

BABERGH DISTRICT COUNCIL

<u>FROM:</u> Head of Natural and Built Environment	<u>REPORT NUMBER:</u> L2
<u>TO:</u> LICENSING SUB-COMMITTEE	<u>DATE OF MEETING:</u> 20 May 2011

LICENSING ACT 2003 - HEARING REPORT

1. PURPOSE OF REPORT

- 1.1 To report information to assist with the determination of an application under the Licensing Act 2003 made by:

Leavenheath Village Hall Management Committee

In respect of:

Leavenheath Village Hall, Wrights Way, Leavenheath, COLCHESTER CO6 4NS

The hearing is to determine an application for the grant of a NEW premises licence (application ref: LA03/006527) made under section 17 of the Licensing Act 2003. A complete copy of the application papers is attached as **Appendix A**. It should be noted that the premises is already licensed for regulated entertainment only (licence number BPL0212), but now seeks to include a permanent alcohol and late night refreshment permission – hence the submission of a new application.

2. RECOMMENDATIONS

- 2.1 The sub-committee must, having regard to relevant 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 accompanying the application - modified to such extent as the authority considers necessary for promotion of the licensing objectives - and subject to any mandatory condition(s) which must be included in the licence;
- to EXCLUDE from the scope of the licence any of the licensable activities to which the application relates;
- To REFUSE to specify a person in the licence as premises supervisor; or
- to REJECT the application.

For these purposes 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 this application.

3. FINANCIAL IMPLICATIONS

- 3.1 Statutory fees as prescribed by Regulation apply to Licensing Act 2003 processes. Any party may appeal a decision taken by the Licensing Authority, which carries a potential cost/resource impact.

4. RISK MANAGEMENT

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions.

5. CONSULTATIONS

- 5.1 Statutory consultation requirements apply to individual licence applications – see 'Key Information' paragraph 8.8 below.

6. EQUALITY AND DIVERSITY IMPACT

- 6.1 None.

7. SHARED SERVICE / PARTNERSHIP IMPLICATIONS

- 7.1 None.

8. KEY INFORMATION

- 8.1 This hearing is necessary to determine an application following receipt of relevant representations which have not been withdrawn. The licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm

- 8.2 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182.

- 8.3 The sub-committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 for the applicant and Articles 8 and 1 of Protocol 1 for those raising representations - when determining applications for the grant of a new licence.

APPLICATION DETAIL

- 8.4 This application (ref:LA03/006527) is made under section 17 of the Licensing Act 2003 Act and is seeking the GRANT of a NEW premises licence for Leavenheath Village Hall, Wrights Way, Leavenheath, COLCHESTER CO6 4NS. A summary of the existing premises licence number BPL0212 is attached by way of information as **Appendix B**.

- 8.5 The application proposes to carry on indoor regulated entertainment activities, including amplified live and recorded music, late night refreshment and the supply of alcohol for consumption ON the premises. It proposes the flexibility to be able to carry on licensable activities from 09:00hrs until 23:30hrs (Monday to Sunday) and until 00:30hrs on New Year's Eve. Closure of the premises to the public would be midnight latest Monday to Sunday or 01:00hrs on New Year's Eve. The Leavenheath Village Hall Management Committee as a body are applying to take responsibility for authorisation of alcohol sales rather than an *individual* Designated Premises Supervisor (DPS), as permitted by the legislation.
- 8.6 The licence applicants (also being existing premises licence holders), Leavenheath Village Hall Management Committee, are proposing various steps in their operating schedule to promote the licensing objectives, and in general terms these steps are:
- (a) The licence will normally be used only for functions run by the VH Management Committee (external hirers will normally be directed to TENS system)
 - (b) Committee member will be present at hirings where TENS not used, or else contactable during or after hiring
 - (c) Conditions of hire provided plus verbal guidance from bookings secretary
 - (d) Mechanism for Committee to discuss/authorise/reject a hiring
 - (e) 30 minute drink-up/dispersal period
 - (f) Alcohol to be consumed indoors only
 - (g) Alcohol to be removed from site following hiring
 - (h) Annual fire safety checks + 4-6 weekly safety signage checks with battery back-up
 - (i) Evacuation procedure notice on display with muster point identified as Village Green
 - (j) Hirers verbally notified of having respect for neighbours etc and similar notices displayed
 - (k) Doors and windows to be kept closed (save access/egress) and noise levels kept to an 'acceptable' level
 - (l) Hirers must be aged 18 or over
 - (m) Adult supervision required for children's/teenagers functions
 - (n) No tickets sold or children admitted to age restricted films
 - (o) Signage on the prohibition of alcohol sales to under-18s

The full application is attached as **Appendix A**.

- 8.7 In addition to the above measures, further additional steps have been agreed between the applicant and the Police. These are in general terms:
- (a) maintaining an accident, incident and refusals book
 - (b) signage in relation to age, drugs and dispersal policy
 - (c) hirer to be explicitly informed that no drinking vessels are to be taken off the premises (with a notice to also state this requirement)
 - (d) maintaining a first aid kit on the premises

On the basis of this agreement, the Police have not raised any representation.

- 8.8 The statutory advertisements required under the Act have been published and displayed. The newspaper advertisement of the application appeared in the Suffolk Free Press on 14 April 2011. The following consultees, as Responsible Authorities under the 2003 Act, have each been served with a copy of the application and any supporting documentation:

RESPONSIBLE AUTHORITY:	RESPONSE:
1. Chief Officer of Police	No representation received
2. Local Fire Authority	No representation received
3. Health and Safety Executive/Local Authority for enforcing Health and Safety at Work etc. Act 1974	No representation received
4. Environmental Protection	No representation received
5. Local Planning Authority	No representation received
6. Area Child Protection Committee	No representation received
7. Any other Licensing Authority	Not applicable
8. Trading Standards	No representation received
9. Environmental Agency/British Waterways Board/Maritime and Coastguard Agency	Not applicable

8.8 Representations have been received during the statutory period from ‘interested parties’ as defined by the 2003 Act:

- Mr & Mrs K.Freeman, Oak View, 38 Sweet Briar Close, Leavenheath CO6 4NP
- Mr & Mrs A.J.Drain, 8 The Green, Leavenheath CO6 4NN

A copy of each representation is attached at **Appendix C**.

9. **APPENDICES**

Title	Location
(A) New premises licence application 006497	Attached
(B) Summary of premises licence BPL0212	Attached
(C) Representations	Attached
(D) Site plan (showing <i>approximate</i> location of interested parties)	Attached

10. **BACKGROUND DOCUMENTS**

None

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