

BABERGH DISTRICT COUNCIL

FROM: Acting Head of Legal and
Administrative Services

REPORT NUMBER **E315**

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:

Lavnham Merchants Guild

in respect of:

Lavenham Airfield (part thereof): Latitude 52° 08.2' N, Longitude 0° 45.4'E

Map reference: TL 5899 2518 (See plan attached as Appendix 1)

The hearing is to determine a NEW premises licence application made under section 17 of the Licensing Act 2003. This application is a time limited application for one day only (Saturday 01 July 2006) for an open-air Glenn Miller Orchestra Concert on part of the Airfield.

The Temporary Event Notice provisions of section 100 of the Licensing Act 2003 do not apply to large scale temporary events, which must be covered by a full premises licence. The applicants have confirmed that the event is likely to attract between 1500 and 1700 attendees at any one time.

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 Lavenham Merchants Guild in respect of part of Lavenham Airfield. The application proposes to nominate Mr Regis Crepy, a local licensee of Lavenham, as the DPS for the event. Mr Crepy holds a valid personal licence with Babergh reference BPA0096.

The application seeks to carry on the following licensable activities (all for one day only on 01 July 2006):

(a) Supply of alcohol (for consumption ON the premises):

Hours applied for: 12:00hrs until 22:30hrs

(b) Live music (outdoors)

Provision of facilities for dancing (outdoors):

Hours applied for: 19:00hrs until 22:00hrs

The application proposes that the event will close to the public at 23:00hrs, thus providing a thirty minute wind-down/dispersal period after the cessation of alcohol sales.

The application in section P has proposed nothing beyond existing Health & Safety/Fire Safety requirements other than stewarding and close liaison with the local Police. However, since the application has been submitted the applicants have been in discussion over various issues connected with the event with the Senior Environmental Health Officer. Whilst some issues have been addressed to the satisfaction of the EHO some other concerns remain unresolved and outstanding at the time this report has been compiled.

- 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 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, but in ongoing discussion over the event.</i>
2. Local Fire Authority	<i>NO OBJECTION received</i>
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	OBJECTION received 24.02.2006
4. Environmental Health	OBJECTION received 24.02.2006
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>
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	N/A

- 3.3 No representations have been received during the statutory period from interested parties.

A copy of the representation, and subsequent information, is 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 5.127 of Central Government Guidance offers advice on large scale temporary events requiring a premises licence.
- 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 including plan
- (b) Appendix 2 – Representations and comments

8. BACKGROUND PAPERS REFERRED TO

None

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