

SOUTH STAFFORDSHIRE COUNCIL**LICENSING AND REGULATORY SUB-COMMITTEE – TUESDAY 9 July 2024 2pm****APPLICATION FOR A PREMISES LICENCE – HIMLEY HALL GLAMPING SITE,
1 WEST LODGE, DUDLEY ROAD HIMLEY DY3 4LA****REPORT OF LICENSING OFFICER - ENVIRONMENTAL HEALTH & LICENSING****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

To consider the premises licence application submitted by Mr Patrick Sampson T/A Himley Hall Glamping Site, 1 West Lodge, Dudley Road, Himley DY3 4LA.

2. RECOMMENDATIONS

- 2.1** That the Licensing Authority (Sub-Committee) determine the Premises Licence application for Himley Hall Glamping site 1 West Lodge Dudley Road Himley DY3 4LA.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	Protecting the safety and wellbeing of our communities.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Not applicable as item relates to individual determination within the existing policy.
SCRUTINY POWERS APPLICABLE	No – Report to Legal and Regulatory Committee	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	Not Applicable	
FINANCIAL IMPACT	No	
LEGAL ISSUES	Yes	The sub-committee must seek to ensure that this premises promotes the objectives of the licensing regime. The sub- committee must have regard to the authority's licensing policy (where relevant) and any central government guidance. The sub-committee is entitled to question the applicant, Mr Patrick Sampson T/A Himley Hall Glamping Site, so as to satisfy itself that the licensing objectives will be met.

		All parties have a right of appeal to a Magistrates Court. Appeals should be in writing to the Magistrates Court within 21 days from the date the applicant is notified of the licensing authority decision.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	Summary of Details
IMPACT ON SPECIFIC WARDS	No	Details as necessary

PART B – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 An application for a premises licence was received from Mr Patrick Sampson via the GOV.UK portal on the 15th May 2024. This was forwarded to the 'other responsible authorities' and notices displayed. It was advertised in accordance with the requirements of the Act. The application and plan are attached as **Appendix A, A1, A2 & A3.**
- 4.2 The premises site is situated to the South West of Himley Hall close to Dudley Road - area plan is attached as **Appendix B.**
- 4.3 The application requests the following licensable activities:

Proposed Licensable Activities	Days of the Week	Time from /Time to
Sale of Alcohol (On & Off Sales)	Monday to Sunday	11am to Midnight
Provision of Films	Monday to Sunday	11am to Midnight
Live and Recorded Music	Monday to Sunday	11am to Midnight
Performance of Dance	Monday to Sunday	11am to Midnight

- 4.4 It is the understanding of the Licensing Authority that the application for the premises licences has been properly made. The statutory requirement to give notice of the application has also been complied with.
- 4.5 No outstanding representations have been received from any of the responsible authorities namely: Planning Enforcement; Environmental Protection; Environmental Health and Licensing; Development Control; Staffordshire Fire and Rescue; Children and Lifelong Learning; Primary Care Trust (PCT), Staffordshire Police, Staffordshire County Council (Trading Standards) and Home Office (immigration).
- 4.6 One representation against the application was received from the planning authority relating to the licensing objective of The Prevention of Public Nuisance. The objection is attached as **Appendix C.** This was subsequently withdrawn on the 21st June 2024 following proposed conditions offered and agreed with the applicant. Proposed conditions are attached as **Appendix D.**

- 4.7 One representation against the application was received from the ward Councillor and Leader of the Council, Councillor Lees on all four licensing objectives. The email objecting to the application is attached as **Appendix E**.
- 4.8 One representation against the application was received from the Chair of Himley Parish Council, referring to all four licensing objectives. The email objecting to the application is attached as **Appendix F**.
- 4.9 Ten representations against the application were received from local residents. Their objection is in relation to the licensing objective of The prevention of Public Nuisance. Their objections are attached as **Appendix G & G1**.
- 4.10 Copies of all the objections have been served on the applicant.
- 4.11 On 4th June the applicant, responded to the objectors addressing the points raised, attached as **Appendix H**, along with a site plan and planning pre amble (which is attached as **Appendix I**.) As a result of the communication the planning authority withdrew their objection.

All the other objections remain.

5. HUMAN RIGHTS IMPLICATIONS

- 5.1 This report has human rights implication for the premises licence holder as "every natural or legal person is entitled to the peaceful enjoyment of his possessions." [a licence]. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. This does not impair the right of a State [the committee] to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.
- 5.2 In addition as regards the conduct of the hearing there is the right to a fair hearing as "in the determination of his civil rights and obligations" everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal [the committee] established by law. "Judgment" shall be pronounced publicly but the press and public may be excluded from all or part of the hearing where the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the committee where publicity would prejudice the interests of justice.

6. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

Equality Impact Assessment not applicable.

7. PREVIOUS MINUTES

Not applicable

8. BACKGROUND PAPERS

List of background papers used in preparation of report. Licensing Act 2003 guidance at Appendix J.

Licensing Act 2003
Section 182 Guidance
South Staffordshire Licensing Policy
Human Rights Act 1998

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