

**BABERGH DISTRICT COUNCIL**

**FROM: Head of Legal and Administrative Services**

**REPORT NUMBER E116**

**TO: LICENSING AND APPEALS SUB-COMMITTEE**

**DATE OF MEETING  
Thursday 8 September 2005 at 10:00am**

**LICENSING ACT 2003 – HEARING REPORT**

**1. SUMMARY**

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

**Lavenham Community Council**

in respect of:

**Lavenham Village Hall, Church Street, Lavenham CO10 9QT**

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 **Lavenham Community Council** in respect of:  
**Lavenham Village Hall, Church Street, Lavenham CO10 9QT**

The premises is a community Village Hall serving the community of Lavenham and its surrounding area.

The application is to simultaneously vary a conversion licence (Justices' Licence) and seeks to vary the existing restrictions on the licensed premises for use for public music, dancing, music or entertainment of a like kind on Sundays, Christmas Day, Good Friday and at any time outside the permitted hours (subject to restrictions set out below).

To vary generally, the hours of opening to the public, supply of alcohol and performance of entertainment. The application seeks to build in all conceivable uses for the Village Hall to allow flexibility.

This application is to convert the Justices Licence and vary to include regulated entertainment as shown in Part B. (Existing P.E.L. commenced 1<sup>st</sup> April 2005)

The existing permitted hours for the premises are as follows:

**Justices' Licence 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

**Public Entertainments Licence**

Monday to Friday	(10:00hrs until 00:00midnight)
Saturday	(10:00hrs until 22:30hrs)
Sunday/Good Friday	Not Authorised
Christmas Day	Not Authorised

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

All of the following (a to k) are Monday to Saturday 10:00hrs until 00:00hrs midnight

- (a) **'Plays' (Box A – indoors and outdoors)**  
Amateur Dramatics rehearsals and performances and touring companies such as Eastern Angles. Anticipated use; some 6 productions each year.
- (b) **'Films' (Box B – indoors)**  
Flix in the Sticks – 1<sup>st</sup> Wednesday of every month. Plus other shows
- (c) **'Indoor sporting events' (Box C)**  
Playing primarily; carpet bowls, badminton, table tennis.
- (d) **'Live music' (Box E - indoors and outdoors)**  
Anticipated live music for village dances, wedding receptions and parties.

- (e) **‘Recorded music’ (Box F - indoors and outdoors)**  
Anticipated music for village dances, wedding receptions and parties and youth club discos etc.
- (f) **‘Performance of dance’ (Box G – indoors and outdoors)**  
Similar to amateur dramatics activities, club has yet to be formed. Dance East is keen to promote dance, especially to young people. Aim to establish weekly club for fun and to entertain others, such as elderly persons groups and clubs.
- (g) **‘Anything of a similar description to that falling within (e), (f) or (g) (Box H – indoors and outdoors)**  
Not identified yet.
- (h) **‘Provision of facilities for making music’ Box I – indoors and outdoors)**  
Rehearsal venue for Lavenham Sinfonia and youth bands and derivatives therefrom – quartets and individual musicians. Endeavour to be inclusive to all tastes in music from classical, jazz to modern.
- (i) **‘Provision of facilities for dancing’ (Box J – indoors and outdoors)**  
Anticipated dancing at village dances, weddings and parties.
- Note: An additional 30 minutes is requested for Burn’s Night and New Years Eve.
- (j) **‘Provision of facilities for entertainment of a similar description to that falling within i or j. (Box K - indoors and outdoors)**  
Not identified at this time
- (k) **‘Late night refreshment’ (Box L – indoors)**  
Non standard times; Potentially very rarely used but for things such as Our Lady of Walsingham Pilgrimage and national celebrations where refreshments of hot food and alcohol might be called for. This might call for an early morning send off or an early hours send off.
- (l) **‘Supply of alcohol’ (Box M – ON the premises)**
- Hours applied for the supply of alcohol:**
- |                  |                         |
|------------------|-------------------------|
| Monday to Friday | 11:00hrs until 23:00hrs |
| Saturday         | 11:00hrs until 23:30hrs |
| Sunday           | 12:00hrs until 22:30hrs |
- (m) **‘Hours premises are open to the public’ (Box O )**
- |                    |                                  |
|--------------------|----------------------------------|
| Monday to Saturday | 08:30hrs until 00:00hrs midnight |
| Sunday             | 09:00hrs until 23:30hrs          |

**Seasonal variations and non-standard timings**

*This element of the application is unclear. Non-specific ad-hoc extensions outside of standard hours requested should be covered by means of TEN’s or may be*

*generally extended for national or local celebration periods by the Secretary of State.*

**Variation seeks to remove:-**

“The licensed premises shall not presently be kept or used for public music, dancing, music or entertainment of a like kind on:

Sundays, Christmas Day, Good Friday.

And as an extension of the permitted hours.

**The village hall have provided a separate document as an operating schedule – this is attached as a supplement to Appendix 1.**

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 applicant is required to advertisements required under the Act were published on 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.

<b>RESPONSIBLE AUTHORITY</b>	<b>RESPONSE</b>
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	YES – 21.07.2005
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	

A copy of any representations are attached as Appendix 2.

- 3.3 No representations have been received during the statutory period from local residents or local businesses (‘interested parties’).

**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 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 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.

**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 REFERRED TO**

- (a) Appendix 1 – Part B – Application together with premises plan
- (b) Appendix 2 – Representations
- (c) Appendix 3 – Site Plan showing approximate location of Village Hall

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