

BABERGH DISTRICT COUNCIL

FROM: Head of Legal and Administrative Services

REPORT NUMBER E174

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING 17 November 2005

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

To determine an application under the 2003 Licensing Act made by:
Greene King Brewing & Retailing Limited
in respect of:
George & Dragon, Hall Street, LONG MELFORD CO10 9JA

The hearing is to determine an application to vary an existing premises licence under section 35 of the Licensing Act 2003.

The hearing is to determine the variation application only, and the entitlements of the existing premises licence can not be reduced by the sub-committee in its determination of the variation application.

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 modify the conditions of the licence;
- to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

The sub-committee is able to determine the variation application.

3. THE APPLICATION

3.1 This application is made by the existing licence holders Greene King in respect of the George & Dragon, Long Melford CO10 9JA. The designated premises supervisor is Mr Daniel Hull (who has not yet applied to Babergh for a Personal Alcohol Licence).

The conversion premises licence entitles the holder to the conversion entitlements of a justices' on-licence with supper hours extension. In brief, this authorises hours as follows (the final hour of supply of alcohol being for persons taking table meals):

Supply of alcohol and recorded music (and late night refreshment after 23:00hrs):

- Monday to Saturday (10:00hrs until 00:00hrs midnight)
- Sunday (12:00hrs until 23:30hrs)

The variation submitted, and subject to this hearing, seeks to extend the hours for supply of alcohol and incorporate live music activities. The opening hours proposed would see the premises opening until 00:00midnight on Sunday to Thursday and 01:00hrs on a Friday and Saturday. The supply of alcohol would cease 30 minutes prior to closing, which identifies a period of wind-down and drinking up time, with music activities ceasing at 23:30hrs for standard timings. The application seeks to extend activities further, until 01:00hrs, for Christmas and bank holiday periods.

- 3.2 The applicant has proposed with the variation various steps or measures that they intend to take to promote the four licensing objectives. These are shown in section P of Appendix 1.
- 3.3 The variation application is attached as Appendix 1. The applicant has confirmed that the statutory advertisements have been published and displayed, and the applicant has confirmed that they have served a copy of the application on all relevant Responsible Authorities:

RESPONSIBLE AUTHORITY:	REPRESENTATION:
1. Chief Officer of Police	
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	<i>Comments only – attached for clarification at Appendix 2</i>
4. Environmental Health	<i>Comments only – attached for clarification at Appendix 2</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	

Note: No representation has been received from any responsible authority.

- 3.3 Representations have been received during the statutory period from the following interested parties:
- **J.C.Brand, 13 The Limes, LONG MELFORD CO10 9SX**
 - **Andrew King, The Gables, Hall Street, LONG MELFORD CO10 9JT**
 - **Councillor Richard Kemp – representative of Andrew King (as above)**
 - **Hilda Anderson, 7 Lyston Lane, LONG MELFORD CO10 9LD**
 - **Dr J.A.Stewart, Plandons, LONG MELFORD CO10 9ET**
 - **The owners, 7 The Limes, LONG MELFORD CO10 9SX**

- D.P & C.M.Watts, Beech House, The Spinney, Hall Street, LONG MELFORD CO10 9JS
- Oliver Thomas (Regional Director), BUPA Care Homes, South Esat Regional Office, Edgeborough House, Upper Edgeborough Road, GUILDFORD GU1 2BJ.
- Margaret King, Melford Court Nursing Home, LONG MELFORD CO10 9JT
- Mrs M.Thompson, Sun House, Hall Street, LONG MELFORD CO10 9HZ (representative of herself and 14 others)
- V.H.Woodward, Almacks, Hall Street, LONG MELFORD CO10 9JT
- Mr & Mrs R.Lagdon, 31 Roman Way, LONG MELFORD CO10 9LN
- Lois Brown, 11 The Limes, LONG MELFORD CO10 9SX
- Ronald Rawden, Bramertons, Little St.Mary's, LONG MELFORD CO10 9JB
- J.G.Watson, Craig Royston, Little St.Mary's, LONG MELFORD CO10 9JB
- P.Gibbins, Yew Cottage, Hall Street, LONG MELFORD CO10 9JT
- Mrs L Frost, The Manse, Hall Street, LONG MELFORD CO10 9JT

Please note that some of the group signatories have already made representations as individuals in their own right.

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 to sections 1, 6, 7, 9, 10, 14 and 20 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, conditions may be modified on the 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 - Application
- (b) Appendix 2 - Representations
- (c) Appendix 3 - Site Plan showing (approximate) location of Interested Party objectors.

8. BACKGROUND PAPERS REFERRED TO

None.

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