

DATE OF HEARING	Monday, 5 July 2010		
PANEL MEMBERS	Councillor Dobbs (Chair) Councillor Thacker Councillor Newton (Replaced Cllr Swift at short notice)		
APPLICATION TYPE/REF	New Premises Licence 059387		
LICENSEE	Nene Park Trust		
ADDRESS	Nene Park Trust, Ham Farm House, Ham Lane, Peterborough, PE2 5UU		
PREMISES DETAILS	Specified Section of Ferry Meadows Country Park, Peterborough, PE2 5UU		
APPLICANT HEARD	Yes		
APPLICANT REPRESENTED		No	
WITNESSES FOR APPLICANT	Yes		
Mr James McCulloch, Chief Executive of the Nene Park Trust Mrs Susan Taylor, Nene Park Trust			
THE FOUR LICENSING OBJECTIVES			
Prevention of crime and disorder	Public safety		
Prevention of public nuisance	Protection of children from harm		
LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE			
Prevention of crime and disorder			
Prevention of public nuisance			

**REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES
ATTENDING AND/OR INTENDING TO SPEAK**

NAME/DETAILS	ATTENDING	SPEAKING
Mr and Mrs Reuben	Yes	Yes
Mrs Cox	Yes	Yes
Mrs Mehmed	Yes	Yes
Mrs Tebbs	Yes	No

The Sub-Committee has read the report and relevant material and listened to all the evidence and submissions. The Sub-Committee has also considered the national guidance and the council's statement of licensing policy.

FINDINGS OF FACT

Note here during hearing facts that have a bearing on the decision

The Sub-Committee finds the following facts:

1. There were concerns raised about parking issues off site
2. There were concerns raised regarding noise nuisance emanating from the sites during any organised event
3. There were concerns raised regarding litter and other waste remaining on site after any organised event
4. There were no representations received from any of the Responsible Authorities

IRRELEVANT REPRESENTATIONS

*Note here irrelevant matters mentioned at hearing and why irrelevant
e.g. not related to the relevant licensing objective, not related to licensing (e.g. parking issues)*

The Sub-Committee considered the following to be irrelevant Representations:

1. A number of late representations were received on the day which the Sub-Committee felt it could not take account of given the short notice
2. Off site parking was an issue with the Sub-Committee given the location and provision of the on site parking, the Sub-Committee decided not to take this issue any further
3. Some issues raised by local residents were outside the Sub-Committee's remit as they did not address the four licensing objectives

DECISION MADE

New Premises Licence

The Sub-Committee has considered the relevant representations made today and previously submitted in line with the two licensing objectives.

Our decision therefore is:

To grant the licence in the same terms applied for.

The decision was reached by 2 votes for and 1 against.

ADDITIONAL CONDITIONS ATTACHED (*if any*)

1. *Conditions set out in the operating schedule (as amended or otherwise)*
2. *Additional conditions (if any) proposed by responsible authorities*
3. *Additional conditions proposed by applicant*
4. *Additional conditions arising from issues considered by the Sub-Committee in respect of any relevant representations*
5. *Any further conditions considered necessary for the promotion of the Licensing Objectives*

As set out in Paragraph 7 on page 3 of the Committee report and Appendix C, page 34 of the Committee report

Prevention of Public Nuisance

Receptacles for waste shall be emptied regularly to minimise nuisance smells.

Written approval from the Licensing Authority shall be sought at least 28 days prior to the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas

Any request by an authorised officer of the Council in relation to reducing noise levels shall be complied with

A person nominated by the premises licence holder shall be responsible for monitoring noise levels and instructed to implement changes in noise levels in accordance with any request by an authorised officer of the Council immediately and ensure that volume is maintained at the reduced level.

No amplified sound (including public announcements) in connection with the event shall continue beyond the permitted hours of the entertainment.

Prevention of Crime & Disorder

The premises licence holder shall be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises

The premise license holder shall not participate or encourage fly posting of events or the venue and any leaflet distribution shall be managed in such a way as to prevent litter

Lighting shall be provided outside the premises (and in the private car park) during the hours of darkness when any licensable activity takes place on the premises
No drinks shall be sold in glass bottles within the licensable area.

Public Safety

A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

Access for emergency vehicles shall be kept clear and free from obstruction

An adequate and appropriate supply of first aid equipment and materials shall be available on the premises

Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.

Prior notification of 28 days shall be given to the Licensing, Health & safety and/or Fire

Authority in relation to the use of any of the following special effects:

- Dry ice machines and cryogenic fog.
- Smoke machines and fog generators.
- Foam cannon/snow machine.
- Pyrotechnics, including fireworks.
- Real flame.
- Firearms.
- Motor vehicles.
- Strobe lighting.
- Explosives and highly flammable substances.
- Lasers; (*see HSE Guide The Radiation Safety of lasers for display purposes [HS(G)95] and BS EN 60825; Safety of laser products*)

Safety checks will be carried out before the admission of the public and details of such checks are to be kept on file for licensable activities.

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the findings of fact, the Sub-Committee is satisfied on a balance of probability and considering all the circumstances, including the conditions imposed, that the requested new premises licence would not create public nuisance or increase crime and disorder.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives, *Section 4 on Page 8*
- Fundamental Principles, *Section 6 on Page 9*
- Licensing Hours, *Section 8 on Page 12*
- Children and Licensed Premises, *Section 9 on Page 12 to 14*
- Licence Conditions, *Section 13 on Page 16 and 17*
- Delegation / Decision Making / Administration, *Section 16 on Page 18 and 19*

Guidance issued under Section 182 of the Licensing Act 2003 (March 2010)

- The Licensing Objectives – Public Nuisance, *Section 2 pages 21 to 23*
- The Licensing Objectives – Crime and Disorder, *Section 2 Pages 16 to 19*
- Determining applications – *Section 9 pages 66 to 70*
- Pools of conditions – *Annex D page 117 to 133*

LEGAL ADVICE GIVEN DURING DELIBERATION

(to be read out by Legal Officer when decision is given to the hearing)

The Legal Officer gave advice to the Sub-Committee during their deliberations appertaining to relevant representations in accordance with the four licensing objectives, also that any conditions additional to those already submitted must be proportionate, reasonable and enforceable.

CRIME AND DISORDER ACT 1998	Were there any implications under this Act? If so give details
<i>Section 17 imposes a duty to have due regard to the likely effect of the exercise of its functions and to do all it can to prevent crime and disorder.</i>	
Human Rights Act 1998	How were the following articles considered
Article 1 – <i>Every person is entitled to the peaceful enjoyment of his possessions.</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
Article 6 – <i>Everyone is entitled to a fair trial</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
Article 8 – <i>Everyone has the right to respect for his private and family life, his home and his correspondence.</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
DATE OF SUB-COMMITTEE HEARING	5 July 2010

The applicant, together with relevant authorities and interested parties who made representations, has the right to appeal against this determination. There is a period of 21 days from the notification of this decision to commence an appeal by giving notice to the Justices’ Chief Executive for the Magistrates’ Court. Details will be sent to the relevant parties with the written notice of this decision forthwith.