

BRECKLAND DISTRICT COUNCIL

Report of: Executive Manager People & Public Protection

To: Licensing Panel 16/07/2018

Author: Tiffany Bentley – Licensing Officer

Subject: Application to vary a premises licence under the Licensing Act 2003

Purpose: To determine the application following receipt of representations

Recommendation:

- 1) That the Licensing Panel determine the application to vary the premises licence at The Ox & Plough, The Green, Old Buckenham, Attleborough, Norfolk NR17 1RN 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 An application was received on 24/06/2018 from Sally Jane Bishop to vary premises licence number PL0314 at at The Ox & Plough, The Green, Old Buckenham, Attleborough, Norfolk NR17 1RN. The application form is attached as Appendix A. The application seeks to add an area of the green to the existing licence and to make some seasonal variations. The current premises licence is attached as Appendix B. Please note that there is an error on the existing premises licence in that it should state New Years Eve hours running continuously through to New Years Day. This is not subject to the scope of this variation application but will be corrected.
- 1.2 No representations have been made by any Responsible Authorities. Environmental Protection made comment on the application and these are included as Appendix C. It is important to note that this does not constitute either support or objection to the application.
- 1.3 There were representations received from 21 members of the public at 16 different addresses. These letters and petition objecting to the proposed variation are attached at Appendix D. All four licensing objectives are referred to in the representations.
- 1.4 A map of the area surrounding the licensed premises is attached as Appendix E.

2.0 OPTIONS

- 2.1 The Licensing Panel may:
 - Grant the variation as requested; or
 - Refuse to grant the variation or:
 - Grant the variation with modified terms and / or conditions.

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

2.2 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

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 Constitution & Legal

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

5.2 Corporate Priorities

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

5.3 Human Rights Act 1998

Article 6

The committee must ensure a fair hearing.

Article 8

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

6.0 WARDS/COMMUNITIES AFFECTED

6.1 The Buckenhams and Banham

Background papers:- None

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A	Application form
Appendix B	Current premises licence
Appendix C	Comments from Environmental Protection
Appendix D	Representations
Appendix E	Map