

BABERGH DISTRICT COUNCIL

FROM: Head of Natural and Built
Environment Division

REPORT NUMBER

H133

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING

17 November 2008

LICENSING ACT 2003 - HEARING REPORT

1. SUMMARY

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

Sudbury Upper School and Arts College

in respect of:

Sudbury Upper School and Arts College, Tudor Road, SUDBURY CO10 1NW

The hearing is to determine an application to VARY an existing premises licence (Ref: BPL0295) made under section 34 of the Licensing Act 2003. For ease of reference a copy of the existing premises licence summary and conditions are attached as **Appendix 1**.

1.2 Generally, the variation seeks to include additional regulated entertainment activities (no alcohol activity applied for and the Sports Centre holds a separate licence including alcohol permissions) and to harmonize timings. The application form and accompanying plans are attached as **Appendix 2**.

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 modify the conditions of the licence;
- to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

The sub-committee is able to determine the variation application.

3. THIS APPLICATION

3.1 The premises licence holder remains Sudbury Upper School and Arts College, and both the Headteacher Mr David Forrest and the schools' Business Manager Mrs N Discombe have been involved with the variation application made on behalf of the school.

3.2 The variation application seeks to carry on the following licensable activities:

- (a) Plays (indoors and outdoors)
- (b) Films (indoors)
- (c) Indoor sporting events
- (d) Live music (indoors)
- (e) Recorded music (indoors)
- (f) Performances of dance (indoors)
- (g) Provision of facilities for making music (indoors)
- (h) Provision of facilities for dancing (indoors)

Hours applied for ALL activities: 08:00hrs until 03:00hrs (Monday to Sunday)

Note: The school is exempt from paying a licence fee or annual fee as this particular licence application seeks regulated entertainment activities only.

3.3 The statutory advertisements required under the Act have been published and displayed as certified by the School Business Manager. The newspaper advertisement of the application appeared in the Suffolk Free Press on 09 October 2008. The following consultees, as Responsible Authorities under the 2003 Act, have been served with a copy of the application and plan:

RESPONSIBLE AUTHORITY:	RESPONSE:
1. Chief Officer of Police	No representations or comments
2. Local Fire Authority	No representation or comments
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	Representation made and NOT withdrawn as no mediation agreements have been reached.
4. Environmental Health	Representation made and NOT withdrawn as no mediation agreements have been reached.
5. Local Planning Authority	Confirmed no objection
6. Area Child Protection Committee	As per Chief Officer of Police. No reps.
7. Any other Licensing Authority	Not applicable
8. Trading Standards	No representation or comments
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	Not applicable.

3.4 No representations have been received during the statutory period from 'interested parties' as defined by the 2003 Act. The only outstanding representation is that made by the Environmental Health Officer.

3.5 A copy of any representations are attached as **Appendix 3**. Any advisory only comments or representations now withdrawn by Responsible Authority consultees are also attached as Appendix 3 by way of information/clarification.

4. GUIDANCE AND POLICY CONSIDERATIONS

4.1 The sub-committee is referred generally to section 2 – 'The Licensing Objectives', section 8 - 'Applications for Premises Licences', section 9 - 'Determining Applications' and section 10 - 'Conditions Attached to Premises Licences and Club Premises Certificates' of the Central Government Guidance (as revised June 2007) in respect of this application.

- 4.2 The Government Guidance issued under section 182 of the Licensing Act 2003 advises that duplication with other statutory provisions is to be avoided (sections 1.16 and 10.15-10.18 refer) and that any conditions deemed necessary to attach to a licence must be proportionate and focus on relevant measures that are within the direct control of the licence holder.
- 4.3 Licensing law is not the primary mechanism for the general control of individuals once they are away from the licensed premises and beyond the direct control of individual licensees (section 1.26 refers).
- 4.4 The sub-committee should have due regard to all relevant sections of the Council's Statement of Licensing Policy in respect of the determination of this application.

5. THE ISSUE(S)

- 5.1 The Licensing Act 2003 came into full effect on 24.11.2005. The four underlying objectives of the legislation 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 issues in respect of this application involve:

- 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: Summary of existing premises licence Sudbury Upper School and Arts College BPL0295
- (b) Appendix 2: Application together with premises plans
- (c) Appendix 3: Representations received

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