

**BABERGH DISTRICT COUNCIL**

**FROM:** Acting Head of Legal and  
Administrative Services

**REPORT NUMBER** **F44**

**TO:** LICENSING SUB-COMMITTEE **DATE OF MEETING** 13 July 2006

**LICENSING ACT 2003 – HEARING REPORT**

**1. SUMMARY**

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

**Prezzo PLC**

in respect of:

**Prezzo Restaurant, 54-55 Gainsborough Street, SUDBURY CO10 2ET**

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

It should be noted that 1 Burkitts Lane was incorporated into 55 Gainsborough Street some years ago. It is proposed that the Italian style restaurant will operate on the ground and first floors, with the first floor situating a function room. The restaurant intends to cater for an average of 80-90 covers, with customer seating areas, toilets and storage areas. The application also proposes to license the conservatory and rear garden area of the premises. This premises was not previously licensed.

**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 Prezzo PLC in respect of Prezzo Restaurant, 54-55 Gainsborough Street, SUDBURY CO10 2ET.

The application proposes to nominate Mr Reinaldo Donatti as the new DPS for the premises, and Mr Donatti is the holder of a valid personal licence with South Cambridgeshire District Council.

**The hours and activities being proposed are as follows:**

- (a) **Supply of alcohol (for consumption ON the premises only)**  
Hours applied for: 12:00hrs until 00:00hrs (Monday to Sunday)
- (b) **Recorded music (indoors)**  
Hours applied for: 12:00hrs until 00:30hrs (Monday to Sunday)
- (c) **Late night refreshment (indoors and outdoors)**  
Hours applied for: 23:00hrs until 00:00hrs (Monday to Sunday)  
Note: It is not known whether the applicant intends to provide takeaways.

The premises opening hours are proposed to end 30 minutes after the cessation of sales of alcohol and late night refreshment. This provides for a half an hour period of drinking-up/dispersal time.

The applicants have 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. In addition, the following condition has been agreed between the applicant and the Senior Environmental Health Officer:

- ***Music played at the licensed premises shall be inaudible at 5 metres from the premises.***

3.2 The solicitor for 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 advertisement of application appeared in the Suffolk Free Press on 01.06.2006. The applicant has also confirmed that the following consultees, as Responsible Authorities, have been served with a copy of the complete application:

<b>RESPONSIBLE AUTHORITY</b>	<b>RESPONSE</b>
1. Chief Officer of Police	<i>NO OBJECTION</i>
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	<i>NO OBJECTION following agreement with applicant</i>
4. Environmental Health	<i>NO OBJECTION following agreement with applicant</i>
5. Local Planning Authority	<i>NO OBJECTION</i>
6. Area Child Protection Committee	<i>NO OBJECTION</i>
7. Trading Standards	

3.3 The following representation has been received from the following interested party during the statutory period:

- **Mr Timothy West, Swords, 53 Gainsborough Street, SUDBURY CO10 2ET**

A copy of any representations, and responsible authority comments, 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 The sub-committee is referred, in particular, to sections 1, 4, 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, proportionate conditions may be attached to a licence.

5.2 Members will note that the main issues here include:

- 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 any other relevant information
- (c) Appendix 3 – Site Plan

#### **8. BACKGROUND PAPERS REFERRED TO**

None

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