



2002-2003  
Neighbourhood Renewal  
2004-2005  
Supporting People

## LICENSING SUB-COMMITTEE

LOCATION OF HEARING:

**Council Chamber, Council Offices, Corks Lane, Hadleigh IPSWICH IP7 6SJ**

DATE AND TIME OF HEARING:

**Friday 20 May 2011 at 9.30 a.m.**

## LICENSING ACT 2003 NOTICE OF HEARING

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 Licensing and Appeals Committee has been arranged as set out above in order to determine the following application:

### **Application for GRANT of NEW premises licence (section 17)**

**Application date:** 23 March 2011

**Application reference:** 006497

**Applicant:** Mardi Foods Limited

**Premises:** McDonalds Restaurant, Northern Road, Chilton, SUDBURY CO10 2XQ

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

### Sub-Committee Members

The Sub-Committee will comprise three Members selected from those listed below, subject to their re-election on 5 May, and re-appointment to the Licensing and Appeals Committee. The membership for the meeting is therefore subject to change.

- |                   |                |
|-------------------|----------------|
| 1. Mr P Jones     | 3. Mr B Riley  |
| 2. Mr B L Lazenby | 4. Mr A J Ward |

## A G E N D A

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ITEM

BUSINESS

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### **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  
NEW (SECTION 17) MCDONALDS, SUDBURY

[Paper](#)  
[L1](#)

Report by the Head of Natural and Built Environment attached.

### **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):**

**APPLICANT – RESPONSIBLE AUTHORITIES – INTERESTED PARTIES**

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 Steve Ellwood on Ipswich (01473) 825876 or via email at [committeeservices@babergh.gov.uk](mailto:committeeservices@babergh.gov.uk)



**Licensing Team**  
**Babergh District Council**  
 Corks Lane, Hadleigh, IPSWICH IP7  
 6SJ  
 DX NO: 85055 Exchange: Babergh  
 Main Switchboard: **01473 822801**  
 Website: [www.babergh.gov.uk](http://www.babergh.gov.uk)

## ATTENDANCE AT HEARING NOTICE (LICENSING ACT 2003)

(Application for GRANT of NEW premises licence under section 17)

**For completion by Licensing Authority:**

<b>Application type:</b>	Section 17 NEW	<b>Application no:</b>	006497
<b>Premises:</b>	McDonalds Restaurant Northern Road, Chilton Ind.Estate SADBURY CO10 2XQ	<b>Date of Application:</b>	23 <sup>rd</sup> March 2011
<b>Name and address of Applicant:</b>	Mardi Foods Limited T/A McDonalds Summerfield House, 149 The Street, Rushmere St.Andrew, IPSWICH IP5 1DG		

**For completion by YOU:**

Please tick box to indicate whether you are:

<b>Applicant:</b>	
<b>Responsible Authority:</b>	
<b>Interested Party:</b>	

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

<b>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:</b>

H:\DOCS\Committee\REPORTS\LicensingSubCommittee\2011\Attendance at Hearing Notice s17.doc

<b>YOUR NAME:</b>			
<b>SIGNATURE:</b>		<b>Date:</b>	

Please complete and return this form not later than  
**FIVE WORKING DAYS** before **20<sup>th</sup> May 2011**



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

1.	The Licensing Officer of the Council will present a report to the Sub-Committee outlining the application and representations/objections made.	
2.	The Responsible Authority(ies) representative and the interested parties present their concerns in the order indicated by the Chairman of the Sub-Committee. If more than one representation/objection, follow the procedure for each representation to Step 4.	
3.	This representative may then be questioned by the Applicant.	
4.	The representative may then be questioned by other Responsible Authorities or interested parties.	
5.	The Applicant or his/her representative makes an opening address to the Sub-Committee or interested parties.	
6.	The Applicant or his/her representative calls any witness(es) to give evidence in support of the application.	
7.	The Responsible Authority(ies) may then question the witness(es).	
8.	The witness may be questioned further by the Applicant or his/her representative to clarify any points of evidence only.	
9.	The Responsible Authority(ies) and the Licensing Officer of the Council then give their closing comments to the Sub-Committee.	
10.	The Applicant or his/her representative then gives his/her closing comments to the Sub-Committee.	

**NOTES:** A. If the Applicant does not have a representative he/she may choose to make an opening address and then give information him/herself in support. His/her information will, in that case, be subject to questioning in accordance with (7) above.

- B. The Sub-Committee Chairman and, with his/her consent, any Members of the Sub-Committee may at any time question the Applicant, the Licensing Officer of the Council or any of the witnesses.**
  
- C. The hearing will take the form of a discussion led by the Licensing Authority. Accordingly, the procedure may be varied by the Chairman to enable such a discussion to flow and ensure all relevant points are considered.**

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