

LICENSING AND GAMBLING ACTS SUB-COMMITTEE HEARING

Members' Record of Determination

RE: Beauty of Woman

Mount Pleasant Farm

High Street ,Burcott, Buckinghamshire LU7 0JS

Application for Premises Licence under s.17 of the Licensing Act 2003

Date: 15th August 2017 at 10.00 am in the Olympic Room at the Gateway

Constitution of the Sub-Committee:	Cllrs Barbara Russel and Mike Hawkett
Chair:	Cllr Steven Lambert
Others present:	

Legal Advisor:	Ifty Ali
Licensing Officer:	Peter Seal- Manager Kerryann Ashton- Officer
Applicant:	Represented by Sundeep Bhamra & M Aujla Amarjit Aujla , G Aujla
Responsible Authority:	Environmental Health Officers Sean Dunne and Brett Warren . BFRS Jonathan James
Interested Parties:	See Attendance list .
Members of the Public:	See Attendance list
Documentation:	Report and Appendices
Apologies:	None
Disclosures of Interest:	Cllr Steven Lambert disclosed a connection with BFRS but not considered prejudicial

FINDINGS OF FACT

The Sub-Committee accepted the following findings of fact from the evidence available:

1. This hearing relates to an application for a new Premises Licence in respect of Mount Pleasant Farm for the sale and supply of alcohol, regulated entertainment and late night refreshment.
2. The application was clarified by the applicant to be for 1300 to 2400 hours Thursday, Friday, Saturday and Sunday in regard to all licensing activity.
3. The applicant admitted that the application required more clarification and detail and was looking to the Licensing Authority to provide a steer.
4. There were representations made by the Responsible Authorities: Thames Valley Police; Environmental Health and Bucks Fire and Rescue. The TVP representations were accepted with agreed conditions. These agreed conditions were set out more particularly at appendix 3 of the report.
5. The Environmental Health representations (Appendix 4) were that any marquee would have poor sound attenuation, and that it was not clear from the application what would be done about that, but that it would certainly cause a noise nuisance due to the lower level of background noise given the rural area. Additionally the EHO did state that there may even be a statutory noise nuisance in terms of the noise from the cars and congestion of traffic due to the narrow lanes.
6. Bucks Fire and Rescue representations (Appendix 5) were that any licence would be conditional upon a suitable Fire Risk Assessment and a written record of Fire Safety Arrangements (policy and procedures for fires). The reason for the representation was that there was not enough information to do anything other than request that these conditions be imposed should the licence proceed. The BFR Officer did confirm that if there was an incident at the premises he was confident that a vehicle could attend but that a Traffic Management Plan was required.
7. Relevant representations objecting to the application (Appendix 6) centred around the noise nuisance not just from the proposed marquee venue but also from associated traffic noise. The quiet and rural area and that the premises were unsuitable for this type of licence. There was a great deal of information provided in regard to that unsuitability.

Taking into account the application and representations received together with the relevant law, section 182 guidance, the Licensing Policy Statement (Nov 2015) the Sub-Committee unanimously RESOLVED:

1. Application **not granted** as applied for.

REASONS FOR DECISION

The application was wholly inadequate and by the applicants own admission were looking for a licensing steer. The Sub-Committee are not able to give a steer but can only decide upon the application placed before them .

The Sub-Committee are of the opinion that the premises and the proposed marquee are not a suitable venue for the type and nature of the events planned with the numbers of proposed attendees. This is due to the regard the Sub-Committee had to the rural area and the narrow lanes in the immediate vicinity.

The Sub-Committee were persuaded by the weight of the representations made against the premises but had particular regard to the EHO who had concerns regarding the noise nuisance and its potential to be a statutory noise nuisance ,together with the effect that would have on the community.

The Licensing Authority is committed to protecting residents from harm as a result of licensable activities. In deciding whether there will be harm to amenity the Sub-Committee is not concerned with whether the conduct of the licensee is or will be blameworthy, but the adequacy of the steps appropriate for the promotion of the licensing objectives. The steps as outlined in the Operating Schedule and as explained in the hearing fell well below that adequate standard.

The Sub-Committee is satisfied that the above decision and reasons given are a reasonable and proportionate response to the representations made.

RIGHT OF APPEAL

An appeal against the decision of the Sub-Committee may be made by:

- a) The applicant
- b) The person who made the relevant representations

Applications to appeal the decision of the Sub-Committee must be made to the local Magistrates' Court within 21 days from the receipt of this notice

Dated 23 August 2017