

BABERGH DISTRICT COUNCIL

FROM: Acting Head of Legal and
Administrative Services

REPORT NUMBER **E231**

TO: LICENSING SUB-COMMITTEE **DATE OF MEETING** 13 January 2006

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

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

Mauldons Limited

in respect of:

Black Adder Brewery, 13 Church Field Road, SUDBURY CO10 2YA

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

The application is for a brewery to be granted a premises licence to sell alcohol for consumption both ON or OFF the premises.

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 Mauldons Limited in respect of Black Adder Brewery, SUDBURY CO10 2YA. Mr Stephen Sims is the named premises supervisor (DPS) in the application, and he 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 ON and OFF the premises)

Hours applied for:

10:00hrs until 00:00hrs (Monday to Saturday)

12:00hrs until 17:00hrs (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	
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/04/01272 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 has advised the Licensing Section on 02.12.2005 that they have made an application to vary the planning permission to accord with the premises licence proposals. This has been confirmed by Ms G. Pannell of the Planning Authority – who advises that the Planning representation stays lodged as attached at Appendix 2. Ms Pannell has also confirmed that the earliest date that the Planning variation could be determined is 10 January 2006.

- 3.3 No representations have been received during the statutory period from 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. In particular sections 4 and 6 refer to the relationship between the Planning and Licensing processes.

5. THE ISSUES

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

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

8. BACKGROUND PAPERS REFERRED TO

None

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