



## LICENSING SUB-COMMITTEE 07 March 2022

<b>Report Title</b>	<b>Application for a Variation to a Premises Licence</b>
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### List of Appendices

- Appendix A – Application Form**
- Appendix B – Premises Licence**
- Appendix C – Representations**
- Appendix D – Location Maps**

### **1. Purpose of Report**

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- 1.1. To obtain the sub-committee's decision in respect of an application to vary a Premises Licence for the Half Moon Inn, 42 Main Road, Grendon, Northamptonshire, NN7 1JW

### **2. Executive Summary**

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- 2.1 The application to vary the Premises Licence has attracted four representations against granting the application. The report sets out the background to the issue and invites the sub-committee to determine the application.

### **3. Recommendations**

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- 3.1 The sub-committee is recommended to consider whether to:
- Grant the application as requested
  - Grant the application subject to such conditions that are necessary to promote the licensing objectives
  - Refuse the application wholly or in part where it is necessary in order to promote the licensing objectives

## **4. Report Background**

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- 4.1 An application has been submitted for a Variation to the Premises Licence under the Licensing Act 2003, to extend the permitted hours for the sale of alcohol and the performance of music, with extended opening hours.
- 4.2 The full timings are detailed within the application included within Appendix A. A copy of the existing premises licence is included within Appendix B.
- 4.3 Following consultation, representations were received from three Interested parties and one responsible authority - the Environmental Protection team. These are included within Appendix C. The representations object to the granting of the licence on the grounds that the licensing objectives, as prescribed by Section 4(2) of the Act, are not likely to be met. The relevant licensing objective is;
- the prevention of public nuisance;
- 4.4 No representations were received from the other responsible authorities – Police, Fire & Rescue Service, Child and Adult Services, Planning, or Child Protection.
- 4.5 Maps are included within Appendix D showing the location of the premises.

## **5. Issues and Choices**

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- 5.1 Interested parties have raised concerns over the operating hours requested within the application and have concerns that this will cause a disturbance to local residents from potential noise, both from patrons accessing and leaving the premises and from entertainment inside and outside the premises.
- 5.2 The Interim Environmental Protection Manager has detailed concerns over the proposed later closing time of 1.00am and has stated that this could result in noise disturbance from patrons leaving, voices travelling, car movements and music. The officer has stated that potential conditions could be added to the licence to control the noise from music inside the public house if the sub-committee is minded to grant the application with conditions, however she has raised a concern that noise will travel to nearby properties from external activity and entertainment and as such it would be difficult to place sufficient controls to prevent a noise nuisance from arising.
- 5.3 Members should be mindful of chapter 9 of the guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, which provides guidance on the powers of the licensing authority on the determination of applications.
- 5.4 Chapter 10, of the Secretary of State's Guidance, provides advice and recommendations in respect of conditions which may be imposed on a premises licence where they are appropriate for the promotion of one or more of the four licensing objectives. Conditions may not be imposed for any other reason.
- 5.5 Members should also take into consideration the council's Statement of Licensing Policy and relevant sections in respect to this application are listed

below. The list is not exhaustive, and the policy should be considered fully prior to making decisions with respect to applications:-

*11.1 Consideration will always be given to the individual merits of an application in line with the four licensing objectives and any relevant representations. This Authority recognises that longer licensing hours with regard to the sale of alcohol need to be managed effectively to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.*

*11.2 However, when issuing a licence with hours beyond 23.00 hours, higher standards may be expected to be included in Operating Schedules to address the Licensing Objectives especially premises which are situated near to residential properties.*

*11.3 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.*

*11.4 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place.*

5.9 Whilst having regard to the information provided by the applicant, the representations, and the council's Statement of Licensing Policy, the sub-committee's decision must be made with a view to promoting one or more of the four licensing objectives, namely:

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

## **6. Implications (including financial implications)**

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### **6.1 Resources and Financial**

6.1.1 There are no financial implications to the authority in relation to this report.

### **6.2 Legal**

6.2.1 The Licensing Act 2003 sets out how an application for a Premises Licence should be dealt with where valid representations have been submitted. The sub-committee need to decide the outcome of the application taking into account the licensing objectives.

6.2.2 In accordance with the provisions of the Act, if a Licensing Authority rejects in whole or in part, an application to vary a Premises Licence the applicant may appeal against the decision, to a Magistrates' court within 21 days of being notified of the decision. Similarly, where a person who made relevant representations in relation to the application contends that the application ought not to have been granted or that alternative or additional conditions should have been imposed on the licence, they may appeal against the decision, to a Magistrates' court within 21 days of being notified of the decision.

### 6.3 **Risk**

6.3.1 None

### 6.4 **Consultation**

6.4.1 As prescribed by the Licensing Act 2003, the application has been out for consultation to statutory consultees (Responsible Authorities) and any other persons for 28 days in the form of a notice displayed on the premises, and a notice published in a local newspaper.

6.4.2 Following this consultation four representations were received.

### 6.5 **Consideration by Scrutiny**

6.5.1 None

### 6.6 **Climate Impact**

6.6.1 None

### 6.7 **Community Impact**

6.7.1 None

## **7. Background Papers**

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7.1 Section 182 Licensing Act 2003 Guidance - it is a statutory obligation of the sub-committee to take into account the Government's Guidance to the Licensing Act 2003 before reaching a decision.

7.2 Statement of Licensing Policy - the council will have regard to the policy when making a decision on applications made under the Act