

BABERGH DISTRICT COUNCIL

FROM: Acting Head of Legal and
Administrative Services

REPORT NUMBER **E246**

TO: LICENSING SUB-COMMITTEE **DATE OF MEETING** 27 January 2006

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

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

Mrs Sandra Elaine Balzer

in respect of:

Village Tea Room, Ringers Yard, Hall Street, LONG MELFORD CO10 9JF

The hearing is to determine a NEW premises licence application made under section 17 of the Licensing Act 2003.

The application is for a village tea room and restaurant, with a total capacity of approximately 44 persons, to be granted a premises licence for the activities of recorded music (indoors background radio/CD music only) and supply of alcohol for consumption ON the premises.

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 Mrs Sandra Elaine Balzer in respect of the Village Tearoom and Restaurant, Ringers Yard, LONG MELFORD CO10 9JF. Mrs Sandra Balzer is also the named premises supervisor (DPS) in the application, and she is the holder of a valid personal licence granted by Babergh District Council.

The application seeks to carry on the following licensable activities:

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

Recorded music (indoors)

Hours applied for:

10:00hrs until 23:00hrs (Monday to Sunday)

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

3.2 The applicant has verified that the statutory advertisements required under the Act were published on and displayed. The applicant has also confirmed that the following consultees, as Responsible Authorities, have received notice of the application.

RESPONSIBLE AUTHORITY	RESPONSE
1. Chief Officer of Police	<i>Confirmed NO OBJECTION</i>
2. Local Fire Authority	
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>(See appendix 2) Planning have advised that hours of operation are currently restricted to 09:00hrs until 18:00hrs</i>
6. Area Child Protection Committee	
7. Any other Licensing Authority	
8. Trading Standards	
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	

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

- Christopher & Camilla Buckley, 9 Hall Street, LONG MELFORD CO10 9JF
- Mr & Mrs M.R.Gridley, 7 Hall Street, LONG MELFORD CO10 9JG

The applicant has also sent in a letter, in advance of the hearing, in support of their own application.

A copy of any 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. The committee is also particularly referred to section 3.12 of the statutory guidance concerning the ‘need for licensed premises’.
- 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. In particular sections 4 and 6 refer to the relationship between the Planning and Licensing processes.

5. THE ISSUES

- 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 issues here are:

- 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 and comments
- (c) Appendix 3 – Site Plan

8. BACKGROUND PAPERS REFERRED TO

None

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