

**BABERGH DISTRICT COUNCIL**

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

**REPORT NUMBER E160**

**TO: LICENSING SUB-COMMITTEE**

**DATE OF MEETING 6 October 2005**

**LICENSING ACT 2003 – HEARING REPORT**

**1. SUMMARY**

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

**Best Hope Limited**

in respect of:

**Favorite Chicken & Ribs, King Street, SUDBURY CO10 2EB**

The hearing is to determine a NEW premises licence application, where the applicant was not able to benefit from any conversion application under ‘grandfather rights’ transitional arrangements.

The application is for the fast food outlet to carry-on the licensable activity of ‘late night refreshment’ only (supply of hot food or hot drink to the public between the hours of 11:00pm and 05:00am).

**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 Best Hope Limited in respect of Favorite Chicken & Ribs, 10-11 King Street, SUDBURY CO10 2EB. No premises supervisor (DPS) is required as the premises are not applying to supply alcohol.

The premises is a fast food eat-in and takeaway outlet offering hot and cold foods and soft drinks.

The application seeks to carry on the following licensable activities:

(a) **'Late night refreshment' (BOX L)**

**Hours applied for:**

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

23:00hrs until 03:00hrs (Friday & Saturday)

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

**The applicant has proposed opening hours in Box O, to match the provision of late night refreshment (as above).**

**Seasonal and non-standard timings (including bank holidays)**

- None applied for.

The applicant has proposed various steps that they intend to take to promote the four licensing objectives, detailed in section Q of the application form attached as Appendix 1. These include:

- a) No alcohol or drugs will be permitted on the premises
- b) Staff training to deal with any incidents
- c) Spillages will be dealt with as a matter of urgency
- d) Provision of litter bins
- e) Entrance door to be kept close
- f) Customers will be requested to keep noise to a minimum where appropriate
- g) Caution will be exercised in serving people after 23:00hrs who are clearly under 15 years old

Some of the steps proposed may require further clarification by the applicant at the hearing.

Please refer to the copy of the complete application attached as Appendix 1.

- 3.2 The application is attached as Appendix 1. The advertisements required under the Act were published and displayed on the premises for 28 days. The applicant has confirmed that the following consultees, as Responsible Authorities, have received notice of the application:

<b>RESPONSIBLE AUTHORITY</b>	<b>RESPONSE</b>
1. Chief Officer of Police	
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	YES - 22.08.2005
4. Environmental Health	YES - 22.08.2005
5. Local Planning Authority	<i>No representation but confirmed "no planning conditions regarding hours of operation".</i>
6. Area Child Protection Committee	
7. Any other Licensing Authority	
8. Trading Standards	
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	

A copy of any representations are attached as Appendix 2.

- 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.

#### **5. THE ISSUE(S)**

- 5.1 The Licensing Act 2003 introduced 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 – Application together with premises plan
- (b) Appendix 2 – Representations
- (c) Appendix 3 – Site Plan

**8. BACKGROUND PAPERS REFERRED TO**

None

KATHRYN SAWARD  
Acting Head of Legal and Administrative Services

**CONTACT:** Lee Carvell

**DIRECT LINE:** 01473 825719

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