



**LICENSING PANEL**  
**DETERMINATION NOTIFICATION**

<b>Date of Hearing</b>	Friday 22 November 2019
<b>Application</b>	To determine the application for a new premises licence: The Royal Oak, 12 The Street, Bintree, Norfolk, NR20 5AH
<b>PRESENT</b>	
<b>Chairman and Members</b>	Cllr Marion Chapman-Allen (Chairman) Cllr Tristan Ashby Cllr Philip Morton
<b>Applicant</b>	Kay Battersby
<b>Applicant Witnesses</b>	Shaun Chapman Connor Battersby
<b>Responsible Authority</b>	None
<b>Objector's Present</b>	None
<b>Officers In Attendance</b>	Josie Hoven – Licensing Officer Sarah Wolstenholme-Smy – Solicitor Teresa Smith – Democratic Services Officer

**DECISION**

The decision was taken to grant the Premises Licence subject to additional licenced activities (not including the seasonal variations) to be conducted on the premises until midnight will be limited to 10 days per calendar year.

**REASONS FOR THE DECISION**

The Panel considered the oral and written representations presented by all parties, attaching weight as appropriate, and also considered the Licensing Act 2003 ("the Act") and its regulations, the statutory guidance under Section 182 of the Act, and the Councils own statement of the Licensing Policy.

The Panel gave weight to the fact that there were no objections to the application from the responsible authorities. An objection came from a resident who lives within the vicinity of the premises.

The Panel noted that the objection related to the playing of outside music for the additional period which is not covered under the Deregulation Act 2015, (which provides for an automatic entitlement for premises to play live and recorded music (indoor and outdoor) where certain conditions are met). In this case, those conditions have been met.

The Panel noted that the Objector was not present, but took into account what they said in the letter of objection. The Panel accepts the objection does relate to one of the Licensing Objectives, namely, the Prevention of Public Nuisance, but, in this instance, there is no evidence that a public nuisance will be caused by the premises as the premises has not been operated as a public house since 2017. If

during the operation of the premises licence, a public nuisance does occur, then it would be for any resident to make an application for the premises licence to be reviewed. They could also report any incidents of noise to the Environmental Protection team.

The Panel accepted the additional licenced activities (not including the seasonal variations) to be conducted on the premises until midnight will be 10 days per calendar year.

### **Right of Appeal**

Under Schedule 5 of the Licensing Act 2003 there is a right of appeal to the Magistrates Court. Any appeal must be commenced by notice of appeal given by the appellant to the Magistrates Court within 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.

The applicant or any person who made relevant representations may appeal against the decision.



Dated: 22 November 2019	Signed.  ... <b>(Chairman)</b>
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