

BABERGH DISTRICT COUNCIL

FROM: Acting Head of Legal and
Administrative Services

REPORT NUMBER **E259**

TO: LICENSING SUB-COMMITTEE **DATE OF MEETING** 10 February 2006

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

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

Ms Sarah Eva Roulson & Ms Cinzia Maria Ghignoni

in respect of:

Hitchcocks Provisions & Dining Room, 10 Station Road, SUDBURY CO10 2SS

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

The application is for a restaurant/delicatessen over two floors. The application seeks to provide both ON and OFF sales of alcohol. The supplies on the premises will be as an ancillary to a meal.

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 Ms Sarah Roulson and Ms Cinzia Ghignoni in respect of Hitchcocks Provisions and Dining Room, 10 Station Road, SUDBURY CO10 2SS. Both applicants are personal licence holders in the Babergh area, and Ms Roulson is the designated premises supervisor (DPS) nominated within the application.

The application seeks to carry on the following licensable activities:

(a) Supply of alcohol (for consumption both ON and OFF the premises)

Hours applied for:

09:00hrs until 23:00hrs (Monday to Saturday)

10:00hrs until 15:30hrs (Sunday)

The application provides for a 30 minute period of drinking-up/dispersal time beyond the cessation of alcohol sales. The applicants have proposed various steps 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 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>Confirmed NO OBJECTION</i>
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	<i>Confirmed NO OBJECTION</i>
4. Environmental Health	<i>Confirmed NO OBJECTION</i>
5. Local Planning Authority	<i>(See appendix 2) Planning have objected, having advised that hours of operation are currently restricted to hours less than those being sought by the licence application. See * below</i>
6. Area Child Protection Committee	
7. Any other Licensing Authority	
8. Trading Standards	
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	

** The Planning Authority (DC Officer Ms Gemma Pannell) has advised that they have been in discussions with the applicants and that a planning variation was to be submitted in accordance with the licence hours being sought. At the time of compiling this report, the Licensing Authority has not had any further confirmation from the Planning Authority.*

A copy of any representations are attached as Appendix 2

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 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

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

8. BACKGROUND PAPERS REFERRED TO

None.

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