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**BRECKLAND COUNCIL**

**At a Meeting of the**

**LICENSING PANEL**

**Held on Wednesday, 20 December 2017 at 10.00 am in  
Norfolk Room, Elizabeth House, Dereham**

**PRESENT**

Mr K. Martin (Chairman)  
Mrs J. Hollis

Mr W. R. J. Richmond  
Mr P. R. W. Darby (Substitute Member)

**Also Present**

Mr E Devlin  
Mr P Phillips  
Mr Frost

Ms Reynolds  
Mr Cole  
Mr Upright

**In Attendance**

Tiffany Bentley  
Sarah Wolstenholme-Smy  
  
Leanne Neave

- Licensing Officer
- Legal Services Manager (Deputy Monitoring Officer BDC)
- Democratic Services Officer

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**29/17 APOLOGIES**

No apologies had been received.

**30/17 DECLARATION OF INTERESTS**

None.

**31/17 PROCEDURES**

The hearing was conducted in accordance with the procedures as set out in the Agenda.

**32/17 APPLICATION FOR THE GRANT OF A PREMISES LICENCE**

The following persons were in attendance:

Applicant  
Applicants representatives

Mr B Devlin  
Mr P Devlin  
Mr P Phillips (Old Buckenham Parish Council)

Objectors

Mr Frost, Mr Cole, Ms Reynolds  
Mr Upright

**Decision**

The application is granted as sought with the amended conditions The application is granted subject to the following additional conditions which the committee consider to be appropriate for the promotion of the licensing objectives.

1. The perimeter of the licensed premises be checked on a regular basis during an event involving a licensed activity to ensure that no bottles and other forms of litter are deposited or blown onto the public footpath and that all visitors remain within the licensed premises boundaries.
2. The licensed area and immediate surrounding area be litter picked at the end of each event.
3. A CCTV system must be installed to cover the licensed area, such system to provide recorded images in a digital format for a continuous period of at least 30 days. The CCTV system must be maintained in good working order and operated at all times at the premises when licensable activities are taking place. The images must be capable of being downloaded in digital format and provided to representatives of the police or licensing authority upon request. Notices must be clearly displayed that CCTV is in operation.
4. An incident and refusals register shall be kept and used by all staff. It shall be checked and signed by the DPS after each event and should be available for inspection by any responsible authority upon reasonable request.
5. A challenge 25 scheme shall be in operation at the premises, customers shall be required to prove their age by use of a nationally recognised ID scheme.
6. An appropriate number of staff at each licensable event be trained in first aid and health and safety arising from incidents that could be associated with the existence of the two lakes on site.
7. All alcohol shall be kept in a locked area, that area to be locked with an appropriate mortice lock.
8. A speed limit of 10 miles per hour shall be enforceable on site, with all roadways and paths being appropriately lit when a licensed activity is taking place.
9. Life aids shall be kept and maintained beside both lakes, as well as warning signs of deep water and no swimming signs.
10. Signage shall be placed at the exists of the premises asking customers to leave quietly and respect neighbours.
11. Signage shall be placed on the licensed premises boundary warning customers that they are entering a public footpath.
12. The exit of the premises shall be from the northern roadway when

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licensable activities are taking place when it is dark and headlights are appropriate for vehicles.

In addition to these, it was noted that the EHO of Breckland DC requested the following conditions be incorporated into the operating schedule and that the Applicant has agreed to this request

1. A site Noise Management plan to be produced and approved by the Environmental Protection Team of Breckland District Council prior to the first event involving live recorded music or amplified music. The plan should include a full review of proposed events over the next 12 months with likely noise levels and controls to be implemented and confirm the maximum number of events involving late night entertainment. Such maximum to be no more than 10 per annum. By late night entertainment it is meant any event running from 7.30 to 11.00 pm. Finally the review should confirm the applicant's intentions relating to the event known as "two wheeled Tuesday" or similar events. Such plan to be updated prior to and agreed prior to each event with the Environmental Health Team.
2. The applicant to agree the noise levels on the northern, southern and eastern site boundaries to comply with the Code of Practice on Environmental Noise Control at Concerts or such guidance as brought out from time to time by the noise council. The maximum level of background noise levels from events is also to be agreed. Such agreement and approval is to be with the Environment Protection Team of Breckland District Council prior to any events taking place.
3. The applicant is to produce a plan for the control of vehicles coming to and leaving site so as to minimise the disturbance to nearby residents.
4. The applicant is to produce a telephone number which is to be publicised to and for the use of residents to report issues of noise and disturbance to the applicant or his representative during events on site

**Reason for the decision**

The Committee considered the oral and written representations presented by all the parties, attaching weight as appropriate, and also considered the Licensing Act 2003 (the "Act") and its regulations, the statutory guidance under Section 182 of the Act, and the Councils own statement of licensing policy.

The Committee gave weight to the fact there are no outstanding representations of the responsible authorities. The Committee noted that the applicant had previous experience of managing a pub in the local area. They further noted that the applicant had agreed to move the Eastern boundary adjoining Doe Lane as set out in the new plan. The Committee further noted the concerns of the local residents regarding noise, disturbance, litter, trespass and increased traffic.

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The conditions recommended by the Environmental Health Team would assist and monitor noise levels.

The Committee determined that the conditions to be attached to the licence were appropriate for the promotion of the licensing objectives and proportionate to what is intended to achieve. These conditions will address the concerns raised by the local residents.

The existence of the review procedure to deal with activities at the premises causing concern could also be implemented.

**Right of Appeal**

Under Schedule 5 of the Licensing Act 2003 there is a right of appeal to the Magistrates Court. Any appeal must be commenced by notice of appeal given by the Appellant to the Magistrates Court within 21 days beginning with the day on which the Appellant was notified by the Licensing Authority of the decision appealed against.

The holder of the licence, the applicant or any person who made relevant representations may appeal against the decision to grant the licence.

The meeting closed at 12.00 pm

CHAIRMAN