

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION TO GRANT A PREMISES LICENCE
SCUNTHORPE FAKE FESTIVAL, SHEFFIELD PARK, FERRY ROAD,
SCUNTHORPE, NORTH LINCOLNSHIRE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application to grant a Premises Licence for Scunthorpe Fake Festival.
- 1.2 There have been 7 representations received, which have been deemed relevant. These are detailed in paragraph 4.2. Copies of the representations are attached to this report at Appendices 2,3 and 4.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for a licence where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the application the Sub-Committee should only consider issues which relate to the four licensing objectives. The licensing objectives are:
 - The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.

- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.
- 2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided, which is relevant to the licensing objectives.
- 2.6 The options available to the Sub-Committee having considered all the relevant information are as follows:
- To refuse to grant the licence
 - To grant the licence with additional conditions
 - To grant the licence without additional conditions
 - To grant the licence but restrict the licensable activities
 - To grant the licence with restricted times
- 2.7 Members of the Sub-Committee should be advised that the applicant, statutory consultees and persons making relevant representations may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

- 3.1 The application to grant a premises licence for Scunthorpe Fake Festival was received on 21 January 2010. A copy of the application is attached to this report at Appendix 1.
- 3.2 Environmental Protection has objected to the application on the grounds of public nuisance. Officers have subsequently corresponded with the applicant with suggested modifications to the application. The applicant has agreed to modify the application by ending the musical performance and play at 23:15 hrs. A copy is attached to this report at Appendix 4.
- 3.3 There have been 2 Petitions and 4 letters of objection from interested parties, which have been deemed relevant. These are detailed in paragraph 4.2 and are attached to this report as Appendix 2 and 3 respectively.
- 3.4 The applicant has been made aware of the representations.

4. OUTCOMES OF CONSULTATION

- 4.1 An applicant for a Premises Licence has to serve a copy of the application form and a plan of the premises on the statutory consultees within 48 hours of the Licensing Authority receiving its copy.

4.2 The table below provides details of any comments received from the statutory consultees.

Statutory Consultee	Comment
Humberside Police	No adverse comments
Humberside Fire & Rescue Service	No adverse comments
Health & Safety	No comments
Environmental Health	Environmental Protection have objected on the grounds of Public Nuisance. Officers have corresponded with the applicant to end the musical performance and play at 23:15 hrs on the day of the event, which has been agreed by the applicant. Copy attached at Appendix 4.
Trading Standards	No adverse comments
Child Protection	No adverse comments
Planning	No response received
Other	There have been 6 representations received from interested parties. 2 Petitions with 19 signatures and 4 letters of objection on the grounds of Crime & Disorder, Public Safety and Public Nuisance. Copies attached at Appendix 2 and 3.

4.3 Ward councillors have been made aware of the application.

5. **OUTCOMES OF MEDIATION**

5.1 We have a duty to mediate in accordance with our policy. The results of the mediation will be reported at the meeting.

6. **LICENSING OBJECTIVES & STATUTORY PROVISIONS**

6.1 Prevention of Crime & Disorder

6.1.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 20 of their application in Appendix 1 attached to this report.

6.1.2 Further information regarding this objective can be found in the Licensing Policy, pages 25-28.

6.1.3 Representations have been received raising concerns with regard to this objective.

6.2 Public Safety

6.2.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 20 of their application in Appendix 1 attached to this report.

6.2.2 Further information regarding this objective can be found in the Licensing Policy, pages 29-31.

6.2.3 Representations have been received raising concerns with regard to this objective.

6.3 Prevention of Public Nuisance

6.3.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 20 of their application in Appendix 1 attached to this report.

6.3.2 Further information regarding this objective can be found in the Licensing Policy, pages 32-34.

6.3.3 Representations have been received raising concerns with regard to this objective.

6.4 Protection of Children from Harm

6.4.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 21 of their application in Appendix 1 attached to this report.

6.4.2 Further information regarding this objective can be found in the Licensing Policy, pages 35-38.

6.5 Other Licensing Policy Issues/Statutory Provisions

6.5.1 These are detailed in Appendix 1, page 20, under the heading of General.

7. FURTHER INFORMATION & CLARIFICATION

7.1 A location plan is attached to the report as Appendix 5.

8. RECOMMENDATIONS

- 8.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant and the parties/authorised bodies making relevant representations.
- 8.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.6, and attach such conditions considered necessary.
- 8.3 That the Sub-Committee provides the reasons for its decision.

SERVICE DIRECTOR NEIGHBOURHOOD & ENVIRONMENT

The Angel
BRIGG
North Lincolnshire

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Date: 22 February 2010

Background Papers used in the preparation of this report Nil

