

**Committee:** Licensing  
**Date:** 26 September 2005  
**Agenda Item No:** 5  
**Title:** Maidens Barn, High Easter  
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### Summary

- 1 This report sets out an application to convert the existing premises licence under the Licensing Act 2003 and simultaneously vary the licence. Representations have been made to the Licensing Authority regarding the proposed operating schedule therefore this application has been referred to the Committee for deliberation.

### Background

- 2 Maidens Barn is situated in the parish of High Easter and currently has a Justices Licence to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises. The property is located on the outskirts of the village with residential properties close by.
- 3 The applicants are Clive John Bazett Matthews and Katherine Madeliene Anthea Little, who currently hold the Justices On Licence.
- 4 The existing Justices Licence permits the sale of intoxicating liquor between the following permitted hours:

Mondays – Saturdays	11.00am to 11.00 pm
Sundays	12 midday to 10.30pm

These restrictions do not prohibit the consumption of alcohol on the premises during the first 20 minutes after the normal closing time.

- 5 The applicants are applying for a conversion with simultaneous variation. They are seeking to remove the restrictions relating to permitted hours as set out in Section 60 Licensing Act 1964 so as to extend the sale of alcohol and to include other forms of a licensable activity.
- 6 The operating schedule indicates that they have applied for the following activities:
  - a) Live music as requested by clients in connection with weddings and other similar functions. It would include both amplified and unamplified music:

Mondays – Thursdays	12 midday – 11.30pm
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Fridays – Saturdays 12 midday – 12 midnight

This would take place both inside and outside the premises mostly at weekends.

b) For recorded music the times sought are

Mondays – Thursdays 12 midday – 11.30pm  
Fridays – Saturdays 12 midday – 12 midnight  
Sundays 12 midday – 11.30pm

c) For the provision of facilities for dancing to either live or recorded music inside the premises only the times sought are:

Mondays – Thursdays 7.00 pm – 11.30 pm  
Fridays – Saturdays 7.00 pm – 12 midnight  
Sundays 7.00 pm – 11.30 pm

d) Late night refreshment which would consist of a buffet served by guests mostly at weekends the times sought are:

Mondays – Thursdays 7.00 pm – 11.30pm  
Fridays – Saturdays 7.00pm – 12 midnight  
Sundays 7.00 pm – 11.30pm

e) The hours that the premises are to remain open are

Mondays – Thursdays 9.00 am – 11.30pm  
Fridays – Saturdays 9.00 am – 12 midnight  
Sundays 9.00 am – 11.30 pm

During these times the barn is not open to the public per sey but for potential clients to view the premises with a view to making a booking.

7 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the prevention of crime and disorder.

- Responsible persons will be present at all events

8 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding public safety

- Emergency lighting in place
- Fire alarm system fitted
- Fire extinguishers on premises
- Fire escape doors fitted
- First aid kit available

- 9 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance.
- Sensitive to noise which may effect neighbours
- 10 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the protection of children from harm.
- No alcohol served to persons under 18 years of age
  - To be aware of any drug misuse
  - To be aware of persons using threatening words or behaviour
  - To alert the police if necessary
- 11 Copies of this application have been served on the statutory bodies with no representations being received.
- 12 Representations have been received from interested parties based on the licensing objective which relate to the prevention of crime and disorder and the prevention of a public nuisance. It is feared that anti-social behaviour may be the result of the current licensing hours being extended and the noise coming from the live or recorded music would cause a nuisance.
- 13 In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 14 The decision which the Committee can make for this application is to:
- Grant the application
  - Modify the application by inserting conditions
  - Remove the licensable activity from the licensee
  - Reject the application
- 15 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.
- 16 If the Committee in their discretion wishes to impose conditions, the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objective relative to the representations received. Equally, the Committee cannot impose conditions that duplicate the effect of existing legislation.

RECOMMENDED that

- 1 The application is determined.
- 2 In the event of an appeal against the decision of the Licensing Authority, then a member is nominated to give evidence on behalf of the authority.

Background papers:      Operating Schedule  
                                 Plan of Premises  
                                 Location of Premises  
                                 Letters from interested parties