

**BABERGH DISTRICT COUNCIL**

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

**REPORT NUMBER E172**

**TO: LICENSING SUB-COMMITTEE**

**DATE OF MEETING 17 November 2005**

**LICENSING ACT 2003 – HEARING REPORT**

**1. SUMMARY**

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

**The Swan Hotel Lavenham Limited**

in respect of:

**The Swan Hotel, LAVENHAM CO10 9QA**

The hearing is to determine an application to vary an existing premises licence under section 35 of the Licensing Act 2003.

The hearing is to determine the variation application only, and the entitlements of the existing premises licence cannot be reduced by the sub-committee in its determination of the variation application.

**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. THE APPLICATION**

3.1 This application is made by the existing licence holders in respect of the Swan Hotel, Lavenham CO10 9QA. The designated premises supervisor is Mr John Hewitt.

The conversion premises licence entitles the holder to the conversion entitlements of a justices' on-licence and public entertainments licence. In brief, this authorises hours as follows:

**Regulated entertainment: Monday to Friday (10am until 12 midnight)  
Saturday (10am until 11:30pm)**

**Supply of alcohol: Monday to Saturday (10am until 11:00pm)  
Sunday (12 noon until 10:30pm)**

The variation submitted, and subject to this hearing, requests to extend the hours for the sale of alcohol by one hour and seeks to provide late night refreshment (restaurant only) until 12 midnight on Monday to Saturday and until 11:30pm on Sunday. The application does not seek to extend the existing entitlement for regulated entertainment.

3.2 The applicant has proposed with the variation additional steps or measures that they intend to take to promote the four licensing objectives, referred to in the application form attached at Appendix 1. The measures proposed include:

- (a) Limiting the sale of alcohol for the extended hour proposed to persons taking a meal only.
- (b) No food shall be available to take away from the premises.

3.3 The variation application is attached as Appendix 1. The applicant has confirmed that the required statutory advertisements have been published and displayed, and the applicant has confirmed that they have served a copy of the application on all relevant Responsible Authorities:

<b>RESPONSIBLE AUTHORITY:</b>	<b>REPRESENTATION:</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	
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	

Note: No representation has been received from any responsible authority.

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

- **Mr John Barry, 3 Priory Farm Court, Water Street, LAVENHAM CO10 9RW** (*Note: Mr Barry is a premises licence holder for another licensed premises in Lavenham*)
- **Mr Ken & Mrs Margaret Mortimer, The Mouse House, 12 Lady Street, LAVENHAM CO10 9RA**
- **Mr Tim Pitt, Lavenham Priory, Water Street, LAVENHAM CO10 9RW** (*Note: This premises is an alcohol licensed premises in Lavenham*)

A copy of any representations is 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, 14 and 20 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 modified on the 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 - Application
- (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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