

BABERGH DISTRICT COUNCIL

FROM: Head of Legal and Administrative Services

REPORT NUMBER **E68**

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING 3 August 2005

LICENSING ACT 2003 – NOTICE OF HEARING

1. SUMMARY

To determine an application under the 2003 Licensing Act made by:

Greene King Retailing Limited

in respect of:

George, 52 High Street, HADLEIGH IP7 5AL

The hearing is to determine the variation element of this application only. The conversion element of the application (Part A of the form) is not subject to any hearing or consideration by the sub-committee as the Police have made no objection to the conversion during the statutory period. All existing conditions and restrictions under the Licensing Act 1964, and other enactments specified by the Secretary of State, therefore carry across with the conversion automatically as conditions on the new premises licence, unless the variation seeks to amend or remove these.

Furthermore, the entitlements, restrictions and conditions by virtue of the held Supper Hours Certificate under section 68 of the Licensing Act 1964 carry across to the new licence (including Late Night Refreshment).

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 necessary for the promotion of the licensing objectives:

- To grant the licence subject to conditions which are consistent with the operating schedule submitted by the applicant;
- To exclude from the scope of the licence any of the licensable activities that have been applied for;
- To refuse to specify a person in the licence as the premises supervisor;
- To reject the application.

Members of the sub-committee should note that they may, where it is deemed necessary and proportionate for the promotion of the licensing objectives, alter, omit or add new conditions within the applicants operating schedule.

The sub-committee is able to determine this application.

3. THIS APPLICATION

- 3.1 This application is made by Greene King Retailing Ltd in respect of the George, 52 High Street, Hadleigh, IPSWICH IP7 5AL. The named premises supervisor is Mr Paul Harman (the existing justices' licence holder).

The premises is a public house with public bar, dining area and patio. The premises also sells cigarettes. The premises currently hold a Supper Hours Certificate under s68 of the Licensing Act 1964 (which permits supply of alcohol ancillary to table meals for one hour beyond existing permitted hours).

The variation seeks to add or extend the following activities to the new premises licence. In addition to activities that carry across automatically by virtue of the conversion licence, the variation seeks to include/extend the following activities:

- (a) **'Live music' (BOX E – indoors and outdoors)**
Soloists, duos and karaoke entertainment both indoors and outdoors
Hours applied for: 19:00hrs until 00:00hrs (Wednesday to Saturday)
19:00hrs until 23:00hrs (Sunday)
- (b) **'Recorded music' (BOX F – indoors)**
Recorded music including discos
Hours applied for: 19:00hrs until 00:00hrs (Monday to Sunday)
19:00hrs until 23:00hrs (Sunday)
- (c) **'Supply of alcohol' (BOX M - ON and OFF the Premises)**
Proposed extension of hours for on and/or off sales
Hours applied for: 09:00hrs until 01:30hrs (Monday to Saturday)
09:00hrs until 23:30hrs (Sunday)

The above for Box M also applies to use of the patio.

The applicants also propose that the opening hours of the premises be extended as follows (BOX O):

Hours applied for: 09:00hrs until 02:00hrs (Monday to Saturday)
09:00hrs until 00:00hrs (Sunday)

The above opening hours allow for a 30 minute period after the cessation of alcohol sales for appropriate dispersal and drinking-up.

Seasonal and non-standard timings (including bank holidays)

By virtue of the conversion application, the applicant carries forward a general exemption allowing the premises to open from the closure of the premises on New Years Eve until the beginning of permitted hours on New Years Day as a 'grandfather right'.

The applicant proposes that for all bank holidays/public holidays (including Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August bank holidays, Good Friday, Easter Saturday, Easter Sunday and Easter Monday):

- the hours for the sale of alcohol be extended to 09:00hrs until 01:30hrs
- the premises remaining open on such occasions from 10:00hrs until 02:00hrs
[in view of above alcohol request, this is assumed to be a typographical error in the application – should be 09:00hrs?]
- for such days the applicant proposes that live and recorded music activities carry on from 10:00hrs until 01:00hrs.

In addition to the above, the applicant has proposed non-standard opening times for 12 occasional [date unspecified] pub outings/excursion days and for live televised sporting and non-sporting events of either national or local importance of:

- “timings as required”

[However, please note that Greene King have subsequently withdrawn references to ‘unspecified extension of hours’ for unknown dates/times in all of their applications for the Babergh District area. There is already sufficient provision in the Act for Temporary Event Notices and general exemption orders for events of national or local significance. Therefore such references are to be disregarded from this application].

The applicant has proposed various steps that they intend to take to promote the four licensing objectives, detailed in section Q of the application form attached as Appendix 1. These include:

- Use of photo ID proof of age
- Membership of Pubwatch and BII schemes
- Adoption of best practice including Portman Group guidance
- Strong management controls, policies and training
- Use of plastic glasses for external Beer festivals
- Provision of litter bins and litter management
- Children must be accompanied in dining areas by responsible adult

Some of the steps proposed may require further clarification by the applicant at the hearing.

Please refer to the copy of the complete application attached as Appendix 1.

- 3.2 The application is attached as Appendix 1. Greene King have confirmed that the advertisements required under the Act were published and displayed on the premises as required by Regulation. The applicant has confirmed that the following consultees, as Responsible Authorities, have received notice of the application.

RESPONSIBLE AUTHORITY	RESPONSE
1. Chief Officer of Police	
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	
4. Environmental Health	YES 04.07.2005
5. Local Planning Authority	
6. Area Child Protection Committee	
7. Any other Licensing Authority	

RESPONSIBLE AUTHORITY	RESPONSE
8. Trading Standards	
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	

A copy of any representations are attached as Appendix 2.

- 3.3 No representations have been received during the statutory period from interested parties (local businesses or local residents).

4. GUIDANCE AND POLICY CONSIDERATIONS

- 4.1 The sub-committee is referred to section 6 – ‘Hours of Trading’ and section 7 – ‘Conditions Attached to Premises Licences and Club Premises Certificates’, and also Annexes D to H, of Central Government Guidance in respect of this application.
- 4.2 The sub-committee is referred to sections 1, 6, 7, 9, 10 and 14 of the Council’s Statement of Licensing Policy in respect of this application.

5. THE ISSUE(S)

- 5.1 The Licensing Act 2003 introduced a new licensing regime. The four underlying objectives of the regime are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

These are the only grounds upon which an application may be refused, or if deemed necessary, conditions may be attached to a licence.

- 5.2 Members will note that the main issue here is:

- Balancing the interests of owners, employees, customers and neighbours of licensable premises.

6. PROCEDURE TO BE FOLLOWED AT HEARING

- 6.1 A copy of the ‘Procedure for Hearing of Application under the Licensing Act 2003 where a Representation/Objection is received’ is attached to the Agenda.

7. **APPENDICES**

- (a) Appendix 1 – Part B – Application
- (b) Appendix 2 – Representations
- (c) Appendix 3 – Site Plan showing location of premises

8. **BACKGROUND PAPERS REFERRED TO**

None.

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