

BABERGH DISTRICT COUNCIL

FROM: Head of Legal and Administrative Services

REPORT NUMBER E110

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING 1 September 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:

Butt & Oyster, Pin Mill, Chelmondiston, IPSWICH IP9 1JW

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 Butt & Oyster, Pin Mill, CHELMONDISTON IP9 1JW. The named premises supervisor for the premises is Mrs Louise Jane Lomas (the existing justices' licence holder).

The premises is a large public house with one bar, two dining areas, patio and car park. The premises also sites a cigarette machine.

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 performers with amplified music both indoors and outdoors

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

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

Amplified recorded music to match hours for sale of alcohol

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

(c) 'Provision of facilities for entertainment similar to music or dancing' (Box K - indoors)

Karaoke facilities

Hours applied for: 10:00hrs until 23:00hrs (Monday to Saturday)
11:00hrs until 23:00hrs (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 occasions the premises would cease music activities at 00:00hrs, supply of alcohol 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 as shown above, closing to the public 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) CCTV operational in internal and external areas
- b) exterior illumination
- c) no unaccompanied children at any time
- d) managed customer departure

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 solicitors for the applicant confirmed that the statutory advertisements would be displayed and put in the local press. The solicitor has also confirmed that the following consultees, as Responsible Authorities, have been issued with a copy 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	Comments only (attached Appendix 2 for information/clarification only)
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 been received during the statutory period from local residents or local businesses ('interested parties'):

- Mr R.Ashbolt, Houseboat Clog, The Barges, PIN MILL IP9 1JW
- Mrs R.Clarke, Rosemary Cottage, Pin Mill Road IP9 1JN
- Reverend Brown, Seagulls, Pin Mill Road IP9 1JN
- Mr & Mrs R.T.Watts, Riverside Cottage, Pin Mill IP9 1JN

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 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 location of Interested Party objectors.

8. BACKGROUND PAPERS REFERRED TO

None

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