

# APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003



Date: 23 August 2023  
Agenda Item: 3  
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Key Decision? NO  
Local Ward Members: Leomansley  
Cllr Jamie Checkland, Cllr Richard Henshaw & Cllr Andrew Smith

## LICENSING AND CONSENTS APPEALS COMMITTEE

### 1. Executive Summary

- 1.1 An application for the Grant of a time limited premises licence under the Licensing Act 2003, for the Crooked House Event in Beacon Park. was received 12 June 2023 & became valid 28 June 2023
- 1.2 The application is to permit sale of alcohol until 22:30 hours and provision of live and recorded music and performances of dance indoors and outdoors until 23:00 hours.
- 1.3 Representations have been received from 'other persons', objecting to the application on the grounds that the prevention of public nuisance objective would be undermined.

### 2. Recommendations

- 2.1 Members are asked to determine the application to vary the premises licence in respect of Crooked House, Beacon Park, Lichfield having due regard to the Council's Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. Options to members are set out in 3.10.

### 3. Background

- 3.1 An application for the Grant of a time limited premises licence under the Licensing Act 2003 was received 12 June 2023 & became valid 28 June 2023 from Adam Turbill. (A copy of the application is attached at **Appendix A**).
- 3.2 A copy of the proposed plan is attached at **Appendix B**.
- 3.3 The application has been advertised in accordance with the provisions contained within the Licensing Act 2003 and Licensing Act Regulations, inviting representations from a Responsible Authority or any other person, for 28 consecutive days starting on the day after the application became valid.
- 3.4 Conditions have been agreed between the applicant and both Staffordshire Police and Environmental Protection, responsible authorities under the Act and are attached at **Appendix C**.
- 3.5 Representations have been received from two 'other persons' objecting on the grounds that the prevention of public nuisance objective would be undermined. We have agreed the request by one objector for their personal details to be withheld. These representations are attached at **Appendix D**.

Alternative Options	<ol style="list-style-type: none"> <li>1. An application for a grant under the Licensing Act 2003 has to be considered by the licensing authority where a valid representation is received. The options open to the authority are set out in the report.</li> </ol>
Consultation	<ol style="list-style-type: none"> <li>1. Advertising a grant application is the responsibility of the applicant and is done by way of a blue notice displayed at the premises for a period of 28 consecutive days and by placing a notice in a local newspaper circulating in the area within 10 working days of the application being made. The application has been advertised in accordance with the statutory requirements.</li> <li>2. Recent applications are included in the weekly lists page on the Council's website.</li> </ol>
Financial Implications	<ol style="list-style-type: none"> <li>1. The fees for a grant are payable on application. They are not refundable should the application be refused.</li> <li>2. If the application is refused, or granted with conditions, the applicant has the right of appeal to the Magistrates Court against the decision.</li> <li>3. Similarly, a person who made relevant representations has a right of appeal against a decision to grant a licence, or the conditions imposed upon it.</li> </ol>
Approved by Section 151 Officer	Yes/no*
Legal Implications	<ol style="list-style-type: none"> <li>1. If the application is refused, or granted with conditions, the applicant has the right of appeal to the Magistrates Court against the decision.</li> <li>2. Similarly, a person who made relevant representations has a right of appeal against a decision to grant a licence, or the conditions imposed upon it.</li> <li>3. The committee will have legal advice at the meeting.</li> </ol>
Approved by Monitoring Officer	Yes/no*
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> <li>1. Premises/Club licensing contributes to enabling people, shaping place and developing prosperity.</li> </ol>
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> <li>1. Article 6 of the Human Rights Act 1998, states that in determination of a person's civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.</li> <li>2. Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.</li> <li>3. Part II, Article 1 states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to conditions provided for by law and by the general principles on international law.</li> </ol>
EIA logged by Equalities Officer	Yes/no* Equalities Officer confirmed not required.
Crime & Safety Issues	<ol style="list-style-type: none"> <li>1. Staffordshire Police are a statutory consultee in relation to Licensing Act 2003 applications.</li> </ol>

	2. Under the Crime and Disorder Act 1998, particularly Section 17, local authorities must have regard to the likely effect of the exercise of their functions and do all they can to prevent crime and disorder in their area. The Licensing Authority will have regard to the likely impact of licensing on related crime and disorder in the District, particularly when considering the location, impact, operation and management of licensable activities
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Environmental Impact (including Climate Change and Biodiversity).	1. Potential from noise and light pollution can be considered as part of this process.
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GDPR / Privacy Impact Assessment	1. Disclosure of personal details making can be done where the circumstances justify such action
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	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Legal challenge	Impact – Yellow Likelihood – Yellow Risk - Yellow	Committee Members are trained in how to conduct a hearing appropriately. Legal advice is provided through a qualified legal officer to advise their decision making	Impact – Yellow Likelihood – Yellow Risk - Yellow
B	Reputation	Impact – Green Likelihood – Green Risk - Green	Committee Members are trained in how to conduct a hearing appropriately. Legal advice is provided through a qualified legal officer to advise their decision making	Impact – Green Likelihood – Green Risk - Green
C				
D				
E				

	Background documents
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	<b>Relevant web links</b> <a href="https://www.lichfielddc.gov.uk/downloads/file/1779/statement-of-licensing-policy-2021-2026">Revised guidance under section 182 of the Licensing Act 2003</a> <a href="https://www.lichfielddc.gov.uk/downloads/file/1779/statement-of-licensing-policy-2021-2026">https://www.lichfielddc.gov.uk/downloads/file/1779/statement-of-licensing-policy-2021-2026</a> <a href="http://www.legislation.gov.uk/ukpga/2003/17/contents">http://www.legislation.gov.uk/ukpga/2003/17/contents</a>
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