

GRANT OF PREMISES LICENCE HORTON CHAPEL ARTS & HERITAGE SOCIETY, THE HORTON ARTS CENTRE, HAVEN WAY, EPSOM KT19 8NP

Head of Service: Rod Brown, Head of Housing & Community
Wards affected: Court Ward

Appendices (attached): Appendix 1:- Application for a premises licence submitted on 16 July 2021 (“the Application”) by Horton Chapel Arts & Heritage Society
Appendix 2: Plan attached to application
Appendix 3 : Redacted copies of valid representation
Appendix 4: Location Map covering the Horton Chapel and surrounding area. Produced by Licensing for information
Appendix 5: Template Licence mandatory conditions

Summary

The Licensing (Hearing) Sub-Committee (“the Sub-Committee”) is being asked to determine an application for a premises licence made under the Licensing Act 2003 sections 17 and 18.

Recommendation (s)

The Council being satisfied that the application is made in accordance with the Licensing Act 2003 the Sub Committee is now asked to:

- (1) Hold a hearing to determine the application for a premises licence under the Licensing Act 2003, unless all relevant persons agree that a hearing is unnecessary.
- (2) Grant the application and modify the conditions of the licence as is required as a minimum or, alternatively, reject the whole or part of the application.

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1 Reason for Recommendation

- 1.1 To determine the application for a premises licence at a hearing pursuant to section 18(3) Licensing Act 2003. The Council, the applicant and all persons who made valid representations may agree to dispense with the hearing provided notice is given in accordance with The Licensing Act 2003 (Hearings) Regulations 2005 regulation 9.

2 Background

- 2.1 The supply of alcohol, provision of regulated entertainment, and sale 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 in order to carry on many of these activities at a premises within the borough.
- 2.2 Under the scheme of delegation adopted by the Council the Sub-Committee is responsible for the exercise of many of the functions of the Council as a licensing authority, including determination of applications where representations have been received.
- 2.3 On 16 July 2021 Horton Chapel Arts & Heritage Society (“The Applicant”) applied for a premises’ licence for the premises known as The Horton Arts Centre, Haven Way, Epsom, Surrey KT19 8NP.

3 General principles to be followed

- 3.1 The statutory framework for granting premises licences protects the community by allowing responsible authorities and neighbours and occupiers of legal premises, including residents, businesses and community groups, to make representations about an application.
- 3.2 When determining applications, the Sub-Committee recognises the Council as the licensing authority is required to carry out its functions with a view to promoting the licensing objectives, which are:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm
- 3.3 In considering the licensing objections the Council must have regard to it’s statement of licensing policy, and to the statutory guidance (Revised Guidance April 2018) issued under section 182 Licensing Act 2003.
- 3.4 The application process is considered at 8.1 of that Guidance. The procedure and information on hearings can be found at 9.31 of that Guidance.

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4 Options open to the sub committee

- 4.1 The Sub-Committee in determining the application will consider the steps set out in section 18(4) Licensing Act 2003.
- 4.2 The Sub-Committee will decide whether to grant the licence (imposing all mandatory conditions) in the terms set out in the application (as amended) or take any of the following steps before granting the licence:
 - 4.2.1 modify and grant the licence with such conditions it considers required for the promotion of the licensing objectives, which can include granting the licence subject to different conditions in respect of different parts of the premises or different licensable activities;
 - 4.2.2 grant the licence in different terms by excluding from the scope of the licence any of the licensable activities to which the application relates;
 - 4.2.3 refuse to specify the person nominated in the licence as the premises supervisor and require a different person be so nominated and accepted by the Sub-Committee before granting the licence;
- 4.3 Alternatively the Sub-Committee may reject the application entirely.

5 Details of application

- 5.1 On 16 July 2021 the Applicant submitted an application to provide plays, films, indoor sporting events, live music, recorded music, performance of dance, late night refreshment and supply of alcohol.
- 5.2 The sub-committee is now being asked to determine a licence for the above licensable activities for the following proposed standard days and timings as detailed in appendix 1.

6 Representations from interested parties

Legal or other duties

- 6.1 A total of 24 relevant representations were received. The Council rejected 5 representations on grounds that they were not relevant or frivolous.

7 Representations from responsible authorities

- 7.1 No representations from any responsible authority were received.

8 Policy considerations

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- 8.1 A copy of the Councils' Statement of Licensing Policy (December 2018) has been sent to the Applicant and Interested Parties together with this report.
- 8.2 The Sub-Committee will note there are no policy presumptions against the grant of the licence.
- 8.3 The Sub-Committee will need to have due regard to all valid representations that have not been withdrawn.
- 8.4 The Horton Chapel is in the Green Zone in Epsom (see p.9 Statement of Licensing Policy). There is a policy presumption to grant the licence unless it can be shown that the application would undermine or prejudice the licensing objectives.

9 Legal Implications

- 9.1 Decisions on licensing matters engage issues of human rights, in particular, Article 1 of the First Protocol, the peaceful enjoyment of possessions, Article 6, the right to a fair hearing, and Article 8, respect for private and family life. However, interference with Convention rights is permitted where lawful and necessary in the interests of public safety, the prevention of disorder or crime, the protection of health and morals or for the protection of the rights and freedoms of others.
- 9.2 Due regard must also be had to the public sector equality duty enshrined in Section 149 of the Equality Act 2010, which aims to eliminate unlawful discrimination, having regard to the nine protected characteristics.
- 9.3 All applications for new or varied Premises Licences or Club Premises Certificates must be advertised by the display of a notice at the premises and by a public notice in the local newspaper. Pursuant to the Council's constitution the Council's licensing department has determined that there is a valid application that complies with the requirements of the Licensing Act 2003 etc..
- 9.4 **Monitoring Officer's comments:** None arising from the content of this report.

10 Policies, Plans & Partnerships:

- 10.1 None relevant for the purposes of this next report.

11 Background papers

- 11.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

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Other papers:

- Code of Conduct and Practice in Licensing Procedures and Hearings
- Statement of Licensing Policy, dated 11 December 2018
- Guidance Issued under Section 182 of the Licensing Act 2003
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- Licensing Act 2003
- The Licensing Act 2003 (Hearings) Regulations 2005