

BRECKLAND DISTRICT COUNCIL

Report of: Craig Fowler – Environmental Health & Licensing Manager

To: Licensing Panel – 1st June 2022

Author: Josie Hoven – Senior Licensing Officer

Subject: Application for a premises Licence

Purpose: To consider the application for a premises Licence under the Licensing Act 2003 for Bylaugh Country Park Caravan and Campsite, Dereham Road, Bylaugh, Norfolk, NR20 4SZ

Recommendation(s):

- 1) That the members of the Licensing Panel determine the application for a new premises licence for Bylaugh Country Park Caravan and Campsite, Dereham Road, Bylaugh, Norfolk, NR20 4SZ 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 licensing team received an application for a new premises licence for Bylaugh Country Park Caravan and Campsite, Dereham Road, Bylaugh, Norfolk, NR20 4SZ on 14th April 2022. The applicant is Mr Andreus Medler. A copy of the application form is attached as Appendix A.

1.2 The application requests the following activities:

Alcohol - On Sales – Monday to Sunday 10.00 to 23:00

Plays, Film, Boxing/wrestling, Live Music, Recorded Music, Performance of Dance and Anything of a similar description – Outdoors – Monday to Sunday 10:00 to 23:00

Please note that there is an automatic entitlement for Live or Recorded Music from 08:00 to 23:00 Monday to Sunday under the Deregulation Act 2015 – so long as the conditions are met in the Deregulation Act 2015.

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

1.4 Responses were received from the following Responsible Authorities - Police and Planning. Copies of their responses are attached as Appendix B.

Responses as objections to the application were received from Parish Council, Ward Member and a number of local residents. Copies of these representations are attached as Appendix C. The majority of objections are on the grounds of Prevention of Public Nuisance and Prevention of Crime and Disorder.

1.5 A further response in support of the application was received - attached as Appendix D.

1.6 A Google map showing the site and surrounding area is attached as Appendix E.

2.0 **OPTIONS**

2.1 Members have the following options in accordance with Section 18 of the Licensing Act 2003:

1. Grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application
2. Modify the conditions of the licence, altering or omitting or adding to them
3. Exclude any of the licensable activities to which the application relates
4. Refuse to specify a person in the licence as premises supervisor
5. Refuse to grant the application

2.2 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 and Breckland Council's Statement of Licensing Policy 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.

5.1.1 **Constitution & Legal**

The procedure for preparing for and holding a hearing are set out in legislation and the decision of the Licensing Panel is subject to appeal at Magistrates Court.

5.2. **Crime and Disorder**

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

5.3 **Human Rights**

Article 1 – for the representors

Every natural or legal person is entitled to 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 8 – for the representors

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

Article 6 – for the applicant

The committee must ensure a fair hearing.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 Upper Wensum

7.0 **ACRONYMS**

7.1 None

Background papers:-

Licensing Act 2003

<https://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>

Breckland Council Statement of Licensing Policy

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

Entertainment licensing changes following Assent of Deregulation Act 2015

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

Lead Contact Officer

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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	Copies of the Responsible Authority responses
Appendix C	Copies of the objection responses
Appendix D	Copy of the response in support
Appendix E	Google Map showing the site and surrounding area