

**BABERGH DISTRICT COUNCIL**

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

**REPORT NUMBER** **E151**

**TO:** LICENSING SUB-COMMITTEE

**DATE OF MEETING** 28 September 2005

**LICENSING ACT 2003 – HEARING REPORT**

**1. SUMMARY**

To determine an application under the 2003 Licensing Act made by:  
**Mr Christopher Alan Bennett & Mrs Deborah Susan Bennett**  
in respect of:  
**The Cock Inn, Egremont Street, GLEMSFORD CO10 7SA**

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 Mr Christopher Bennett and Mrs Deborah Bennett in respect of the Cock Inn, Egremont Street, GLEMSFORD CO10 7SA. The named premises supervisor is Mr Christopher Bennett (the existing justices' licence holder).

The premises is a public house that does not serve food, but carries on occasional entertainments. As the premises no longer serve food they wish to waive their current entitlement to supper hours under s68 of the Licensing Act 1964 (and therefore 'late night refreshment') as they no longer meet the qualifying criteria.

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

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

- (a) **'Indoor sporting events' (Box C)**  
**'Live music' (Box E – Indoors)**  
**'Recorded music' (Box F – Indoors)**

**Hours applied for:** 17:00hrs until 00:00hrs (Monday to Thursday)  
17:00hrs until 00:30hrs (Friday & Saturday)  
17:00hrs until 00:00hrs (Sunday)

- (b) **'Supply of alcohol' (Box M - Both ON and OFF the premises)**

**Hours applied for:** 10:00hrs until 01:00hrs (Monday to Thursday)  
10:00hrs until 02:00hrs (Friday & Saturday)  
11:00hrs until 01:00hrs (Sunday)

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

**Hours applied for:** 10:00hrs until 01:30hrs (Monday to Thursday)  
10:00hrs until 02:30hrs (Friday & Saturday)  
11:00hrs until 01:30hrs (Sunday)

***Note: Revised by applicant's solicitor from that shown in Box O.***

### **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'.

The applicant has proposed no additional steps or measures that they intend to take to promote the four licensing objectives, referred to in section Q of the application form.

Please refer to the copy of the complete application attached as Appendix 1.

- 3.2 The application is attached as Appendix 1. The advertisements required under the Act were published on 12.08.2005 (The Mercury) 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	YES - 15.08.2005
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	YES - 12.08.2005
4. Environmental Health	YES - 12.08.2005
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	

- 3.3 Representations have also been received during the statutory period from the following interested parties:

- **Michelle Lawrence - 20 Egremont Street, GLEMSFORD CO10 7SA**
- **Anonymous resident - Egremont Street, GLEMSFORD CO10 7SA**
- **Mr & Mrs Rooke - 23 Egremont Street, GLEMSFORD CO10 7SA**

**Please note that one of the objectors claims to have CCTV evidence to substantiate their written representation.**

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.

## **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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