



Licensing and Gambling Acts Sub-Committee
18 December 2023

LICENSING ACT 2003

APPLICATION FOR A NEW PREMISES LICENCE

Greenmantle, Fundenhall Road, Hapton, Norfolk, NR15 1SG

Report Author(s): Rosie Setford
Licensing and Enforcement Officer
01508 533602
licensing.snc@southnorfolkandbroadland.gov.uk

Portfolio: Cleaner and Safe Environment

Ward(s) Affected: Forncett

Purpose of the Report:

This report details an application for a new premises licence.

Recommendations:

The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:

- Grant the application.
- Modify the conditions of the licence, altering or omitting or adding to them.
- Reject the whole or part of the application.

1. Summary

- 1.1 The Committee is requested, in accordance with the delegation of licensing functions contained in the South Norfolk Council Statement of Licensing Policy, to consider an application for a new premises licence in respect of Greenmantle, Fundenhall Road, Hapton, Norfolk, NR15 1SG.

2. Background

- 2.1 An application has been received from Sachalene Rankin-Day.

- 2.2 The application requests the following licensable activities:

Live Music (Indoors & Outdoors)
Monday to Saturday 10:00 – 22:45
Sunday 10:00 to 21:45.

Record Music (Indoors & Outdoors)
Monday to Saturday 10:00 – 22:45
Sunday 10:00 – 21:45.

In addition to the above, the applicant has applied for a maximum of 15 events per calendar year from 10:00 – 00:45.

Performances of Dance (Indoors & Outdoors)
Monday to Saturday 10:00 – 22:45
Sunday 10:00 – 21:45.

Late Night Refreshment (Indoors & Outdoors) 23:00 to 00:45 a maximum of 15 times per year

Supply of Alcohol (Indoors & Outdoors)
Monday to Saturday 10:00 – 22:45
Sunday 10:00 - 21:45

The applicant has also applied to be open from 10:00 – 01:00 a maximum of 15 times per year.

Hours open to the public
Monday to Saturday 10:00 - 23:00
Sunday 10:00 – 22:00.

The applicant has also applied to be open from 10:00 – 01:00 a maximum of 15 times per year.

In addition to the above, the applicant has provided some further information within the application on how they intend to use the premises.

- 2.3 The application outlines the steps the applicant intends to take to promote the four licensing objectives, copy attached at Appendix One.
- 2.4 Plans showing the location of Greenmantle and the surrounding area are attached at Appendix Two.

3. Relevant Representations

3.1 All relevant representations must relate to one or more of the Licensing Objectives:

- The Prevention of Crime and Disorder
- The Protection of Children from Harm
- The Prevention of Public Nuisance
- Public Safety

3.2 The responses from the Responsible Authorities are as follows:

Police – representation received, see Appendix Three

Environmental Health (Community Protection) – representations received, see Appendix Four

Health and Safety – representation received, see Appendix Five

Fire Officer – no representations received

Planning Officer – no representations received

Norfolk Local Safeguarding Children Board – no representations received

Public Health Norfolk – no representations received

Licensing Authority – revised conditions proposed in conjunction with the applicant, see Appendix Six

4. Other persons

4.1 A representation to the application has been received from Tharston and Hapton Parish Council on the grounds of prevention of public nuisance. Please see Appendix Seven for details of the representation.

4.2 A representation to the application has been received from Fornsett Parish Council on the grounds of prevention of public nuisance. Please see Appendix Eight for details of the representation.

- 4.3 A representation to the application has been received from Councillor Carsok on behalf of the Tharston and Hapton Parish Council and on behalf of seven local residents who live in Hapton on the grounds of the prevention of public nuisance and public safety. Please see Appendix Nine for details of the representation.
- 4.4 A further representation to the application has been received from Councillor Carsok in her position as District Councillor on the grounds of the prevention of public nuisance and public safety. Please see Appendix Ten for details of the representation.
- 4.5 A representation to the application has been received from a local resident on the grounds of prevention of public nuisance and the prevention of crime and disorder. Please see Appendix Eleven for details of the representation.
- 4.6 All representations have been detailed in full. The Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022 edition) recommends (under the heading of “Relevant, Vexatious and Frivolous Representations”) the benefit of the doubt about any aspect of the representation should be given to the person making the representation. Committee will wish to carefully consider the representations and take into account only those matters which are relevant to the subject area of the representation.

5. Proposed action

- 5.1 The Committee must determine this application with a view to promoting the Licensing Objectives.
- 5.2 In making its decision, the Committee must have regard to guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022) and the Council’s Licensing Policy - [South Norfolk Council Licensing Policy – Broadland and South Norfolk \(southnorfolkandbroadland.gov.uk\)](https://www.southnorfolkandbroadland.gov.uk). The Committee must also have regard to the representations made and the evidence placed before it.

6. Issues and risks

- 6.1 **Resource Implications** – The Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal to the Magistrates’ Court.
- 6.2 **Legal Implications** – There are no legal implications other than the issues detailed at 6.1 and 6.3.
- 6.3 **Equality Implications** – There are human rights implications associated with this matter. The interests of the applicant must be balanced against the interests and protection of the wider community. Any actions proposed in respect of the application, must be proportionate to the matter under consideration, the decision-making process must be transparent and all parties must be given full opportunity to make representations. The Committee is therefore required to balance the interests

of the applicant against the interests of the community and decide where the balance should lie.

- 6.4 **Environmental Impact** – In making their determination Committee is requested to ensure that the principles of the prevention of public nuisance licensing objective are upheld.
- 6.5 **Crime and Disorder** – In making their determination Committee is requested to ensure that the principles of the prevention of crime and disorder licensing objective are upheld.
- 6.6 **Risks** – In making its determination, failure to take into consideration the relevant legislation, guidance and the Council's Licensing Policy may leave the Committee's decision open to challenge.

7. Recommendations

- 7.1 The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:
- Grant the application.
 - Modify the conditions of the licence, altering or omitting or adding to them.
 - Reject the whole or part of the application.

Appendices:

1. Copy of application form
2. Location plan & plan of premises
3. Representation from Police
4. Representation from Community Protection
5. Representation from Health & Safety
6. Revised proposed conditions from Licensing Authority
7. Representation from Tharston and Hapton Parish Council
8. Representation from Forncett Parish Council
9. Representation and supplemental information from Councillor Carsok on behalf of Tharston and Hapton Parish Council and seven residents
10. Representation from Councillor Carsok Member for Forncett Ward
11. Representation from a local resident