

APPENDIX 9 - LETTER TO OBJECTORS FROM LICENSING MANAGER

Letter to objectors 15/12/2020

We have received your objection to the application for The Dutch Barn at Woodfalls Cross Farm, Hale Road, SP6 2NW. The applicant wishes to hold functions such as weddings at the premises and combine this with the existing vineyard business.

However, the applicant has made changes to the initial application, which I would like to make you aware of.

The original hours requested were

live and recorded music-Monday to Thursday 14:00hrs- 23:30hrs,

Friday and Saturday 11:00hrs to 23:30hrs and

New Year's Eve 11:00- 00:30hrs.

Following a request from the Environmental Protection Officer, the applicant has agreed to **reduce the terminal hour for live and recorded music to 23:00hrs**. Therefore, as the hours now fall within exemptions for live and recorded music, the activities would not appear on any licence granted. Should the applicant wish to provide music any later than 23:00 at any time then a Temporary permission could be sought (Temporary Event Notice -TEN). Please note that only the Police and Environmental Protection may object to a TEN.

The sale of alcohol for consumption on and off the premises remains as Monday to Saturday 08:00hrs to 23:30hrs and 10:00hrs to 17:00hrs on Sunday. These are also the opening hours of the premises.

The Licensing Act 2003 is specific as to what may be considered as an objection (representation) against a premises licence application and anyone wishing to object to an application must ensure that the objection is relevant to at least one of the licensing objectives which are:-

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

There are matters that are not considered relevant under licensing legislation as these are considered under other regimes such as planning or fire safety; matters such as access, parking and road use. Such issues are considered when planning permission to use a building for an activity is considered. It may also be noted that the applicant has confirmed that there will be on-site parking available for 40+ cars.

At the hearing any party making a representation and the applicant (and their legal representative if appropriate) are invited to put their case to elected members. The hearing provides the opportunity for members to hear the objections and reasons behind them and attending a hearing in person will assist members in understanding the nature of the representation. It also allows the applicant to explain how they may mitigate any risk to the licensing objectives.

Relevant representations will be sent to the applicant prior to the hearing to ensure that the process is fair and transparent, this will include the name and address of the person submitting the representation. Representations are also included in committee papers which are a public document and published on the Council's website, however personal contact details will be redacted.

In determining an application with a view to promoting the licensing objectives, in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives (conditions submitted by the applicant and /or any responsible authority);
- the representations (including supporting information) presented by all the parties;
- Statutory Guidance;
- its own statement of licensing policy.

Representations may be amplified at the hearing or may stand in their own right. Additional points, which are not referred to in the original representation received during the 28-day period may not be referred to at the hearing.

In addition, the "need" for licensed premises is also not a consideration when determining a premises licence application. It may be considered by some parties that there are sufficient premises in the area providing the licensed activity, meeting the needs of the community, however the commercial demand for another pub or restaurant, again is a matter for the planning authority, not licensing.

As required by law, the Responsible Authorities have received notice of this application (including planning at NPA, Police and Environmental Protection). To date we have not received any objection by any Responsible Authority to the application. A property search has also confirmed that no complaints have been received for excessive noise from the property..

The correct notification procedure has also been carried out with the required display of a public notice on the property together with the public notice placed in the newspaper. There is no requirement under the Licensing Act to notify individual properties in an area.

In addition details of the application have also been published on the council's website and Councillors and Parish Councils notified.

Should you wish to withdraw your representation in light of the changes made to the application, could you please confirm this by email to licensing@nfdc.gov.uk . If not, your representation will be sent to the applicant, included in the hearing report and you will receive an invitation to attend the hearing.

I have also attached/enclosed a copy of the conditions which the applicant has submitted in order to promote the licensing objectives. These would form part of any licence granted.