

BRECKLAND DISTRICT COUNCIL

Report of: Public Protection Manager - Shared

To: Licensing Panel – 22nd November 2019

Author: Josie Hoven – Licensing Officer

Subject: Licensing Act 2003 – Application for a new premises licence – The Royal Oak, Bintree

Purpose: The Licensing Panel are asked to consider the application for a new premises licence for The Royal Oak, 12 The Street, Bintree

Recommendation(s):

- 1) It is recommended that the Licensing Panel determine the application for a new premises licence for The Royal Oak, 12 The Street, Bintree, Norfolk, NR20 5AH 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 The Royal Oak, 12 The Street, Bintree on 2nd October 2019. 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 Wednesday 11:00 to 23:00 hours

Thursday to Saturday 11:00 to 23:30 hours

Live Music and Recorded Music (Indoor and Outdoor)

There is an automatic entitlement from the Deregulation Act 2015 for Live or Recorded Music from 08:00 to 23:00 Monday to Sunday (so long as the conditions are met in the Deregulation Act 2015).

For all licensed activities listed above the applicant has also requested:

Christmas Eve and Bank Holidays one additional hour to the terminal hour and New Year's Eve until 00:30

In addition that all licensed activities may be conducted on the premises until Midnight up to 15 days per calendar year. The licence holder must give no less than 7 days notice of the intended later operation to the Licensing Team at Breckland Council.

1.3 The premises has previously been licensed under the Licensing Act 2003 during the following periods: 08/08/2005 to 23/01/2013, 07/02/2013 to 06/01/2014 and 28/03/2014 to 23/03/2017. Each of these licences has subsequently been surrendered on the "to" dates listed.

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

Responses from Responsible Authorities were received from: Environmental Protection Team, Planning and Police. These responses can be seen as Appendix B. It should be noted that none of these are representations against the application.

One valid representation was received from a member of the public who lives in the vicinity. The representation is in regard to music and the Licensing Objective of Prevention of Public Nuisance. A copy of this representation can be seen at Appendix C.

A google map showing the location of the premises and surrounding premises can be seen as Appendix D.

2.0 **OPTIONS**

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

1. Grant the licence as requested
2. Refuse to grant the licence
3. 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 is 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 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; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; 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

5.1.1 The procedure for preparing for and holding a hearing are set out in law.

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

5.2 Crime and Disorder

5.2.1 The Prevention of Crime and Disorder is one of the four licensing objectives being taken into consideration by the Licensing Panel at this hearing.

5.3 Human Rights

5.3.1 Article 1

Every natural or legal person is entitled to peaceful enjoyment 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 a right to his/her private life and family home.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 Upper Wensum

7.0 ACRONYMS

7.1 [None](#)

Background papers:-

Licensing Act 2003

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

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>

Entertainment licensing changes following Assent of Deregulation Act 2015

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

Breckland Council's Statement of Licensing Policy

<https://www.breckland.gov.uk/article/10026/What-is-Breckland-Council-s-licensing-policy->

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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 form
Appendix B Copies of Responsible Authority responses
Appendix C Copy of the letter of representation
Appendix D Google map of premises location and surrounding area