

BABERGH DISTRICT COUNCIL

FROM: Acting Head of Legal and
Administrative Services

REPORT NUMBER **E226**

TO: LICENSING SUB-COMMITTEE **DATE OF MEETING** 15 December 2005

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

To determine an application under the 2003 Licensing Act made by:
Brewery Farm Shop Limited
in respect of:
Brewery Farm Shop, Bower House Tye, POLSTEAD CO6 5BZ

The hearing is to determine a NEW premises licence application made under section 17 of the Licensing Act 2003.

The application is for a farm shop to be granted a premises licence to sell alcohol for consumption OFF the premises only. The applicants have stated that if granted the sale of alcohol will only constitute a small part of the overall business, and will compliment the sale of other produce.

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 Brewery Farm Shop Limited in respect of Brewery Farm Shop, Bower House Tye, POLSTEAD CO6 5BZ. Mrs Amanda Jane Witt is the named premises supervisor (DPS) in the application, and she is the holder of a personal licence granted by Babergh District Council.

The application seeks to carry on the following licensable activities:

(a) Supply of alcohol (for consumption OFF the premises)

Hours applied for:

09:00hrs until 18:00hrs (Monday to Saturday)

10:00hrs until 16:00hrs (Sunday)

The applicant has proposed various steps that they intend to take to promote the four licensing objectives, detailed in section P of the application form attached as Appendix 1. Please refer to the copy of the complete application attached as Appendix 1.

- 3.2 The applicant has verified that the statutory advertisements required under the Act were published on and displayed. The applicant has also confirmed that the following consultees, as Responsible Authorities, have received notice of the application.

RESPONSIBLE AUTHORITY	RESPONSE
1. Chief Officer of Police	<i>No representation as agreed with the applicant that the reference to '6 promotional events' – unspecified extensions – shall be removed from the application</i>
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	
4. Environmental Health	
5. Local Planning Authority	<i>YES – objection as planning permission B/05/00111/FUL/MF conflicts with licensing application *</i>
6. Area Child Protection Committee	
7. Any other Licensing Authority	
8. Trading Standards	
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	

- * Please note that the applicant Mrs Witt has advised the Licensing Section on 29.11.2005 that she has made an application to vary the planning permission.

It should be noted that at the time this report was compiled there was still a week left to run for consultation responses. Any further relevant representation(s) shall be introduced in at the hearing. The hearing has been arranged for before the Christmas period, due to the statutory timescales involved with notice requirements etc.

- 3.3 No representations have been received during the statutory period from interested parties.

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. In particular sections 4 and 6 refer to the relationship between the Planning and Licensing processes.

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 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 REFERRED TO

- (a) Appendix 1 – Part B – Application together with premises plan
- (b) Appendix 2 – Representations
- (c) Appendix 3 – Site Plan

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