

BABERGH DISTRICT COUNCIL

FROM: Head of Legal and Administrative
Services

REPORT NUMBER **E92**

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING 22 August 2005

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

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

Punch Taverns PLC

in respect of:

Boot Inn, Freston, IPSWICH IP9 1AB

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 Punch Taverns PLC in respect of the Boot Inn, Freston, IPSWICH IP9 1AB. The named premises supervisor for the premises is Mr George Field (the existing justices' licence holder).

The premises is a public house with bar and dining room. There is also a car park and beer garden.

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

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

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

Two live entertainers playing amplified and/or acoustic music both indoors and outdoors

Hours applied for: 10:00hrs until 00:00 midnight (Monday to Saturday)
11:00hrs until 23:30hrs (Sunday)

The applicant has confirmed that live music will terminate in outdoors areas of the premises at 22:30 hrs on all occasions.

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

Amplified recorded music to match hours for sale of alcohol

Hours applied for: 10:00hrs until 00:00 midnight (Monday to Saturday)
11:00hrs until 23:30hrs (Sunday)

(c) 'Provision of facilities for entertainment of a similar description to that of music and dancing' (Box K - indoors)

Karaoke facilities

Hours applied for: 10:00hrs until 00:00 midnight (Monday to Saturday)
11:00hrs until 23:30hrs (Sunday)

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

Hours applied for: 10:00hrs until 00:00 midnight (Monday to Saturday)
11:00hrs until 23:30hrs (Sunday)

The proposed opening hours are looking to close the premises 30 minutes after the cessation of supply of alcohol, thus allowing for half an hour for appropriate dispersal of patrons and 'drinking-up time'. The opening hours proposed in box O are:

- Monday to Saturday (10:00hrs until 00:30hrs)
- Sunday (11:00hrs until 00:00 midnight)

Seasonal and non-standard variation of hours

In addition to the above proposals the applicants are seeking:

- An extra hour beyond the above hours for Fridays/Saturdays/Sundays and Mondays for May, Spring/Whitsun/and August bank holidays. Therefore on such Fridays and Saturdays the premises would cease activities at 01:00hrs and close at 01:30hrs, Sundays would cease activities at 00:30hrs and close at 01:00hrs and Mondays cease activities at 01:00hrs and close at 01:30hrs.
- In addition to the above bank holiday requests, add the Thursday before Good Friday to cease activities at 01:00hrs and close at 01:30hrs.
- Also as above for Christmas Eve and Boxing Day - an additional hour beyond the proposals for standard-timings.

Under "grandfather rights" during transition the applicant will automatically get extended opening hours for New Year's Eve following the making of the Regulatory Reform (Special Occasion Licensing) Order 2002. This allows the premises to stay open from the end of permitted hours on New Years Eve until the end of permitted hours on New Years Day.

The applicants have proposed various steps that they intend to take to promote the four licensing objectives, detailed in section Q of the application form. The measures proposed include:

- a) All music to terminate when last orders are called
- b) Managed customer departure
- c) Premises being well illuminated

Some of the steps proposed may require further clarification by the applicant at the hearing, or could duplicate other legislation or already be covered by offences in the Licensing Act 2003.

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 and displayed on the premises for 28 days as verified by the applicant's solicitor. The solicitor has confirmed that the following consultees, as Responsible Authorities, have received notice of the application:

RESPONSIBLE AUTHORITY	RESPONSE
1. Chief Officer of Police	
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	
4. Environmental Health	<i>Representation was withdrawn following agreement with the applicant confirming that live music will terminate in outdoors areas of the premises at 22:30 hrs on all occasions.</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	

3.3 Representations have been received during the statutory period from local residents or local businesses ('interested parties') as follows:

- F.J & M.J.Baldry, 1 Freston Hill, FRESTON IP9 1AB
- L.J & R.R.Ham, 2 Wheelwrights Cottage, Main Road, FRESTON IP9 1AB
- Messrs Pratt & Mrs Pratt, 1 Freston Hill, FRESTON IP9 1AB

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 ISSUES

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.
- The steps proposed by the applicants in their operating schedule to promote the four licensing objectives.

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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