



LICENSING ACT 2003
NOTICE OF HEARING

LICENSING ACT 2003 SUB-COMMITTEE

LOCATION OF HEARING:
Council Chamber, Council Offices, Corks
Lane, Hadleigh IPSWICH IP7 6SJ

DATE AND TIME OF HEARING:
Thursday 21 July 2016 at 9.30 a.m.
(Meeting adjourned from 30 June 2016)

In accordance with Regulation 6(1) of the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Authority of Babergh District Council hereby gives notice that a hearing of a sub-committee of the Authority's Regulatory Committee has been arranged as set out above in order to determine the following application:

Application to Vary a Premises Licence (Section 34)

Application date: 10 May 2016

Application reference: BPL0332-016590

Applicant: Stonegate Pub Company Limited

Premises: The Silkworm, Queensbury Building, East Street, SUDBURY CO10 2HX

Please ensure that the attached 'Attendance at Hearing Notice' is completed and returned – see Page 3.

Sub-Committee Members

1. Nick Ridley

2. Alastair McCraw

3. Ray Smith

Reserve Members

1. Kathryn Grandon

A G E N D A

ITEM

BUSINESS

PART I

1 APOLOGIES

2 ELECTION OF CHAIRMAN FOR HEARING

3 DECLARATION OF INTERESTS

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

4 LICENSING ACT 2003 – HEARING REPORT
VARIATION (SECTION 34) THE SILKWORM, SUDBURY

Paper
[S27](#)
previously
circulated

Report attached.

The hearing to determine this application was opened on 30 June 2016, however the applicant had requested that the hearing be adjourned as not had time to review representations, client not available for 30 June and so as to enable further discussions to take place with interested parties. The Sub-Committee agreed to this request and the hearing was therefore adjourned to specified date of 21 July 2016.

Right of attendance, assistance and representation

Subject to regulations 14(2) - concerning exclusion of the public from all or part of a hearing where the Licensing Authority considers doing so to be in the greater public interest, and regulation 25 - concerning the exclusion of any person attending the hearing who is behaving in a disruptive manner:

- A party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

At the hearing a party shall be entitled to –

- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representation or notice (as applicable,
- (b) if given permission by the authority, question any other party; and
- (c) address the authority.

Failure of parties to attend hearing

- (1) If a party has informed the Authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may –
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
- (3) Where the Authority holds the hearing in the absence of the party, the Authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the Authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Any points the Authority considers that it will want clarification on (if any):

If any party is withdrawing their application or representation since submission then please contact us at licensing@babbergh.gov.uk without delay.

If any party is to rely on documentary/video or other material to support their representation or submission please provide it as soon as possible in a legible/useable format (with any redactions having been made where appropriate). Late or on the day documentation/media production may not be admissible, in accordance with relevant regulations.

APPLICANT – RESPONSIBLE AUTHORITIES – OTHER PERSONS

Attached

Please ensure that you complete and return the attached ‘Attendance at Hearing Notice’ NO LATER than 5 (five) working days before the date of the hearing.

A party who wishes to withdraw any representations they have made should do so as soon as possible.

If you consider that the hearing is not necessary, the Licensing Authority may dispense with a hearing providing all parties subject to the hearing agree that a hearing is not necessary. If you consider this to be the case, then you should give notice to the authority as soon as possible.

Procedure to be followed at the hearing

Attached

The Procedure is attached.

