

BABERGH DISTRICT COUNCIL

FROM: Head of Legal and Administrative Services

REPORT NUMBER E133

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING 21 September 2005

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

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

Greene King Retailing Ltd

in respect of:

George & Dragon, Hall Street, LONG MELFORD CO10 9JB

The hearing is to determine the variation element of the 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. The entitlements of the conversion are protected rights and cannot be reduced by any determination made by the sub-committee in its determination of the variation element.

Existing conditions and restrictions under the Licensing Act 1964, and other enactments specified by the Secretary of State, carry across with the conversion on to 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 Greene King Retailing Ltd in respect of the George & Dragon, Hall Street, LONG MELFORD CO10 9JA. The named premises supervisor is Mr Daniel James Hull (the existing justices' licence holder).

The premises is a public house with lounge bar, restaurant/dining area, function room, patio area and garden. The premises has AWP gaming machines and cigarette vending machine.

The premises benefits from a s68 supper hours certificate.

The application is to simultaneously vary a conversion licence (justices' liquor 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

Note: The premises hold a s68 supper hours certificate allowing the supply of alcohol to continue for one hour beyond existing 'permitted hours' as ancillary to substantial refreshment.

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

- (a) **'Live music' (Box E – Indoors)**
'Recorded music' (Box F – Indoors)

Hours applied for: 19:00hrs until 23:30hrs (Monday to Sunday)

- (b) **'Supply of alcohol' (ON the premises)**

Hours applied for: 10:00hrs until 23:30hrs (Sunday to Thursday)
10:00hrs until 00:30hrs (Friday & Saturday)

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

Hours applied for: 07:00hrs until 00:00hrs (Sunday to Thursday)
07:00hrs until 01:00hrs (Friday & Saturday)

The above opening hours contain provision of 30 minutes after the cessation of alcohol sales for appropriate dispersal and drinking-up.

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’.

Further to the above, the applicants propose that:

- Activities continue until 01:00hrs (premises closing at 01:30hrs) for Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and Easter Monday and any other bank holidays.

The applicant has proposed various measures that they intend to take to promote the four licensing objectives, referred to in section Q of the application form. The measures proposed include:

- (a) Use of photo ID proof of age
- (b) Membership of Pubwatch scheme
- (c) Adoption of best practice including Portman Group guidance
- (d) Strong management controls, policies and training
- (e) Use of plastic glasses for external Beer festivals
- (f) Provision of litter bins and litter management

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. Greene King have verified that the advertisements required under the Act were published 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>No representations.</i>
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	<i>No objection. Comments attached at Appendix 2.</i>
4. Environmental Health	<i>No objection. Comments attached at Appendix 2.</i>
5. Local Planning Authority	<i>No objection. Comments attached at Appendix 2.</i>
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 also 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**
- **Mrs A.Offord, 1 Peddars Court, LONG MELFORD CO10 9ST**
- **Mrs A.Gilson-Taylor, 3 Peddars Court, LONG MELFORD CO10 9ST**
- **Mrs B.Latta, 5 Peddars Court, LONG MELFORD CO10 9ST**
- **Mrs M.Thompson, Sun House, Hall Street, LONG MELFORD CO10 9HZ (representative of herself and 16 others)**
- **V.H.Woodward, Almacks, Hall Street, LONG MELFORD CO10 9JT**
- **Mr & Mrs R.Langdon, 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**
- **Sue Whitney, Melford Court Nursing Home, CO10 9JA**
- **T&L Frost, The Manse, Hall Street, LONG MELFORD CO10 9JT**
- **T&J Cochrane, Thorpe House, Hall Street, LONG MELFORD CO10 9HZ**

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 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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