

BRECKLAND DISTRICT COUNCIL

Report of: Executive People and Public Protection Manager – Phil Adams

To: Licensing Panel – 10th March 2017

Author: Josie Hoven - Licensing Officer

Subject: Licensing Act 2003 - Application for a new premises licence – Kings Arms, Watton

Purpose: The Licensing Panel are asked to consider the application for a new premises licence for Kings Arms, 1 Middle Street, Watton, Norfolk by Harvey Woodyatt.

Recommendation(s):

- 1) It is recommended that the Licensing Panel determine the application for a new premises licence for Kings Arms, 1 Middle Street, Watton, Norfolk, IP25 6AG in accordance with the Licensing Act 2003 and subsequent regulations, the Guidance issued under Section 182 of the Licensing Act 2003 and Breckland Council's Statement of Licensing Policy.

1.0 BACKGROUND

1.1 Breckland Council received an application for a new premises licence for Kings Arms, 1 Middle Street, Watton on 25th January 2017. A copy of the application form is attached as Appendix A.

1.2 The application requests the following licensable activities:

Sale of Alcohol (On and Off Sales)

Sunday to Thursday 07:00 hours to Midnight
Friday and Saturday 07:00 hours to 01:00 hours

Recorded Music (Indoors) and Live Music (Indoors)

Sunday to Thursday 12:00 hours to Midnight
Friday and Saturday 12:00 hours to 01:00 hours

Late Night Refreshment (Indoors)

Sunday to Thursday 23:00 hours to Midnight
Friday and Saturday 23:00 hours to 01:00 hours

With an additional hour to the terminal hour for May Bank Holiday (Monday to Friday inclusive) Spring Bank Holiday (Friday to Monday inclusive), Late Summer Bank Holiday (Friday to Monday inclusive), Burns Night, St Valentines Day, St David's Day, St Patricks Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St George's Day, St Andrew's Day, Christmas Eve, Christmas Day, Boxing Day, 27 December and 28th December. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

1.3 The premises currently has a Premises Licence – PL0325 is held by Graham Woodyatt. A

copy of the current licence is attached as Appendix B.

The premises has been closed for a while whilst being refurbished. During the refurbishment an extension has been built at the rear of the premises to incorporate what was the outside drinking/smoking area. The applicant has had to apply for a new premises licence as this extension has substantially increased the capacity of the premises. Under the Licensing Act 2003 Section 182 guidance the applicant would not be able to apply for a variation to the licence. Copies of the existing plan of the premises and new plan of the premises are attached as Appendix C.

1.4 The application has been advertised in accordance with the regulations.

The applicant has agreed with Norfolk Constabulary to two further steps to promote the licensing objectives which will become conditions if the licence is granted:

- An incident and refusals book shall be kept and made available for inspection by regulating authorities
- CCTV shall be maintained in working order and footage stored for 28 days as per Home Office guidance. This footage shall be provided to Police on reasonable request

The applicant has also agreed with the Breckland Environmental Protection Officer to the adoption of the following conditions:

- All windows must be closed during live or recorded music. All external doors must remain closed during regulated entertainment except for access and egress. Regular half hourly checks by the DPS or persons authorised on their behalf must be made to ensure this condition is complied with
- The premises shall not generate noise, measured as a 5minute LA10, which exceeds the representative background noise level LA90, by more than 5dB. The noise level should be measured at the boundary of the nearest affected domestic property. The LA90 shall be measured using the principles contained in BS4142 and shall be measured over 1 hour between the hours of 07:00 and 19:00 and over 5 minute periods between the hours of 19:00 and 07:00. The noise level should apply at all times regulated entertainment takes place.

The Breckland Council Planning Department responded with no objection to the proposed licence. No other Responsible Authority made comment or representation.

Five letters of representation have been received from local residents. Copies of the representations are attached as Appendix D. The main concerns are loud music and noise from people leaving the premises. One letter also mentions crime and disorder.

A google map showing the location of the premises and areas where representation addresses are located is attached as Appendix E.

2.0 **OPTIONS**

2.1 As they consider it appropriate for the promotion of the licensing objectives, Members may select from these options:

- Grant the licence as requested
- Refuse to grant the licence
- Grant the licence with modified terms and conditions

The Licensing Panel are asked to note that they may not reject the application merely because it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Members of the Licensing Panel are asked to make a decision at the end of the hearing after all parties have been given the opportunity to speak. Members must give full reasons for their decision.

3.0 REASONS FOR RECOMMENDATION(S)

3.1 The application must be considered in accordance with the Licensing Act 2003 and subsequent regulations, the Guidance issued under section 182 of the Licensing Act 2003, Breckland Council's Statement of Licensing Policy and the representations to ensure that a lawful decision is made.

4.0 EXPECTED BENEFITS

4.1 Legislative compliance.

5.0 IMPLICATIONS

5.1 Carbon Footprint / Environmental Issues

5.1.1 It is the opinion of the Report Author that there are no implications.

5.2 Constitution & Legal

5.2.1 The procedure for preparing for and holding a hearing is set out in law.

5.2.2 The decision of the Licensing Panel is subject to appeal to the Magistrates Court.

5.3 Contracts

5.3.1 It is the opinion of the Report Author that there are no implications.

5.4 Corporate Priorities

5.4.1 Supporting Breckland to develop and thrive
Developing the local economy to be vibrant with continued growth
Enabling stronger more independent communities

5.5 Crime and Disorder

5.5.1 The representation received highlights concerns in relation to the licensing objective of the Prevention of Crime and Disorder.

5.6 Equality and Diversity / Human Rights

5.6.1 Article 1

Every natural or legal person is entitled to 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.

Article 8

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

5.7.1 Stakeholders / Consultation / Timescales

5.7.2 The legal process for consultation has been complied with.

5.8.1 Transformation Programme

5.8.2 It is the opinion of the Report Author that there are no implications.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 Watton

7.0 ACRONYMS

None

Background papers:-

Licensing Act 2003

<http://www.legislation.gov.uk/ukpga/2003/17>

Guidance issued under section 182 of the Licensing Act 2003

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Breckland Council's Statement of Licensing Policy

<http://www.breckland.gov.uk/content/beer-and-entertainment>

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A – Copy of the application
Appendix B – Copy of the current premises licence PL0325
Appendix C - Copies of the existing plan and new plan of the premises
Appendix D – Copies of the letters of representation from local residents
Appendix E – Google Map of the premises location