

BABERGH DISTRICT COUNCIL

From: Head of Environment	Report Number: P2
To: Licensing Sub-Committee	Date of meeting: 28 April 2014

LICENSING ACT 2003 – HEARING TO DETERMINE AN APPLICATION TO VARY A PREMISES LICENCE

1. Purpose of Report

- 1.1 To report information to the Sub-Committee to enable the determination of an application made to vary premises licence BPL0400 on issue in respect of Blaze Grill, 10 Station Road, SUDBURY CO10 2SS.

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 appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence;
- to reject the whole or part of the application;

and for this purpose the 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 the variation application.

3. Financial Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

5. Consultations

- 5.1 The application made has been subject to the statutory consultation period as prescribed by regulation. The notices advertising the application have been on display at the premises and published.

6. Equality Analysis

- 6.1 There are no equality impacts arising directly from the matters contained within this report.

7. Shared Service / Partnership Implications

- 7.1 Not applicable.

8. Key Information

- 8.1 The hearing is to determine an application made to VARY an existing premises licence (number BPL0400) made under section 34 of the Licensing Act 2003. For ease of reference a summary of the existing premises licence permissions is attached as Appendix A.

- 8.2 The application has been submitted by the premises licence holder:

Blaze Grill Limited (Registered company number 08265888)

For licensed premises:

Blaze Grill, 10 Station Road, SUDBURY, Suffolk CO10 2SS

The Designated Premises Supervisor (DPS) is:

Mr Stuart Squires (personal licence holder with Babergh number BPA0893)

- 8.3 Generally, the variation seeks to diversify the licensed business to create a new wine bar on the first floor of the building with the restaurant being situated on the ground floor. There would be no sales of alcohol available for consumption off the premises. The current licence condition relating to the supply of alcohol being ancillary to food sales would consequentially be removed by the grant of the variation proposal.
- 8.4 Addition of recorded music and late night refreshment are requested with extensions of alcohol sales. The opening hours would terminate by midnight Monday to Thursday, by 01:00am Friday and Saturday and by 23:00hrs Sunday.
- 8.5 Existing conditions of licence, detailed at Appendix A, would remain unless where consequentially or materially modified or updated by the variation application. The operating schedule accompanying the variation is attached as part M of Appendix B.
- 8.6 Blaze Grill has benefitted from a premises licence issued by Babergh District Council since March 2013. Prior to that the building was operated by another business as a licensed restaurant and delicatessen and they surrendered that premises licence when they vacated.
- 8.7 A hearing is necessary to determine the 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

8.8 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.

8.9 Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance and its own Statement of Licensing Policy.

8.10 The Sub-Committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 and Articles 8 and 1 of Protocol 1 when determining applications for the variation of an existing licence.

9. Representations

9.1 Representations have been received from the Senior Environmental Protection Officer as a Responsible Authority under the 2003 Act. The Chief Officer of Police has not raised any representation in this instance.

9.2 Representations have been made by 'other persons' (which includes local residents and businesses). These submissions are attached as Appendix C to this report. A larger scale site plan will be on display at the hearing meeting.

Title	Location
A. Summary of premises licence BPL0400	Attached
B. Variation application 010163	Attached
C. Representations received from Environmental Protection and 'other persons'	Attached

10. Background Documents

None.

Authorship:

Lee Carvell
Corporate Manager - Licensing

Tel: 01473 825719

Email: lee.carvell@babergh.gov.uk