

REPORT TO THE LICENSING SUB-COMMITTEE – 7TH JUNE 2023 AT 18:30

APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT LONG ACRES CAMPING & CARAVAN SITE, NEWCHAPEL ROAD, LINGFIELD RH7 6LE WHICH HAS ATTRACTED REPRESENTATIONS

Report of:	Ian Garrod, Licensing Officer - Tel: 01883 732794 licensing@tandridge.gov.uk
Purpose of Report:	<p>An application has been made for a premises licence to be granted under the Licensing Act 2003 ('the Act') at Long Acres Camping & Caravan Site, Newchapel Road, Lingfield, RH7 6LE.</p> <p>During the consultation period, representations were received from members of the public in respect of objecting to the application. The representations received have raised concerns that the licensing objectives under the Act have not been met.</p> <p>In accordance with S18(3) of the Act, the application must be determined by the Sub-Committee of the Council's Licensing Committee.</p>
Publication status:	Unrestricted.
Recommendations:	<p>That, in accordance with its delegated powers, the Sub-Committee either:</p> <ul style="list-style-type: none">a) grants the application as applied for;b) grants the application subject to conditions the Sub-Committee considers necessary to promote the licensing objectives;c) excludes from the scope of the licence any of the licensable activities to which the application relates; ord) rejects the application. <p>Members of the Licensing Sub-Committee 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 be appropriate in order to promote the licensing objectives.</p> <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the Hearing after all relevant parties have been given the opportunity to be heard. Members must give full reasons for their decision.</p>
Appendices:	<ul style="list-style-type: none">A Application for a Premises Licence to be granted (page 9)B A plan of the site and plan of the proposed licensed area (page 35)C Map of area around Long Acres Camping & Caravan Site (page 37)D Representations from members of the public (page 39)E Amendments to application from applicant (page 41)

1 Purpose of Report

- 1.1 The supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required for any of these activities to be undertaken at premises within the District.
- 1.2 The Licensing Sub-Committee (“the Sub-Committee”) is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.
- 1.3 In accordance with the provisions of Section 18(3) of the Licensing Act 2003, the licensing authority must hold a hearing to determine an application for the grant of a premises licence where relevant representations have been made and not withdrawn.
- 1.4 The Council must consider any representations made, providing that the representations are relevant to the promotion of the licensing objectives and, in the case of those made by other persons, are not frivolous or vexatious.

2 Background Information

- 2.1 On 13th April 2023, the Licensing Authority received an application for a premises licence to be granted at Long Acres Camping & Caravan Site, Newchapel Road, Lingfield, RH7 6LE. A copy of the application is attached at **Appendix ‘A’**.
- 2.2 The application is for the supply of alcohol to be consumed on and off the proposed licensed area and for the provision of late-night refreshment to take place outdoors for campers and the general public.
- 2.3 A plan of the site and the plan of the proposed licensed area are attached at **Appendix ‘B’** outlining the area in red to be licensed as the premises.
- 2.4 Long Acres Camping & Caravan Site is located on Newchapel Road near Lingfield. A map of the area is attached at **Appendix ‘C’**.
- 2.5 The licensable activities being applied for are as follows:
 - The supply of alcohol for the consumption on and off the licensed area for the following times:
 - Monday to Sunday 12:00 – 00:00
 - The provision of late night refreshment for outdoors only in the licensed area for the following times:
 - Monday to Sunday 23:00 – 00:00
- 2.6 Section M of the application describes the steps to be taken by the applicant to promote the licensing objectives. If granted, and unless modified by the Sub-Committee, the conditions in Section M of **Appendix ‘A’** will be attached to the premises licence.

3 Consultation

- 3.1 The consultation period for this application was from 13th April 2023 until 11th May 2023.
- 3.2 The application was served on all the responsible authorities and has been available to view by members of the public on the Council's website during the consultation period. It is confirmed that statutory notices were displayed on the site throughout the consultation period.
- 3.3 There were no objections received from the responsible authorities.
- 3.4 There 5 five representations received from members of the public in objection to the application being granted. There are 2 objectors remaining. Of the other 3, one was resolved, one was withdrawn and the other was not deemed relevant.
- 3.5 The 2 remaining objections have been deemed relevant by the authority and are attached at **Appendix 'D'**. The objections received are in relation to Public Nuisance, Protection of Children from Harm the Prevention of Crime and Disorder, and Public Safety.

Objectors' Names	Grounds
Barry Hall	Public nuisance / Protection of children from harm
Mark Williamson	Public nuisance / Public Safety

- 3.6 Following receipt of the objections, the applicant was contacted with the issues raised by the members of the public. Following discussions with the applicant and objectors, the applicant has provided amendments to the application.
- 3.7 The agreed amendments to the application are to remove late night refreshments and to reduce the hours of the supply of alcohol from 12:00 - 00:00 to 12:00 - 22:00. If the application is granted, and unless modified by the Sub-Committee, the premises licence will be issued with these amendments.
- 3.8 The e-mails attached at **Appendix 'E'** show these agreed changes:
- 5th May 2023 – Reduce alcohol sales hours to 2245
 - 9th May 2023 - Reduce alcohol sales hours to 2230
 - 17th May 2023 – Reduce alcohol sales hours to 2200
 - 17th May 2023 – Withdraw Late Night Refreshment
- 3.9 Following the amendments made by the applicant in 3.8 above, one objection has been withdrawn.

