

MID SUFFOLK DISTRICT COUNCIL

From: Licensing Team	Report Number: M/LASub/17/1
To: Licensing Act 2003 Sub-Committee	Date of meeting: 26 February 2018

LICENSING ACT 2003 – HEARING TO DETERMINE AN APPLICATION TO VARY A PREMISES LICENCE – THE LIMES HOTEL, 99 HIGH STREET, NEEDHAM MARKET IPSWICH, IP6 8DQ

1. Purpose of Report

- 1.1 To report information to the Licensing Act 2003 Sub-Committee to enable the determination of an application made to vary premises licence MPL0353 on issue in respect of The Limes Hotel, 99 High Street, Needham Market, IPSWICH IP6 8DQ.

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 GRANT the licence subject to conditions which are consistent with the operating schedule accompanying the application - modified to such extent as the authority considers appropriate for promotion of the licensing objectives - and subject to any mandatory condition(s) which must be included in the licence;
- to REJECT the whole or part of 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 determines this application at the hearing.

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 (East Anglian Daily Times – 5th January 2018).

6. Equality Analysis

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

7. Key Information

- 7.1 The hearing is to determine an application to vary an existing premises licence made under section 34 of the Licensing Act 2003. A copy of the application including plans of the premises which were received on 4th January 2018, are attached as Appendix B to this report.

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

Elizabeth Holdings PLC

For licensed premises:

The Limes Hotel, 99 High Street, Needham Market, IPSWICH IP6 8DQ,

The Designated Premises Supervisor (DPS) is:

Helen Baldry (personal licence holder with Mid Suffolk MPA0075)

- 7.3 The variation seeks to alter the existing premises licence:

(a) To amend 4 conditions on the existing premise licence as attached Appendix B.

- 7.4 The Limes Hotel has benefitted from a premises licence issued by Mid Suffolk District Council since November 2005 (when the Licensing Act 2003 took effect) and prior to that a liquor licence issued by the magistrates' court. The existing licence has been altered from original conversion rights and simultaneous variation on 6 August 2014, until as now proposed via the variation (section 34) application submitted 4th January 2018.

- 7.5 A summary of the current premises licence including licensed plan are attached to this report as Appendix A.

- 7.6 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

- 7.7 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.
- 7.8 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.
- 7.9 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.

8. Representations

- 8.1 Representations have not been received from any Responsible Authority under the Licensing Act 2003.
- 8.2 There have been **four** representations made by 'other persons' (which includes local residents). These submissions are attached as Appendix C to this report.
- 8.3 There have been **two** supporting representations made by 'other persons' (which includes local residents). These submissions are attached as Appendix D to this report.

9. Appendices

Title	Location
A. Summary of premises licence MPL0353	Attached
B. Application to vary a premises licence and accompanying premises plans	Attached
C. Representations received from 'other persons'	Attached
D. Supporting representations received from 'other persons'	Attached

10. Background Documents

- 10.1 The Licensing Act 2003
- 10.2 Guidance issued under Section 182 of the Licensing Act 2003 (April 2017 edition)
- 10.3 Mid Suffolk District Council's Statement of Licensing Policy

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