

BABERGH DISTRICT COUNCIL

FROM: Head of Legal and Administrative
Services

REPORT NUMBER **E132**

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING 20 September 2005

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

To determine an application under the 2003 Licensing Act made by:
Paul Bowsher & Brian Mayles (as limited liability partnership TRB2)
in respect of:
The Boathouse, Cross Street, SUDBURY CO10 2DL

The hearing is to determine the variation element of this application only. The conversion element of the application (Part A of the form) is not subject to any hearing or consideration by the sub-committee as the Police have made no objection to the conversion during the statutory period. All existing conditions and restrictions under the Licensing Act 1964, and other enactments specified by the Secretary of State, therefore carry across with the conversion automatically as conditions on the new premises licence, unless the variation seeks to amend or remove these.

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 Brian Mayles and Paul Bowsher as a limited liability partnership (TRB2 LLP) in respect of the Boathouse Hotel, Cross Street, SUDBURY CO10 2DL. The named premises supervisor is Mr Brian Mayles (the existing justices' licence holder).

The premises is a riverside hotel with bar and restaurant. The existing licence was granted on the basis of the existing layout (approved by building control and the licensing justices), the premises having last year undergone refurbishment after the conclusion of works to Ballingdon Bridge.

A section 68 supper hours certificate is held allowing an extension of one hour to supply of alcohol as ancillary to persons taking table meals.

The application is to simultaneously vary a conversion licence (justices' liquor licence only) and seeks to extend hours during which licensable activities, existing and new, will take place on the premises.

The existing permitted hours for the premises are as follows:

Justices' licence 'permitted hours':

Monday to Saturday	(10:00hrs until 23:00hrs)
Sunday/Good Friday	(12:00noon until 22:30hrs)
Christmas Day	(12:00noon until 15:00hrs and 19:00hrs until 22:30hrs)
New Years Eve	Extension allowed from end of permitted hours until start of permitted hours on New Years Day

Plus extra hour entitlement by virtue of supper hours.

Please note that the applicants have since revised, advertised and re-circulated proposed hours after discussions with Inspector Pepper of Suffolk Constabulary. The revised proposals are shown below and on this basis the reference in the application to ad-hoc extensions is withdrawn.

The hours and activities being proposed by the variation application are:

(a) 'Live music' (Box E - indoors)

Hours applied for: 20:00hrs until 00:00hrs (Monday to Saturday)
12:00hrs until 15:00hrs & 20:00hrs until 00:00hrs (Sunday)

(b) 'Recorded music' (Box F - indoors)

Hours applied for: 10:00hrs until 01:00hrs (Monday to Sunday)

(c) 'Provision of facilities for dancing' (Box J - indoors)

Hours applied for: 10:00hrs until 01:00hrs (Monday to Sunday)

(d) 'Late Night Refreshment' (Box L - indoors)

Hours applied for: 23:00hrs until 01:30hrs (Monday to Sunday)

(e) 'Supply of alcohol' (Box M - both on and off the premises)

Hours applied for: 10:00hrs until 00:00hrs (Monday to Thursday)
10:00hrs until 01:00hrs (Friday & Saturday)
10:00hrs until 23:00hrs (Sunday)

The above for Box M also applies to use of external areas

There is no limit on service to residents.

The applicants also propose that the opening hours of the premises be extended as follows (BOX O):

Hours applied for: 24/7 as hotel/residential premises (Monday to Sunday)

Seasonal and non-standard timings (including bank holidays)

By virtue of the conversion application, the applicant carries forward a general exemption allowing the premises to open from the closure of the premises on New Years Eve until the beginning of permitted hours on New Years Day as a 'grandfather right'.

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

- (a) Retention of glass bottles on the premises
- (b) Adoption of BBPA guidelines on drinks promotions
- (c) Display restrictions on admittance according to age outside premises
- (d) Participate in Pubwatch scheme
- (e) Lighting provided in car park during hours of darkness
- (f) Outside areas will be cleared after 23:30hrs
- (g) Double-glazed ground floor windows cannot be opened
- (h) No under-18's on premises after 21:00hrs (unless residents or taking meal)

Some of the steps proposed may require further clarification by the applicant at the hearing. Please refer to the copy of the complete application attached as Appendix 1.

3.2 The application is attached as Appendix 1. The applicants have verified that the statutory advertisements of the application have been published in the local press (Sudbury Mercury) 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>Representation withdrawn following revision to application.</i>
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	<i>No formal objection (to revised proposals) – comments only</i>
4. Environmental Health	<i>No formal objection (to revised proposals) – comments only</i>
5. Local Planning Authority	
6. Area Child Protection Committee	
7. Any other Licensing Authority	
8. Trading Standards	
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	

Copies of any responsible authority comments are attached as Appendix 2 for information and clarification purposes.

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

- **Freda Rayner - 1 Ballingdon Street, SUDBURY CO10 2BP**
- **Roger & Niesje Nunn - 1 Bridgefoot, Cross Street, SUDBURY CO10 2DL**
- **Various residents - see signatories of letter dated 16.08.05 (Appendix 2)**

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.

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 introduced 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
- (c) Appendix 3 – Site Plan showing location of Interested Party objectors.

8. BACKGROUND PAPERS REFERRED TO

None.

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