

BABERGH DISTRICT COUNCIL

FROM: Head of Legal and Administrative Services

REPORT NUMBER

E89

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING 15 August 2005

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

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

James Kevin Harrison & Jayne Tester

in respect of:

The Kings Head, 132 High Street, Bildeston, IPSWICH IP7 7ED

Note: (Ricky Squires (named on existing licence) is to be added to this application, after it had been served. Written authority to do so has been received from Mr Squires after he was accidentally omitted).

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 Mr James Harrison, Ms Jayne Tester and Mr Ricky Squires in respect of the Kings Head, 132 High Street, BILDESTON IP7 7ED. The named premises supervisor for the premises is Mr James Kevin Harrison (the existing justices' licence holder).

The premises is a public house with lounge bar, snooker room and beer garden.

The application is to simultaneously vary a conversion licence 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)

Amplified and/or unamplified live music both indoors and outdoors

Hours applied for: 20:30hrs until 23:30hrs (Monday to Saturday)
14:30hrs until 17:30hrs (Sunday)

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

Generally quiet background music

Hours applied for: 10:00hrs until 02:00hrs (Monday to Sunday)

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

Hours applied for: 10:00hrs until 02:00hrs (Monday to Sunday)

Since revised by Mr Harrison after reaching agreement with Suffolk Constabulary. The last supply of alcohol will be at 01:00hrs on all occasions and the premises will close to the public 30 minutes later at 01:30hrs.

The proposed opening hours allow for half an hour for appropriate dispersal of patrons and 'drinking-up time'. The opening hours proposed in box O are:

- Monday to Sunday (10:00hrs until 01:30hrs)
01:30hrs as revised and not 02:00am as indicated in the application

Seasonal and non-standard variation of hours

In addition to the above proposals the applicants are seeking:

- To extend 'live music' activities on Christmas Eve and New Years Eve.

No times have been specified for such, and the applicant will need to clarify this request. The same unspecified request has been made for an annual beer festival held in May.

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) ensuring exits and escape routes are left unobstructed
- b) display 'proof of age' signage
- c) children required to leave the premises by 8pm
- d) participation in local Pubwatch scheme

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.

As indicated in 3.1 the applicant has agreed additional control measures with Suffolk Constabulary in order to promote the licensing objectives. These are outlined in Appendix 2 - see the Constabulary's letter dated 01.07.2005.

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 have been published and displayed. 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	No formal representation but control measures agreed with applicant (see Appendix 2)
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	Yes - 19.07.2005
4. Environmental Health	Yes - 19.07.2005
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:

- Mr E.F.Hall - High Street, BILDESTON
- Sir Michael & Lady Holt - The Tower House, BILDESTON
- E.Chamberlin - Chapel Street, BILDESTON
- Beryl Evans - Squirrells Mill Road, BILDESTON
- Mr & Mrs Halls - Wattisham Road, BILDESTON
- Mrs R.P.Blaxland - High Street, BILDESTON
- G.Taylor - Squirrells Mill Road, BILDESTON
- John & Diana Beales - Squirrells Mill Road, BILDESTON
- Henry & Sue Gold - Chapel Street, BILDESTON
- Mrs E.Robson - Wattisham Road, BILDESTON
- J.B.Weller - High Street, BILDESTON
- Mrs E.F.Van Orden - High Street, BILDESTON
- John Burrige - Market Place, BILDESTON

A copy of any representations, and any relevant correspondence for information, 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

PAULINE McBRIDE
Head of Legal and Administrative Services

CONTACT: Lee Carvell

DIRECT LINE: 01473 825719