

## LICENSING SUB-COMMITTEE – 19 August 2019

### LICENSING ACT 2003 APPLICATION TO VARY A PREMISES LICENCE HDC/PRE00112 THE CROWN INN, BRIDGE ROAD, BROUGHTON, PE28 3AY

#### 1. INTRODUCTION

- 1.1 This application was received on 26 June 2019 and has been made by Albanwise Limited, the premises licence holder, via their agent Mills & Reeve LLP.
- 1.2 The application seeks to vary an existing premises licence HDC/PRE00112. To increase the licenced area to include the external area, and to add and increase the times licensable activities may take place. The application form including plans are attached at **Appendix A**
- 1.3 Further to the application being received, on 27 June 2019 the applicant via their agent requested to amend the application, in order to include the removal of the outdated embedded restriction as detailed at Annex 2 of the current premises licence. This request is shown at **Appendix B**, and summarised at point 'g' of 1.6 below
- 1.4 On the 9 July 2019, a further email was received from the applicants' agent requesting a voluntary amendment to the requested hours, following a meeting with the Parish Council. This request is shown at **Appendix C**, and summarised at 1.6 below
- 1.5 On the 23 July 2019, a further email was received from the applicants' agent advising the previous amendment was incorrect, whereby the terminal hour for all activities on Sundays should have read 22:30 not 23:00. This request is shown at **Appendix D**, and summarised at 1.6 below
- 1.6 A summary of the application and amendments is shown below
- a. Provision of Films  
**Currently:** not permitted  
**Applied for:** Outdoors, Mondays to Sundays 11:00 to 01:00  
**Amended 09.07.2019:** Outdoors, Mondays to Thursdays 11:00 to 23:00, Fridays & Saturdays 11:00 to 00:00, Sundays 11:00 to 23:00  
**Amended 23.07.2019:** Sundays 11:00 to 22:30
  - b. Provision of Live Music  
**Currently:** Not Permitted  
**Applied for:** Indoors & Outdoors, Mondays to Sundays 11:00 to 01:00  
**Amended 09.07.2019:** Indoors & Outdoors, Mondays to Thursdays 11:00 to 23:00, Fridays & Saturdays 11:00 to 00:00, Sundays 11:00 to 23:00  
**Amended 23.07.2019:** Sundays 11:00 to 22:30
  - c. Provision of Recorded Music  
**Currently:** Not Permitted  
**Applied for:** Indoors & Outdoors, Mondays to Sundays 11:00 to 01:00  
**Amended 09.07.2019:** Indoors & Outdoors, Mondays to Thursdays 11:00 to 23:00, Fridays & Saturdays 11:00 to 00:00, Sundays 11:00 to 23:00  
**Amended 23.07.2019:** Sundays 11:00 to 22:30

- d. Anything of a similar description  
**Currently:** Not permitted  
**Applied for:** Indoors & Outdoors, Mondays to Sundays 11:00 to 01:00  
**Amended 09.07.2019:** Indoors & Outdoors, Mondays to Thursdays 11:00 to 23:00, Fridays & Saturdays 11:00 to 00:00, Sundays 11:00 to 23:00  
**Amended 23.07.2019:** Sundays 11:00 to 22:30
- e. Provision of Late-Night Refreshment  
**Currently:** Not permitted  
**Applied for:** Indoors & Outdoors, Mondays to Sundays 23:00 to 01:00  
**Amended 09.07.2019:** Indoors & Outdoors, Mondays to Thursdays Not Required, Fridays & Saturdays 23:00 to 00:00, Sundays Not Required  
**Amended 23.07.2019:** No Amendment
- f. Supply of alcohol  
**Currently:** for consumption ON & OFF the premises, Mondays to Saturdays 11:00 to 23:00, Sundays 12:00 to 22:30  
**Applied for:** for consumption ON & OFF the premises Mondays to Sundays 10:00 to 01:00  
**Amended 09.07.2019:** Indoors & Outdoors, Mondays to Thursdays 11:00 to 23:00, Fridays & Saturdays 11:00 to 00:00, Sundays 11:00 to 23:00  
**Amended 23.07.2019:** Sundays 11:00 to 22:30
- g. Amendment to application 27.06.2019, requested to also remove the outdated embedded restrictions currently imposed at annex 2 of the current Premises Licence.

1.7 Section 'M' of the application form addresses the four licensing objectives. Any proposals made in this section are normally translated directly into conditions that will be attached to the premises licence.  
Paragraphs 8.41- 8.49 and Section 10 of the Home Office guidance issued under section 182 refer to the operating schedule and licence conditions.

1.8 A copy of the current premises licence and plan is attached as **Appendix E**.

## 2. BACKGROUND

2.1 The Crown Inn has had the benefit of the current premises licence since 2005. In June 2008 the licence was transferred to Albanwise Limited.

2.2 The Designated Premises Supervisor is Mr Mark Burrell. Mr Burrell has been the DPS since September 2010.

2.3 Previously Mr Burrell has submitted Temporary Event Notices, to allow extended hours and licensable activities not currently permitted by the premises licence. Whilst not strictly relevant to the variation application, these are referred to in a representation, and a schedule detailing these will be made available at the hearing should it be required.

## 3. REPRESENTATIONS

3.1 During the period for representations three representations have been received from 'other persons'. The representations have been attached in their entirety as **Appendix F**.

3.2 Not all matters raised within the representation may be relevant matters for consideration under the Licensing Act 2003.

3.3 In their role as a Responsible Authority, Environmental Health have discussed noise attenuation with the applicant via their agent, and have been able to agree the following condition  
*'Where music is played outside, not in a marquee, a terminal hour of 21:00hrs will be observed'*

3.4 However, there still remains an unresolved issue with regard to music played outside, but within a marquee. The full representation and associated documents are attached as **Appendix G**. Should further progress be made in this regard, a verbal update will be provided at the hearing.

3.5 Comments from the Chairman of Broughton Parish Council have also been received. This is attached as **Appendix H**

3.6 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

#### 4. GENERAL DUTY/ POLICY CONSIDERATIONS

4.1 The licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives, each objective has equal importance, the objectives 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.

4.2 The sub-committee must also have regard to –

- a. its statement of licensing policy, and
- b. any statutory guidance issued under Section 182 of the Licensing Act 2003.
- c. the Human Rights Act 1988

4.3 The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

#### 5. DETERMINATION

5.1. In making a decision, this application must be determined on its individual merits having regard to the representations and supporting documents included as part of the report along with additional information considered relevant at the hearing. As part of the decision process the sub-committee is required to give its reasons for any decision arrived at.

5.2. Any decision made by the sub-committee must be reasonable and proportionate and promote the Licensing objectives.  
The Committee may:-

- a. Grant the application as applied for
- b. Refuse the application
- c. To grant the licence with conditions or modifications as considered appropriate to promote the licensing objectives

## **BACKGROUND INFORMATION**

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

**Licensing Officer: Sarah Mardon**

**25 July 2019**