

BABERGH DISTRICT COUNCIL

**FROM: HEAD OF NATURAL AND
BUILT ENVIRONMENT**

REPORT NUMBER **F136**

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING 18 December 2006

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

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

Corn Craft Limited

in respect of:

Corn Craft Limited, Bridge Farm, Monks Eleigh, IPSWICH, Suffolk IP7 7AY

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

1.2 The application is for a gift shop and tea room/restaurant, to be granted a premises licence for the activities of live and recorded music, performances of dance, provision of facilities for dancing (now all **indoors only** following revision to the original application by the applicant) and supply of alcohol for consumption both ON and 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.

2.2 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.

2.3 The Sub-Committee is able to determine this application.

3. THIS APPLICATION

3.1 This application is made by Corn Craft Limited in respect of Corn Craft Ltd, Bridge Farm, Monks Eleigh, IPSWICH IP7 7AY. The named premises supervisor (DPS) within the application is Mrs Caroline Locker, who is the holder of a valid 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 23:00hrs (Monday to Saturday)

11:00hrs until 23:00hrs (Sunday)

(b) Recorded music (indoors * only)

Hours applied for:

10:00hrs until 17:00hrs (Monday to Friday)

10:00hrs until 23:00hrs (Saturday)

11:00hrs until 17:00hrs (Sunday)

(c) Live music (indoors * only)

Performances of dance (indoors * only)

Provision of facilities for dancing (indoors * only)

Hours applied for:

10:00hrs until 23:00hrs (Saturday)

11:00hrs until 17:00hrs (Sunday)

*** Revised from original application.**

The opening hours proposed within the application match those as shown above under (a) Supply of alcohol.

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 solicitor for the applicant has verified that the statutory advertisements required under the Act were published and displayed. The newspaper advert appeared in the East Anglian Daily Times on 16.11.2006. The solicitor for 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	Confirmed NO OBJECTION as applicant has committed to enforce a 'Challenge 21' policy
2. Local Fire Authority	NO OBJECTION received
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	OBJECTION received 16.11.2006, Since WITHDRAWN following agreement with applicant to remove <u>all</u> outdoor regulated entertainment activities.
4. Environmental Health	OBJECTION received 16.11.2006, Since WITHDRAWN following agreement with applicant to remove <u>all</u> outdoor regulated entertainment activities.

RESPONSIBLE AUTHORITY:	RESPONSE:
5. Local Planning Authority	NO objection received. Advisory comments only regarding planning use.
6. Area Child Protection Committee	Confirmed no objection
7. Any other Licensing Authority	N/A
8. Trading Standards	NO objection received.
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	N/A

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

- Mr Christopher Stott, Cobbolds Mill, MONKS ELEIGH IP7 7JB
- Mr Ian Newman, 1,3 & 4 Lion Yard, MONKS ELEIGH IP7
- Mr Ian Gilbert & Ms Lesley Gilbert, 2 Lion Yard, MONKS ELEIGH IP7 7AU

3.4 It should be noted that due to the statutory timescales involved with determination of this application this report has been compiled prior to the expiry of the statutory 28 day period for receiving representations. Should any further relevant representations be received during the statutory period then these will be circulated to all parties in advance of the hearing.

3.5 A copy of any representations, and Responsible Authority comments, 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 Paragraph 3.12 of Central Government guidance advises that the ‘need’ for licensed premises is not a matter for the Licensing Authority when discharging its licensing functions, and paragraph 7.13 of Central Government guidance advises on the need to avoid duplication with other statutory provisions.

4.3 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 came into full effect from 24.11.2005. 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

Appendix 1: Application together with premises plan
Appendix 2: Representations and Responsible Authority comments
Appendix 3: Site Plan showing (approximate) location of interested parties

8. BACKGROUND PAPERS REFERRED TO

None.

MALCOLM FIRTH
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