:00			
Sun	00:00	01:30			
	08:30	00:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					



H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)	
Sun				



J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) SALES OF ALCOHOL FOR CONSUMPTION OFF PREMISES WILL BE AS GIFT / PRESENTATION BOXES ONLY.			
Mon						
Tue						
Wed						
Thur						
Fri	11.00	24.00				
Sat	00.00	01.00				
Sun	00.00	01.00				
	11.00	18.00				

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p style="text-align: center;">NONE.</p>
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M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

- ① I WILL ENSURE THE PROMOTION OF THE LICENSING OBJECTIVES.
- ② AN EVENTS MANAGEMENT PLAN WILL BE SUBMITTED TO THE POLICE & LICENSING AUTHORITY

b) The prevention of crime and disorder 6 WEEKS BEFORE THE VICTORY SHOW AND AGREED BY POLICE & LOCAL AUTHORITY

- ① I WILL OPERATE A FULLY TRAINED STAFF ON A CHALLENGE 25 PROOF OF AGE.
- ② ONLY ALCOHOL IN SEALED CONTAINERS WILL BE ALLOWED OFF THE PREMISES
- ③ I WILL KEEP AN INCIDENT LOG

c) Public safety

- ① APPOINT A FIRST AIDER
- ② HAVE SUFFICIENT DOOR STAFF ON OCCASIONS WHERE BASED ON A RISK ASSESSMENT, THEY WILL BE NECESSARY.
- ③ THE LICENSE HOLDER WILL CONSULT & COMPLY WITH ANY REQUIRED PUBLIC SAFETY ACTIONS DIRECTED BY THE LOCAL AUTHORITY.

d) The prevention of public nuisance

- ① A COMPREHENSIVE NOISE RISK ASSESSMENT MUST BE COMPLETED IN CONSULTATION WITH THE NOISE ABUCTION TEAM.
- ② THE LICENSE HOLDER WILL TAKE ALL REASONABLE STEPS TO REDUCE THE CHANCE OF ANY EVENT CAUSING A PUBLIC NUISANCE.

e) The protection of children from harm

- ① CHALLENGE 25 MUST BE OPERATED AND COMPLIED BY ALL STAFF WHEN ALCOHOL IS SOLD. STAFF WILL BE TRAINED IN THE SCHEME. NOTICES DISPLAYED IN CLEAR PROMINENT POSITIONS

AT ENTRANCE TO EVENT, AT ALL BAR SERVELET AREAS

Checklist:

Please tick to indicate agreement

A REFUSALS LOG WILL BE IN OPERATION AT EACH AREA WHERE ALCOHOL IS SOLD. THE LOG WILL BE MAINTAINED THROUGHOUT THE EVENTS & MADE AVAILABLE TO POLICE OR LICENSING AUTHORITY ON REQUEST

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

AS PER EXISTING CONDITIONS

b) The prevention of crime and disorder

AS PER EXISTING CONDITIONS WITH THE
ADDITION OF TWO SIA SECURITY STAFF
-DEDICATED SECURITY.
MULTI AGENCY PLANNING & DE BRIEF PRIOR &
POST EVENT - INCL. TABLE TOP EMERGENCY PLAN.

c) Public safety

PLASTIC BEER & WINE GLASSES ON SITE,
CROWD BARRIERS TO SEGREGATE AREAS,
PRIVATE FIRE & AMBULANCE CREWS.

d) The prevention of public nuisance

FAST & RESPECTFUL CLEARANCE OF SITE.
ON SITE PARKING.
CLEAR HIGHWAY WHERE POSSIBLE.

e) The protection of children from harm

ON SITE PROTOCOL TO BE FOLLOWED UNDER
INSTRUCTION OF DEDICATED HEALTH &
SAFETY OFFICER.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

☒ VOA WEBSIT
SARAH
GREENWAY
TO ADVISE

☐

☐

☐

☐

☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>SS PAM</i>
Date	<i>11.6.19</i>
Capacity	<i>owner organiser</i>

