

## MID SUFFOLK DISTRICT COUNCIL

<b>From: Head of Environment</b>	<b>Report Number: LA/02/15</b>
<b>To: Licensing Sub-Committee</b>	<b>Date of meeting: 20 May 2015</b>

### LICENSING ACT 2003 – HEARING TO DETERMINE AN APPLICATION TO VARY A PREMISES LICENCE – THE WHITE HORSE, STATION ROAD, FINNINGHAM, STOWMARKET, IP14 4TL

#### 1. Purpose of Report

- 1.1 To report information to the Licensing Sub-Committee to enable the determination of an application made to vary premises licence LICPR/05/11998 on issue in respect of the White Horse, Station Road, Finningham, STOWMARKET IP14 4TL.

#### 2. Recommendations

- 2.1 The Sub-Committee must, having regard to the representations made, take such of the steps below (if any) as it considers appropriate for the promotion of the licensing objectives:

- to GRANT the licence subject to conditions which are consistent with the operating schedule accompanying the application - modified to such extent as the authority considers appropriate for promotion of the licensing objectives - and subject to any mandatory condition(s) which must be included in the licence;
- to REJECT the whole or part of the application.

For these purposes conditions of the licence are *modified* if any of them are altered or omitted or any new condition is added.

The Sub-Committee determines this application at the hearing.

#### 3. Financial Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

#### 4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

#### 5. Consultations

5.1 The application made has been subject to the statutory consultation period as prescribed by regulation. The notices advertising the application have been on display at the premises and published (Bury Free Press - 3 April 2015 edition).

## **6. Equality Analysis**

6.1 There are no equality impacts arising directly from the matters contained within this report.

## **7. Key Information**

7.1 The hearing is to determine an application to vary an existing premises licence made under section 34 of the Licensing Act 2003. A copy of the application including plans of the premises which were received on 25 March 2015 are attached as Appendix B to this report.

7.2 The application has been submitted by the premises licence holder:

### **Lorna Doyle**

For licensed premises:

**The White Horse**, Station Road, Finningham, STOWMARKET IP14 4TL

The Designated Premises Supervisor (DPS) is:

**Lorna Doyle** (personal licence holder with St. Edmundsbury BC PA05298)

7.3 Generally, the variation seeks to alter the existing premises licence by:

(a) Addition of forecourt, pre-existing beer garden, side patio, car-park for consumption of alcohol (in itself not a licensable activity but restricted on the existing licence)

(b) Addition of plays and films indoors (where regulated activity rather than reliant on any exemptions)

7.4 The application is seeking to carry forward existing licence controls without any modification arising from the above changes proposed. The full details of the activities and changes to the licensed plan are attached in Appendix B to this report.

7.5 The White Horse, Finningham has benefitted from a premises licence issued by Mid Suffolk District Council since November 2005 (when the Licensing Act 2003 took effect) and prior to that a liquor licence issued by the magistrates' court. The existing licence has never been altered from original conversion rights and simultaneous variation, until as now proposed via the variation (section 34) application submitted 25 March 2015.

7.6 A summary of the current premises licence including licensed plan are attached to this report as Appendix A.

7.7 A hearing is necessary to determine the application following receipt of relevant representations which have not been withdrawn. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm

- 7.8 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182.
- 7.9 Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance and its own Statement of Licensing Policy.
- 7.10 The Sub-Committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 and Articles 8 and 1 of Protocol 1 when determining applications for the variation of an existing licence.

## 8. Representations

- 8.1 Representations have not been received from any Responsible Authority under the Licensing Act 2003.
- 8.2 There has been **one** representation made by 'other persons' (which includes local residents and businesses). These submissions are attached as Appendix C to this report.

## 9. Appendices

Title	Location
A. Summary of premises licence LICPR/05/11998	Attached
B. Application to vary a premises licence and accompanying premises plans	Attached
C. Representations received from 'other persons'	Attached
D. Site plan of the location of the premises	Attached

## 10. Background Documents

- 10.1 The Licensing Act 2003
- 10.2 Guidance issued under Section 182 of the Licensing Act 2003 (March 2015 edition)
- 10.3 Mid Suffolk District Council's Statement of Licensing Policy

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