

BABERGH DISTRICT COUNCIL

FROM: Acting Head of Legal and
Administrative Services

REPORT NUMBER **E316**

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING 6 April 2006

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

To determine an application under the Licensing Act 2003 made by:
Greene King Brewing & Retailing Ltd
in respect of:
Angel PH, 43 Friars Street, SUDBURY, Suffolk CO10 2AG

The hearing is to determine a NEW premises licence application made under section 17 of the Licensing Act 2003. The premises already hold a premises licence (ref: BPL0169) which was issued on 21 October 2005 and has been fully effective since 24 November 2005.

The NEW application has been submitted by Greene King following a revision to the layout of the licensed premises, including an extension of the garden area. The main other differences proposed to the existing licence are the addition of late night refreshment activity and off sales authorisation to continue until the end of supply of alcohol hours. The application also seeks to specify a new designated premises supervisor (DPS), replacing the existing individual.

A summary of the existing premises licence BPL0169 authorisations and conditions is attached as Appendix 4.

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 Brewing & Retailing Ltd in respect of the Angel PH, 43 Friars Street, SUDBURY CO10 2AG. The application proposes to nominate a new DPS in Ms Lorna Reynolds (Babergh personal licence holder BPA0406).

It should be noted that Greene King have withdrawn the reference in the application to twelve spontaneous events per annum – which will be covered as required by use of temporary event notices.

The application seeks to carry on the following licensable activities:

(a) Supply of alcohol (for consumption both ON and OFF the premises)

Hours applied for:

10:00hrs until 23:30hrs (Sunday to Thursday)

10:00hrs until 01:30hrs (Friday & Saturday)

Note: These terminal hours are the same as existing licence BPL0169.

(b) Recorded music (indoors)

Live music (indoors)

Hours applied for:

19:00hrs until 23:30hrs (Monday to Sunday)

Note: These terminal hours are the same as the existing licence BPL0169.

(c) Late night refreshment (indoors and outdoors)

Hours applied for:

23:00hrs until 00:00hrs (Sunday to Thursday)

23:00hrs until 02:00hrs (Friday & Saturday)

The application provides for a 30 minute period of drinking-up/dispersal time beyond the cessation of alcohol sales. The applicants have proposed various steps they intend to take to promote the four licensing objectives, detailed in section P of the application form attached as Appendix 1.

- 3.2 The applicant has issued notice to the Licensing Authority confirming that the statutory advertisements required under the Act were published and displayed. The Licensing Authority confirm that the advert appeared in the East Anglian Daily Times on 20.02.2006. The applicant has also confirmed that the following consultees, as Responsible Authorities, have been served with a copy of the complete application.

| RESPONSIBLE AUTHORITY | RESPONSE |
|--|-------------------------------|
| 1. Chief Officer of Police | <i>Confirmed NO OBJECTION</i> |
| 2. Local Fire Authority | <i>NO OBJECTION received</i> |
| 3. Health and Safety Executive/Local Authority for Health and Safety at Work Act | <i>Confirmed NO OBJECTION</i> |
| 4. Environmental Health | <i>Confirmed NO OBJECTION</i> |
| 5. Local Planning Authority | <i>NO objection received</i> |
| 6. Area Child Protection Committee | <i>Confirmed NO objection</i> |
| 7. Any other Licensing Authority | N/A |
| 8. Trading Standards | <i>NO OBJECTION received</i> |

| RESPONSIBLE AUTHORITY | RESPONSE |
|---|----------|
| 9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency | N/A |

3.3 Representations have been received during the statutory period from the following interested parties:

- Christine & Colin Eves - 40a Friars Street, Sudbury CO10 2AG
- David & Caroline Grandin - 39 Friars Street, Sudbury CO10 2AG
- Robert & Pamela Jordan - 38 Friars Street, Sudbury CO10 2AG
- B.D.Reynolds - 19 Nonsuch Meadow, Sudbury CO10 2EJ
- R.A.Walpole - 2 Cheyne Court, Quay Lane, Sudbury CO10 2GA
- Dr D.C.Newman - 24 Friars Street, Sudbury CO10 2AA
- Anne & Keith Stamp - 58 Friars Street, Sudbury CO10 2AG
- S.A.Thornton - 31a Friars Street, Sudbury CO10 2AE
- Helene Scott - 1 Quay Lane, Sudbury CO10
- Phyllis Stevens - 5 Nonsuch Meadow, Sudbury CO10 2FJ
- Dr K.Sarda - 54 Friars Street, Sudbury CO10 2AG
- Mrs S.McCabe - Greyfriars, Friars Street, Sudbury CO10 2AG
- Miss B.J.Green - 42 Friars Street, Sudbury CO10 2AG
- Mr Geoff Addison & Miss Gena Nicholls - 44 Friars Street, Sudbury CO10 2AG
- Dr John Pickett & Ms Theresa Clarke - 25 Friars Street, Sudbury CO10 2AA
- Michael & Fiona Wheeler - 33 Friars Street, Sudbury CO10 2AG
- Mary Wheeler - 18 Nonsuch Meadow, Sudbury CO10 2FJ
- P.M.Holloway - 3 Cheyne Court, Quay Lane, Sudbury CO10 2GA
- Dr J.C.Wilson - 50 Friars Street, Sudbury CO10 2AG
- D.E.Fletcher & S.M.Fletcher - 43/45 Friars Street, Sudbury CO10 2AG

A copy of representations are attached as Appendix 2.

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 Section 7.45 of Central Government Guidance advises that it is essential that any conditions are “focused on measures within the direct control of the licence holder” and offers guidance on an individual’s accountability under general law for his own actions once he is beyond the direct control of the licence holder.
- 4.3 The sub-committee is referred, in particular, to sections 1, 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 introduces 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 – Application (plan will be on display at hearing due to large scale)
- (b) Appendix 2 – Representations and comments
- (c) Appendix 3 – Site Plan
- (d) Appendix 4 – Summary of existing premises licence BPL0169

8. BACKGROUND PAPERS REFERRED TO

None

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