

# BRECKLAND DISTRICT COUNCIL

## Report of Assistant Director of Commissioning

To: Licensing Sub Committee

Author: Tiffany Bentley – Licensing Officer

Subject: Application to vary the premises licence under the Licensing Act 2003 at The Lounge, 40 Norwich Street, Dereham, Norfolk NR19 1BX

**Purpose:** 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 the current premises licence following receipt of representations from local residents and from a Responsible Authority.

**Recommendation(s):** It is recommended that the Sub-Committee determine the application to vary the current premises licence 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.

## 1. BACKGROUND

An application has been received from Mr Christopher Mooney of 51 Quebec Road, Dereham Norfolk NR19 2DS for a variation to the current premises licence at The Lounge, 40 Norwich Street, Dereham, Norfolk NR19 1BX. The application form is attached as Appendix A and the existing licence and plan of the premises are attached as Appendix B. A map of the licensed premises and surrounding properties is attached at Appendix C.

The consultation period was stopped and restarted a few times due to incorrect advertising at the premises. The full consultation period ran from 9<sup>th</sup> July 2013 to 5<sup>th</sup> August 2013. Some representations were received during the previous consultation periods and the objectors have confirmed they wish their previous comments to be taken into consideration.

A representation was received from Norfolk Constabulary as a Responsible Authority which relates to the licensing objectives of the prevention of crime & disorder. This representation is attached as Appendix D.

There were 5 representations received from local residents which relate to the licensing objectives of the prevention of crime & disorder and the prevention of public nuisance. These representations are attached as Appendix E.

## 2. OPTIONS

The Licensing Sub-Committee may:

- Grant the licence as requested; or
- Refuse to grant the licence; or
- Grant the licence with modified terms and / or conditions.

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

### **3. REASONS FOR RECOMMENDATION**

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

### **4. IMPLICATIONS**

#### **4.1 Legal**

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

#### **4.2 Risks n/a**

#### **4.3 Financial n/a**

#### **4.4 Timescales n/a**

#### **4.5 Equality and Diversity n/a**

#### **4.6 Stakeholders / Consultation n/a**

#### **4.7 Contracts n/a**

#### **4.8 Section 17, Crime & Disorder Act 1998 n/a**

#### **4.9 Other – Human Rights Act 1998**

Article 1: Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Article 6: The Committee must ensure a fair hearing. (The applicant has been invited to attend this meeting, has been sent a copy of this report and informed of his right to be represented at the meeting)

Article 8: Everyone has the right to his/her private life and family home.

### **5. WARDS/COMMUNITIES AFFECTED**

Dereham - Central

Background papers:- None

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#### **Lead Contact Officer**

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#### **Director/Officer who will be attending the Meeting**

Name/Post: Tiffany Bentley – Licensing Officer

#### **Appendices attached to this report:**

**Appendix A:** Application form

**Appendix B:** Current licence and plan of premises

**Appendix C:** Map of area surrounding premises

**Appendix D:** Representation from Responsible Authority

**Appendix E:** Representations from other persons