For further information on any of the Part 1 items listed above, please contact Committee Services on (01473) 826610 or via email at committees@babergh.gov.uk



Licensing Team
Babergh District Council
 Corks Lane, Hadleigh, IPSWICH IP7 6S
 DX NO: 85055 Exchange: Babergh
 Main Switchboard: **01473 822801**
 Website: www.babergh.gov.uk

ATTENDANCE AT HEARING NOTICE
 (LICENSING ACT 2003 - Section 34 VARIATION application)

For completion by Licensing Authority:

Application type:	Section 34 VARIATION	Application no:	BPL0332 016590/S34
Premises/PLH:	The Silkworm Stonegate Pub Company Limited		
Address:	The Silkworm PH, Queensbury House, East Street, SUDBURY CO10 2XH		

For completion by YOU:

Please tick box to indicate whether you are:

Applicant:	<input type="checkbox"/>
Objector:	<input type="checkbox"/>
Other (please state):	<input type="checkbox"/>

		YES	NO
Q1.	Do you intend to attend the hearing? (Note: If you wish to withdraw your representation, you should notify the Licensing Authority as soon as possible)	<input type="checkbox"/>	<input type="checkbox"/>
Q2.	Will you be bringing someone to speak on your behalf? (If YES to above please specify name and occupation of speaker):	<input type="checkbox"/>	<input type="checkbox"/>
Q3.	Do you consider the hearing to be necessary? (Note: The Licensing Authority may dispense with the hearing if all parties agree)	<input type="checkbox"/>	<input type="checkbox"/>
Q4.	Please give an estimate (in minutes) of how long you believe you will need to make your points concerning this application?	minutes

If you want any other person to attend as a witness to support you (other than the person whom you intend to represent you), complete the box below in order to com

Describe in the space below the matter(s) on which this person be giving evidence on in relation to this application, representation or notice. Please use continuation sheet/reverse if necessary:

YOUR NAME:	<input type="text"/>
SIGNATURE:	<input type="text"/>
Date:	<input type="text"/>

Please complete and return this form not later than
FIVE WORKING DAYS before hearing date



PROCEDURE FOR HEARING OF APPLICATION UNDER THE LICENSING ACT 2003
WHERE A REPRESENTATION/OBJECTION IS RECEIVED

NOTE: References to the 'Applicant' may also apply to an existing licence holder if the hearing consideration relates to a licence already on issue (for example a variation)

1. The Council's Licensing Officer will present a report to the Committee outlining details of the application and reasons for the hearing including representations/objections made. The Licensing Officer may then, through the Chair, be questioned on his report by any party to the hearing.
2. The Applicant (and/or his advocate/representative) will then present their case in support of the application they have made. The Applicant calls any witnesses (if applicable). The Applicant and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
3. Responsible Authorities (and/or his advocate/representative) will then present their case in support of their representations. The Responsible Authorities call any witnesses (if applicable). The Responsible Authorities and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
4. REPEAT STEP 3 FOR EACH RESPONSIBLE AUTHORITY.
5. Other Persons objecting (and/or his advocate/representative) will then present their case in support of their representations. Other Persons call any witnesses (if applicable). Other Persons and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
6. REPEAT STEP 5 FOR EACH OTHER PERSON OBJECTING.
7. The Chairman may then allow additional questioning/ clarification of any of the parties in the order indicated by him.
8. Other Persons give any closing comments to the Committee.
9. Responsible Authorities give any closing comments to the Committee.
10. The Council's Licensing Officer gives any closing comments to the Committee.
11. The Applicant (and/or their advocate) gives any closing address to the Committee.
12. The Committee retires to deliberate in private session. All parties will then be called back into the meeting for the announcement of the decision and reasons for the decision will be given by the Chairman or Legal Advisor to the Committee. The full written notification of the decision and rights of appeal will follow forthwith.

NOTES:

- (a) The hearing will take the form of an informal discussion led by the Licensing Authority.
- (b) The Committee Chairman and, with his consent, any Member of the Committee may at any time question the Applicant, Responsible Authorities, Other Persons, Licensing Officer or any witnesses. The Committee Chairman may deviate from this procedure as he considers necessary or appropriate, to allow a discussion to flow and to allow all parties fair and equal opportunity to raise all points they may wish to make.
- (c) At all times during proceedings due regard shall be had to The Licensing Act 2003 (Hearings) Regulations 2005.