

Report to Licensing Sub Committee

Date of Meeting: 09 August 2016

By Chris Boyle, Licensing Officer

DECISION REQUIRED

Not Exempt



**Horsham
District
Council**

Application for the Grant of a New Premises Licence under Section 34 of the Licensing Act 2003

Executive Summary

On the 28 June 2016 the applicant, Horsham Outdoor Events Limited submitted a new premises licence application in respect of an event to be called Christmas Fantasia to be held at Camping World Showground, Hornbrook Park, Brighton Road, Horsham, West Sussex, RH13 6QA.

The applicant has applied for the event to take place between the 21st October 2016 and 29th January 2017.

The application seeks to allow the following licensable activities:

1. Live music
2. Recorded music
3. Sale and supply of alcohol by retail for consumption on the premises only.
4. Premises open to the public

Recommendations

The Sub- Committee is recommended:

To determine the application for the grant of a new premises licence

Reasons for Recommendations

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

Background Papers

1. Premises Application
2. Event Management Plan
3. Site plan
4. Representation from Environmental Health and Licensing
5. Representation from Sussex Police
6. Representations from members of the public and various public groups.

Wards affected:

Forest

Contact:

Chris Boyle, Licensing Officer, extension 5578

Background Information

1 Introduction and Background

- 1.1 For the Sub-Committee to determine the application for a grant of a new premises licence
- 1.2 At present The Camping World Show Ground does not benefit from a premises licence and on the 28 June 2016, Horsham Outdoor Events Limited submitted a premises licence application for the property known as Camping World Show Ground, Hornbrook Park, Brighton Road, Horsham, West Sussex, RH13 6QA and have complied with all statutory requirements as set out in the Licensing Act 2003.

Horsham Outdoor Events Limited is seeking the following licensable activities to be authorised by the premises licence:

Premises open to the public:

Monday to Sunday 10:00hrs until 22:00hrs

Sale and supply of alcohol by retail for consumption on the premises only:

Monday to Sunday 10:00hrs until 22:00hrs

Live music:

Monday to Sunday 10:00hrs until 22:00hrs

Recorded music:

Monday to Sunday 10:00hrs until 22:00hrs

For the year 2016 & 2017 the event will run from Friday 21 October 2016 to Sunday 29 January 2017 as detailed on page 12 of the Event Management Plan

2 Relevant Council policy

- 2.1 Statement of Licensing Policy dated January 2014

3 Details

- 3.1 Hornbrook Park is a privately owned business park located on the Brighton Road (A281) consisting of a retail camping outlet, a supplier of wooden product such as garden fencing and joinery products and a garden centre with a farmers shop attached.

The area intended to be used for this premises licence application is at present being used by Camping World Show Ground to display their products and is clearly defined by being fenced

Between the garden centre and the other businesses there is a large area of open ground that is currently used as car parking for customers

4 Next Steps

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

- 4.2 In making its decision, the Sub-Committee is also required to have regard to Guidance issued under the Section 182 Licensing Act 2003 (as amended) and the Council's own Licensing Policy
- 4.3 The Sub-Committee must take one of the following steps as it considers necessary for the promotion of the Licensing Objectives:
- To permit the grant of the application
 - To reject the grant of the application in whole or in part
 - To modify the conditions of the licence as they relate to the application
 - To exclude a licensable activity from the licence
- 4.4 The Sub Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the four licensing objectives.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The application was advertised in the local newspaper covering the area. Blue A4 Notices were also displayed on site and the application was advertised on Horsham District Council's website in accordance with the Statutory Requirements under the Licensing Act 2003.
- 5.2 A copy of the application was served on all statutory Consultees in accordance with the provisions contained within the Licensing Act 2003 and its associated regulations.
- 5.3 **Responsible Authority Representation.**
- 5.4 **Local Licensing Authority – Environmental Health and Licensing (Appendix 1)**
- 5.5 **Sussex Police – Neighbour Licensing Team (Appendix 2)**
- 5.6 **West Sussex Fire & Rescue Service (Appendix 3)**
- 5.7 **Public Health – No Objection**
- 5.8 **Health & Safety Executive – No Objection**
- 5.9 **Trading Standards – No Representation**
- 5.10 **Local Planning Authority – No Objection**
- 5.11 **Public Representation (Appendix 4)**

5.12 Forest Parish Council (Appendix 5)

5.13 Representations from members of the Public (Appendix 6)

During the twenty eight (28) day consultation period a total of twenty seven (27) relevant representations against the grant of the application were received by Horsham Districts Councils Licensing Department stating that the application had failed to address the four licensing objectives but mainly The Prevention of Public Nuisance.

6 Other Courses of Action Considered but Rejected

6.1 None

7 Resource Consequences

7.1 None

8 Legal Consequences

8.1 The Council has a duty to determine the application under the Licensing Act 2003

9 Risk Assessment

9.1 This application does not relate to any of the specific risks on the Corporate Risk Register.

10 Other Considerations

10.1 The Sub-Committee are to determine the application under the four licensing objectives. The prevention of crime and disorder is one of the licensing objectives.

10.2 The operation of the Licensing Sub-Committee is a quasi-judicial function and as such particular regard is to be had to Article 6 'the right to a fair trial'.