4 Policy & Guidance

4.1 Home Office revised guidance issued under section 182 of the Licensing Act 2003

The Sub-Committee must have regard to the Secretary of States Guidance issued under S182 of the Licensing Act 2003 and pay particular attention to the following sections:

Chapter 1: Introduction

Licensing objectives and aims	1.2 - 1.5
Purpose	1.7
Legal Status	1.9
Licensing Policy	1.12
Licensable activities	1.13
Authorisations or permissions	1.14
License conditions – general principles	1.16
Each application on its own merits	1.17
Other relevant legislation	1.19

Chapter 2: The Licensing Objectives

Crime and disorder	2.1 - 2.6
Public safety	2.7 - 2.9
Public nuisance	2.15 - 2.21
Protection of children from harm	2.22 - 2.31

Chapter 3: Licensable activities

Summary	3.1 - 3.2
Late night refreshment	3.12 - 3.20

Chapter 5: Who needs a premises licence?

Relevant parts of Act	5.1 - 5.2
Vehicles	5.19 - 5.20

Chapter 8: Applications for premises licences

Responsible Authorities	8.7
Other persons	8.13
Steps to promote the licensing objectives	8.41 - 8.49

Chapter 9: Determining applications

Where representations are made	9.3
Relevant, vexatious and frivolous representations	9.4 - 9.9
The role of responsible authorities	9.11 - 9.12
Hearings	9.31 - 9.34; 9.37 - 9.40
Determining actions that are appropriate for the promotion of the licensing objectives	9.42 - 9.44

Chapter 10: Conditions attached to premises licences and club premises certificates

General	10.1 - 10.3
Imposed conditions	10.8 - 10.10

Chapter 13: Appeals

General	13.1 - 13.7
Giving reasons for decisions	13.10 - 13.11

4.2 Tandridge District Council – Statement of Policy made under Licensing Act 2003

The Sub-Committee must have regard to the Councils Licensing Policy and pay particular attention to the following sections:

Part A Introduction and Legislative Basis

1. Introduction 1.1; 1.3 - 1.5
2. Scope of this Policy 2.1 - 2.2; 2.5; 2.7 - 2.8

Part B Principles

6. Fundamental principles 6.1 - 6.9
7. TDC's aspirations and vision for the place 7.2 - 7.7

Part C Policies for applicants

20. Risk Assessment 20.1; 20.2.1 - 20.2.6
21. Closing times 21.1 - 21.3
26. Outside spaces 26.1 - 26.4
28. Operating Schedules and Volunteered Conditions 28.1 - 28.2

Part D Policy for representations/objections

34. Disclosure of personal details 34.1 - 34.5
35. Determining relevance of representations 35.1 - 35.8
36. Mediation 36.1 - 36.3
37. Licensing Sub-Committees 37.1 - 37.5
39. Approach to setting conditions 39.1 - 39.4
40. Approach to licensing hours 40.1 - 40.3
41. Licensing Officer recommendations 41.1 - 41.3

Appendix 5: Model Conditions October 2022

Appendix 6: Procedure at Licensing Sub Committee Hearings

5 Determination

- 5.1 The Sub-Committee is requested to determine the application, giving full detailed reasons for the decision.
- 5.2 In determining the application, Members must have regard to the four licensing objectives on which the Licensing Act 2003 is based. These are:
 - The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- 5.3 Members must have consideration to the representations and take such steps it considers appropriate for the promotion of the licensing objectives.
- 5.4 In achieving this, the Sub-Committee shall disregard information which is not relevant to the application or the promotion of the licensing objectives, and give appropriate regard and weight to evidence i.e. direct evidence is better than circumstantial hearsay (although hearsay is admissible).

6 Legal Considerations

- 6.1 When considering this matter, Members must have regard to government guidance. This makes it clear that the four licensing objectives should be "paramount at all times". Where there are objections to an application, the Sub-Committee must have regard to these and to the "likely effect" on the licensing objectives of granting the application.

- 6.2 It is a fundamental principle of the Licensing Act that each application must be considered on its own merits.
- 6.3 If Members, having considered the application, believe that extra measures are required to promote the licensing objectives, it may attach additional conditions to the licence provided that these are appropriate, reasonable, and proportionate or it may alter or amend any existing conditions. The Sub-Committee must not impose conditions which would be beyond the control of the licence holder. The Sub-Committee should also avoid imposing any conditions which would duplicate other statutory regulations (e.g. Health & Safety legislation, fire regulations, planning).
- 6.4 The Sub-Committee is advised to take the above matters into consideration when reaching their decision. Members are reminded that they should not consider any irrelevant matters and must confine their deliberations solely to the issues relating to the licensing objectives.
- 6.5 Under Section 18(4) of the Act, when determining this application, the Sub-Committee must have regard to the representations received and take such steps as it considers appropriate to promote the licensing objectives.

7 Decision

- 7.1 That, in accordance with its delegated powers, the Sub-Committee may either:
- a) To grant the application as applied for;
 - b) To grant the application subject to conditions the Sub-Committee considers necessary to promote the licensing objectives;
 - c) To exclude from the scope of the licence any of the licensable activities to which the application relates; or
 - d) To reject the application.
- 7.2 In determining the application, the Sub-Committee must give appropriate weight to:
- evidence presented at the hearing;
 - Guidance issued by the Home Office under s.182 of the Act;
 - the Council's Statement of Licensing Policy;
 - any advice given by the Council's Legal Advisor during the hearing.
- 7.3 Members of the Licensing Sub-Committee are asked to make a decision at the end of the Hearing after all relevant parties have been given the opportunity to be heard. Members must give full reasons for their decision.
- 7.4 Any party to the hearing may appeal to the Magistrates Court against the decision of the Licensing Sub-Committee. The appeal must be made within 21 days of the date of notification of the Sub-Committee's decision.

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