

## **BRECKLAND COUNCIL**

### **Report of the Strategic Director - Services** **Licensing Sub-Committee – 10 May 2010**

#### **APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003**

##### **1. Purpose of Report**

- 1.1 The Licensing Sub-Committee are asked, in accordance with the delegation of Licensing functions contained in the Council's Statement of Licensing Policy, to consider the application to vary a Premises licence in respect of Plough and Furrow, Quebec Street, Dereham, Norfolk, NR19 2DJ, following receipt of representations.

##### **2. Recommendations**

- 2.1 It is recommended that the Sub Committee determine the application to vary a Premises Licence for Plough and Furrow, Quebec Street, Dereham, Norfolk, NR19 2DJ in accordance with the Licensing Act 2003; Guidance issued under Section 182 of the Licensing Act 2003 and Breckland Council's Statement of Licensing Policy.

**Note:** In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

##### **3. Information, Issues and Options**

###### **3.1 Background**

- 3.1.1 An application has been received from Miss Joanne Rachel Cross to vary the premises licence at Plough and Furrow, Quebec Street, Dereham, Norfolk, NR19 2DJ.

###### **3.2 Summary of the Application**

- 3.2.1 The proposed variation is to extend the hours for live music, recorded music, anything of a similar description to live and recorded music, the provision of facilities for dancing, the provision of facilities for entertainment of a similar description to music and dancing, late night refreshment, the supply of alcohol and the hours the premises are open to the public.

The current premises licence is attached as Appendix A. The proposed variation requests to:

- remove condition number  
29,31,34,44,50,52,59,63,64,66,67,68,70-  
72,82,83,115,120,142,143,146,147 of Annex 2 of the current  
licence; &

- to vary conditions 35,46 & 75 of Annex 2 of the current licence.

3.2.2 The application form is attached as Appendix B to this report and contains the proposed operating schedule. The proposed times for the licensable activities are:

<b>Live music</b> (indoors only)	Friday – Saturday	00:00 – 04:00
	Sunday	00:00 – 02:00

<b>Recorded music</b> (indoors only)	Friday – Saturday	09:00 – 04:30
	Sunday	00:00 – 02:00

<b>Anything of a similar description to live or recorded music</b> (Indoors only)	Friday – Saturday	09:00 – 04:30
	Sunday	00:00 – 02:00

<b>Provision of facilities for dancing</b> (indoors only)	Friday – Saturday	00:00 – 04:30
	Sunday	00:00 – 02:00

<b>Provision of facilities for entertainment of a similar description to dancing</b> (Indoors only)	Friday – Saturday	00:00 – 04:30
	Sunday	00:00 – 02:00

<b>Late Night Refreshment</b> (indoors only)	Friday – Saturday	23:00 – 05:00
	Sunday	22:00 – 02:30

<b>Supply of alcohol</b> (for consumption on the premises)	Friday – Saturday	09:00 – 04:30
	Sunday	00:00 – 02:00

3.2.2 It is proposed that the **opening hours** of the premises are:

Friday – Saturday	09:00 – 05:00
Sunday	00:00 – 02:30

3.2.4 Relevant Representations from the responsible authorities are as follows:

Police – Representation received and attached as Appendix C.

Fire – No representations

Environmental Health(Noise Pollution) – No representations

Health and Safety – No representations

Planning – No representations

Trading Standards – No representations

Local Safeguarding Children Board – No representations

No Representations have been received from Interested Parties.

### 3.3 Options

#### 3.3.1 The Licensing Sub-Committee may:

- Grant the variation application as requested;
- Modify the conditions of the licence, by altering omitting or adding to them or
- Reject the whole or part of the application.

3.3.2 The Licensing Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

### 3.4 Reasons for Recommendation(s)

3.4.1 To ensure a lawful decision is made in line with the requirements of the Licensing Act 2003.

## 4. **Risk and Financial Implications**

### 4.1 Risk

4.1.1 I have completed the Risk Management questionnaire and this report does not require a risk assessment because the issues covered by the recommendations are not significant in terms of risk

### 4.2 Financial

4.2.1 None

## 5. **Legal Implications**

5.1 The decision of the Licensing Sub-Committee is subject to appeal to the Magistrates Court.

## 6. **Other Implications**

- a) Equalities: No – implicit within process
- b) Section 17, Crime & Disorder Act 1998: Norfolk Constabulary is a Responsible Authority under the Licensing Act 2003 and has made a relevant representation.
- c) Section 40, Natural Environment & Rural Communities Act 2006: None
- d) Human Resources: None
- e) Human Rights: Human Rights Act 1998

### **Article 1, First Protocol**

A licence is property and every person is entitled to the peaceful enjoyment of his/her possessions. (This is equally applicable to applicant and those making representations.) Any terms or conditions applied need to be proportionate and necessary to protect the interests of a

democratic society.

**Article 6**

The Licensing Sub-Committee must ensure a fair hearing.

**Article 8**

Everyone has the right to respect his/her private life and family home.

f) Other: None

**7. Alignment to Council Priorities**

7.1 The matters raised in this report fall within the following Council priority areas:

Building Safer and Stronger Communities

Prosperous Communities

**8. Ward/Community Affected**

8.1 Dereham wards

Background Documents

*Licensing Act 2003*

*Guidance issued under s182 Licensing Act 2003*

*Breckland Council's statement of Licensing Policy*

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Key Decision Status (Executive Decisions only):

*This is not a key decision*

Appendices attached to this report:

*Appendix A – existing premises licence*

*Appendix B – application form*

*Appendix C – representation from Responsible Authority*