

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Licensing Sub-Committee</b>	Item A1	Page 1 of 5
<b>Report Originator</b>	Russ Howell	<i>Fwd Plan Ref No:</i>	
<b>Wards Affected</b>	William Knibb	28 <sup>th</sup> January 2016	
<b>Title</b>	<b>To determine an application for a premises licence for Music Barns (Cranford Barns), Cranford Road, Kettering where representations have been received</b>		

**Portfolio Holder: Councillor Lloyd Bunday**

### **1. PURPOSE OF REPORT**

To determine an application for a premises licence for Music Barns, Cranford Road, Kettering where representations have been received.

### **2. INFORMATION**

- 2.1 An application for a new premises licence has been received for Music Barns, Cranford Road, Kettering from Mr Mark Robinson on behalf of Cranford Farming Company. A copy of the application is attached at **Appendix A**.
- 2.2 The application is for the following licensable activities:
- Live Music, Recorded Music and On Sales of Alcohol  
12.00 – 02.00 Friday and Saturday  
12.00 – 20.00 Sunday
- Late Night Refreshment  
23.00 – 02.00 Friday and Saturday
- Opening Times  
12.00 – 02.00 Friday and Saturday  
12.00 – 20.00 Sunday
- 2.3 A plan showing the location of the premises is at **Appendix B**. These premises are disused agricultural barns. There are no facilities on site and the structures lack doors and windows.
- 2.4 The steps proposed by the applicant to ensure that the licensing objectives are met are detailed in the attached application at Section 18.

### **3. CONSULTATION AND CUSTOMER IMPACT**

- 3.1 The following were consulted:

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Police	Representation
Public	Representation
Environmental Health	Representation
Trading Standards	No representation
Borough Councillors	No representation
Planning	No representation
Child Protection	No representation
Fire	No representation
Customs and Excise	No representation
Health	No representation

- 3.2 A representation has been received from Northamptonshire Police. The representation highlights concerns that the nature of the operation of the premises may vary from event to event and therefore their view is that, if a licence is issued, the licence needs in some way through condition to manage these circumstances. The recommendation to committee is that a condition requiring a structured event management plan for each event is included in the licence. The representation is attached at **Appendix C**.
- 3.3 A further representation has been from the Environmental Protection Team in Environmental Health. This again raises the concern of management of events, in this case relating to noise management. If a licence is issued, it is recommended that the Committee consider through condition how to manage these circumstances. A proposal for a condition requiring a noise management plan for each event is put forward. The representation is attached at **Appendix D**.
- 3.4 Matters relating to Public Safety have also been raised by the Health Protection Team from Environmental Health. The key issues from this representation not covered by other legislation include provision of sanitary facilities, security and emergency arrangements. A copy of the representation is included at **Appendix E**.
- 3.5 A number of public representations from the Cranford area, including the Parish Council, have been received. Concerns relating to frequency of events, noise, traffic management, public safety, drunkenness and anti-social behaviour are all raised in relation to the licensing objectives from the Licensing Act 2003. In particular there are a number of references to noise from previous events held at these premises under Temporary Event Notices although no complaints were made to Environmental Health. Three Temporary Event Notices are recorded for this site, one in 2014 and two in 2015. The representations are attached at **Appendix F**.
- 3.6 The Committee, if it considers that a premises licence should be issued, may consider that one condition requiring an event management plan for each event covering all aspects of the relevant licensing objectives may be an appropriate manner to deal with the representations above. Areas which may be covered by

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such a plan to deal with the concerns raised may include but not be restricted to:

1. Event Manager Details
2. Background Information
3. Public / Employers Liability Insurance
4. Event attendance
5. Roles and Responsibilities
6. Communications with the emergency services
7. Communications with the crowd
8. Communication with residents
9. Traffic Management Plan
10. Emergency routes
11. Car parking facilities
12. Car park facilities for disabled users
13. Access and Egress
14. Noise pollution
15. First Aid
16. Fire
17. Temporary Structures
18. Facilities for Disabled
19. Security and Stewarding plan
20. Event Security
21. Signage
22. Water
23. Electricity
24. Waste management
25. Toilet provision
26. Site Fencing
27. Alcohol and Bar Management
28. Site Layout
29. Toilets
30. Incident requiring emergency services vehicular access
31. Incident requiring partial evacuation
32. Incident requiring full evacuation
33. Weather conditions

## **4. POLICY IMPLICATIONS**

4.1 This section highlights the sections of the Authority's 2015 - 2019 Statement of Licensing Policy that are most relevant with respect to this application, this is not exhaustive and the policy should be looked at fully prior to making decisions with respect to applications. The paragraph numbers are as shown in the Statement of Licensing Policy:-

1.4 The Licensing Authority in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment premises to the local economy and vibrancy of the area. However, the Council

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also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.

- 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and, as stated above, each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, this Council in adopting the policy is indicating that a wide range of considerations will be taken into account.
- 1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises and is committed to partnership working with responsible authorities, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 2.10 Authorised persons, interested parties and responsible authorities, as defined in the Act, will have the right to make representations to the Licensing Authority on any application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. This Authority recognises that in the absence of relevant representations it will grant licences on the terms sought.
- 2.11 Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
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- 2.12 This authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. However this Council recognises that licensing legislation is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 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 offered or agreed with the applicant 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.
- 2.18 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration.
- 2.19 Licensing hours will not inhibit the development of a thriving and safe evening and night-time local economy which is important for investment and employment locally and beneficial to tourism without compromising the ability to resource local services associated with the night-

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time economy. Providing consumers with greater choice and flexibility is an important consideration.

- 2.20 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community. Individual applicants should address the licensing objectives in their operating schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 6.4 It is important to note that crime and disorder are two separate elements of this objective. An authorisation can be considered by the Committee where crime alone has taken place and relevant representations are made.
- 6.7 The public nuisance objective is designed to deal with the impacts of licensable activities at specific premises on persons living and working (including doing business) in the vicinity that is disproportionate and unreasonable. The main issues for concern will be noise nuisance, light pollution, noxious smells and litter.
- 6.8 The provision of welfare facilities such as toilets within licensed premises is relevant to the prevention of public nuisance. Adequate welfare provisions may prevent nuisance activities taking place within the street, such as urination. Licensees should therefore ensure that adequate facilities are provided and available within the premises and include these details within their operating schedule.
- 6.9 Public nuisance is not defined within the Act but is given a broad common law definition. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. This may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined) in the vicinity of the licensed premises.
- 4.2 Regard must also be had to the Section 182 guidance to the Licensing Act 2003.
- 4.3 Section 17 of the Crime and Disorder Act 1998 requires that local authorities and others must consider crime and disorder reduction while exercising all their duties.

## **5. USE OF RESOURCES**

- 5.1 There are no financial implications.

## **6. RECOMMENDATION**

The committee's decision is requested.

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