

BRECKLAND COUNCIL

Report of the Director – Community Services **Licensing Sub-Committee – 16 December 2009**

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, the provision of facilities for 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 35 of Annex 2 of the current licence;
- remove condition number 44 of Annex 2 of the current licence;
- remove condition number 46 of Annex 2 of the current licence;
- remove condition number 50 of Annex 2 of the current licence;
- remove condition number 66 of Annex 2 of the current licence;
- remove condition number 67 of Annex 2 of the current licence;
- remove condition number 68 of Annex 2 of the current licence;
- remove condition number 70 of Annex 2 of the current licence; &
- remove condition number 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:

Live music (indoors only)

Friday – Saturday 00:00 – 04:00

Sunday 00:00 – 02:00

Recorded music (indoors only)

Friday – Saturday 09:00 – 04:30

Sunday 00:00 – 02:00

Provision of facilities for dancing (indoors only)

Friday – Saturday 00:00 – 04:30

Sunday 00:00 – 02:00

Late Night Refreshment (indoors only)

Friday – Saturday 23:00 – 05:00

Sunday 22:00 – 02:30

Supply of alcohol (for consumption on the premises)

Friday – Saturday 09:00 – 04:30

Sunday 00:00 – 02:00

3.2.3 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

Representations have been received from three Interested Parties which relate to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Issues raised include noise from amplified music, noise from patrons leaving and other anti social behaviour. These representations are attached as Appendix D and a map showing the location of the premises is attached as Appendix E to this report.

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

Appendix D – Representations from interested parties

Appendix E - Map