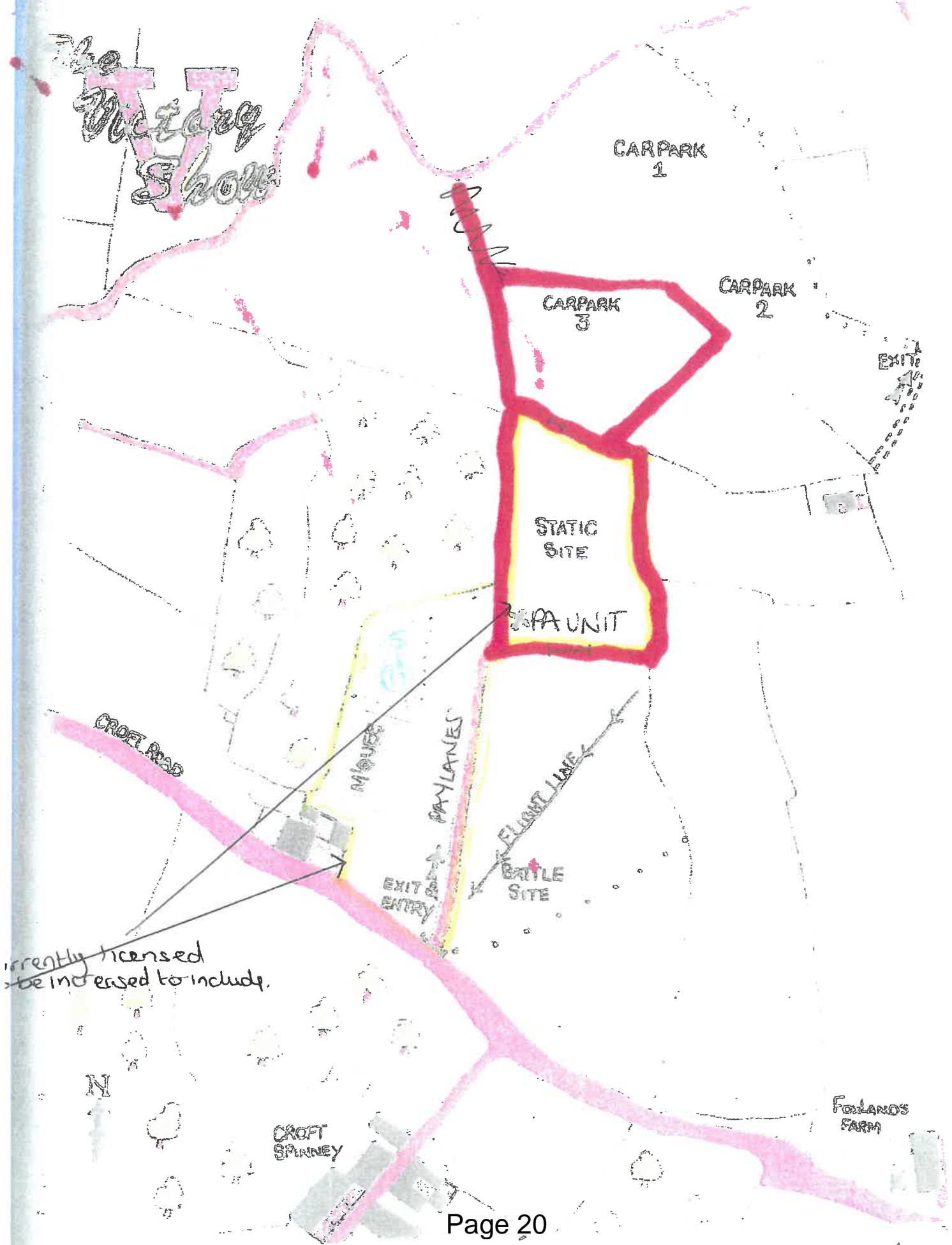
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>SS. PAM</i>
Date	<i>11.6.19</i>
Capacity	<i>organiser</i>

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance



currently licensed to be increased to include.

85 Narborough Road
Easby
Leics LE19 1TB

31 August 2019

The Licensing Authority
Blaby District Council
Narborough LE19 2EP

Dear Sir or Madam,

Foxlands Farm: Application to Vary a Premises Licence

The above application to increase the licensed area would seem to suggest that the applicant plans to stage events that will draw even ~~more~~ larger crowds than the many thousands of people that attend the present Biennial Air Show.

The licensed area is just a hulk to service whatever events the applicant chooses to hold. He can change his mind at any time as to the size and type of events. He can use any or all of his land to stage them, and he has asked you to increase the number of days on which he holds them from the present ten days to every Friday, Saturday and Sunday, yet he applies to remove Annex 2 conditions.

I would have thought that it was for the police to decide whether they should police

any event, and ^{that} they may want to attach further conditions to the licence.

When it rained during a recent Air Show, the homegoing vehicles carried mud along Cosby Road, Littlethorpe & Warborough Road, Cosby, but unlike other businesses, the applicant was not required to clean it up. It took many rainy days to wash the mud down the drains. Some washed onto private drives for the householders to shovel up.

Motorists and residents on Cosby Road, Littlethorpe and Warborough Road, Cosby could be faced with always muddied roads. Residents of Cosby and Littlethorpe could face gridlocked roads on three days a week, and loud noise for up to seven-teen hours a day every weekend. The occupants of White Barn Farm house and Roadside Barn Farm house (marked in red on the enclosed map), now private houses without their former farmland, lie adjacent to the applicant's land and close to the present licensed area, and to the requested increased area. Please spare a thought for them, and for the rest of us, as you consider the application.

Yours faithfully,

SUSAN RILEY (Miss)

enc: