

**BABERGH DISTRICT COUNCIL**

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

**REPORT NUMBER** **F14**

**TO:** LICENSING SUB-COMMITTEE **DATE OF MEETING** 3 May 2006

**LICENSING ACT 2003 – HEARING REPORT**

**1. SUMMARY**

To determine an application under the Licensing Act 2003 made by:  
**J D Wetherspoon PLC**  
in respect of:  
**67-70 North Street, SUDBURY, Suffolk CO10 1RF**

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

The application has been submitted by J D Wetherspoon PLC following their acquisition of the premises at 67-70 North Street. The premises was previously a department store and not licensed 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.

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 J D Wetherspoon PLC in respect of 67-70 North Street, SUDBURY CO10 1RF. The application proposes to nominate Mr Philip Lee-Ashby as the new DPS for the premises, and Mr Lee-Ashby is the holder of a valid personal licence with Norwich City Council.

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 00:00hrs (Sunday to Thursday)

09:00hrs until 01:00hrs (Friday & Saturday)

*Note: The application proposes to extend the above activity for the non-standard timings specified in section M of the application attached as Appendix 1.*

**(b) Films (indoors)**

**Live music (indoors)**

**Recorded music (indoors)**

**Performances of dance (indoors)**

**Anything of a similar description to live or recorded music or dance (indoors)**

**Provision of facilities for making music (indoors)**

**Provision of facilities for dancing (indoors)**

**Provision of facilities for entertainment of a similar description to making music or dancing (indoors)**

Hours applied for:

07:00hrs until 00:30hrs (Sunday to Thursday)

07:00hrs until 01:30hrs (Friday & Saturday)

*Note: The application proposes that when closing times are extended for bank holidays/celebration days specified in section M of Appendix 1 then regulated entertainment activities will extend until closing time.*

**(c) Late night refreshment (indoors and outdoors):**

Hours applied for:

23:00hrs until 00:00hrs (Sunday to Thursday)

23:00hrs until 01:00hrs (Friday & Saturday)

*Note: The application proposes to extend the above activity for the non-standard timings specified in section M of the application attached as Appendix 1.*

The premises opening hours are proposed to end 30 minutes after the cessation of alcohol and late night refreshment sales, with regulated entertainment activities continuing until closing time. This provides for a half an hour period of drinking-up/dispersal time following the last supply of alcohol/late night refreshment.

The applicants have 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. The separate J D Wetherspoon in-house policy/procedural documents, provided by the applicant with the application, are also attached as Appendix 1 for information.

- 3.2 The applicant has issued notice to the Licensing Authority confirming that the statutory advertisements required under the Act were published and displayed. The Licensing Authority confirm that the advertisement of application appeared in the Suffolk Free Press on 23.03.2006. The applicant has also confirmed that the following consultees, as Responsible Authorities, have been served with a copy of the complete application:

<b>RESPONSIBLE AUTHORITY</b>	<b>RESPONSE</b>
1. Chief Officer of Police	<i>REPRESENTATION received 04.04.2006</i>
2. Local Fire Authority	<i>NO OBJECTION received</i>
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	<i>REPRESENTATION received 23.03.2006</i>
4. Environmental Health	<i>REPRESENTATION received 23.03.2006</i>
5. Local Planning Authority	<i>REPRESENTATION received 12.04.2006</i>
6. Area Child Protection Committee	<i>NO OBJECTION received</i>
7. Any other Licensing Authority	N/A
8. Trading Standards	<i>NO OBJECTION received</i>
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	N/A

- 3.3 No representations have been received from interested parties (\*).

*\* However, it should be noted that at the time this report was compiled (due to meeting statutory timescales) the period for the Licensing Authority to receive relevant representations concerning this application had not concluded. In the event of further relevant representations being received within time these shall be immediately circulated to all parties to the hearing under separate cover.*

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, in particular, to sections 1, 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 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, proportionate conditions may be attached to a licence.

5.2 Members will note that the main issues here include:

- 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 (plan will be on display at hearing due as large scale)

Appendix 2 – Representations and comments

Appendix 3 – Site Plan

## **8. BACKGROUND PAPERS REFERRED TO**

None

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