

BABERGH DISTRICT COUNCIL

FROM: Head of Legal and Administrative Services

REPORT NUMBER **E179**

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING 24 November 2005

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

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

Mr Kevin Byford

in respect of:

Red Lion, High Street, Bildeston, IPSWICH, Suffolk IP7 7EX

The hearing is to determine a NEW premises licence application, where the applicant missed the 06 August 2005 deadline to convert any existing licences under the under ‘grandfather rights’ provisions.

The application is for a public house, including beer garden, and the activities being applied for are live music, recorded music (both indoors) and supply of alcohol for consumption both ON and OFF the premises.

It should be noted by the committee that although this is a NEW premises application, the premises is currently licensed by the magistrates’ to supply alcohol on and off the premises during standard permitted hours.

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 Mr Kevin Byford in respect of the Red Lion PH, BILDESTON IP7 7EX. *Mr Kevin Byford is also the named premises supervisor (DPS) in the application, but it would appear that he has yet to apply for the personal licence he will require in order to authorise sale or supply of alcohol.*

The premises is a public house with beer garden.

The application seeks to carry on the following licensable activities:

- (a) **Live music (indoors)**
Hours applied for:
18:00hrs (presumed rather than 06:00hrs) until 22:30hrs (Friday & Saturday)
- (b) **Recorded music (indoors)**
Supply of alcohol (ON and OFF the premises)
Hours applied for:
11:00hrs until 02:00hrs (Monday to Sunday)

Note: Hours applied for have since been revised following agreement between the applicant and Suffolk Constabulary. The hours proposed for supply of alcohol are now until 01:00hrs (Monday to Sunday) with closure of the premises at 01:30hrs with last supply at 02:00hrs for a 2:30hrs closure on Easter bank holiday weekend, Christmas Eve and Boxing Day.

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

- a) Liason with other local licensees concerning any drink related crime issues
- b) Ensuring that escape routes are kept unobstructed and clearly signed
- c) Signage requesting that customers leave the premises quietly
- d) Use of photo ID proof of age scheme

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

- 3.2 The application is attached as Appendix 1. The advertisements required under the Act were published on and displayed on the premises for 28 days. 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	<i>No formal representation – agreement reached and revisions made to application</i>
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	YES - 19.10.2005
4. Environmental Health	YES - 19.10.2005
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	

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

- Mrs C.F. Yannaghas, Minto House, High Street, BILDESTON IP7 7EA
- Colin & Jackie Kitchener, Tudor Cottage, 44 High Street, BILDESTON IP7 7EL
- Mr Martin Rodgers (NO ADDRESS SUPPLIED – requested by Licensing Section)
- Mr John & Mrs Joan Nay, 48 High Street, BILDESTON IP7 7EA
- Mr Damon Cutler, 82 High Street, BILDESTON IP7 7EA
- A. Shirley, 58 High Street, BILDESTON IP7 7EA
- Lt Col & Mrs Peter Bullen, Rose Cottage, 77 High Street, BILDESTON IP7 7ER
- R.R. Sidgwick, Newberry House, 34 High Street, BILDESTON IP7 7EY
- Simone Beadle, 86 High Street, BILDESTON IP7 7EA
- Mrs Jessica Holloway, 12 High Street, BILDESTON IP7 7EY
- Mr & Mrs Ashton, Lochabar House, 10 High Street, BILDESTON IP7 7EY
- Mrs Jo Silburn, The Laurels, High Street, BILDESTON IP7

A copy of any representations 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 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 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 – Part B – Application together with premises plan
- (b) Appendix 2 – Representations
- (c) Appendix 3 – Site Plan showing (approximate) location of Interested Party objectors.

8. BACKGROUND PAPERS REFERRED TO

None.

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