

**LICENSING ACT 2003
APPLICATION FOR A NEW PREMISES LICENCE
JD WETHERSPOON, 8/9 MARKET HILL, ST IVES
(Report by Head of Community)**

1. INTRODUCTION

1.1 To consider and determine this application for a new premises licence for JD Wetherspoon, 8/9 Market Hill, St Ives, PE27 5AL, taking into account the policy considerations detailed in paragraph 2 of the report and the representations detailed in paragraph 5.

1.2 JD Wetherspoon plc is seeking a new premises licence to permit:

Late night refreshment (indoors and outdoors)

Mon – Thur & Sun 23:00 to 00:00

Fri – Sat 23:00 to 01:00

Seasonal variation:

An additional hour on Christmas Eve, Boxing Day, Maundy Thursday, Sundays preceding Bank Holidays and New Year's Eve.

Supply of alcohol (both on and off premises)

Mon – Thur & Sun 09:00 to 00:00

Fri - Sat 09:00 to 01:00

Seasonal variation:

An additional hour on Christmas Eve, Boxing Day, Maundy Thursday, Sundays preceding Bank Holiday Mondays and New Year's Eve.

Hours premises are open to the public

Mon – Thur & Sun 07:00 to 00:30

Fri – Sat 07:00 to 01:30

Seasonal variation:

An additional hour on Christmas Eve, Boxing Day, Maundy Thursday, Sundays preceding Bank Holiday Mondays, New Year's Eve and the morning BST commences.

1.3 A copy of the application and plan are attached as Appendix A.

2. GENERAL DUTY/ POLICY CONSIDERATIONS

2.1 The Sub-Committee's is reminded that 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.

2.2 The licensing authority must also have regard to –

(a) its statement of licensing policy, and

(b) any statutory guidance issued under Section 182 of the Licensing Act 2003.

3. BACKGROUND

3.1 The application does not detail a description of the premises. The premises are currently empty and were previously used as a shop. There is no history of grant of a premises licence for these premises under the Licensing Act 2003.

4. LICENSING OBJECTIVES ADDRESSED BY THE APPLICANT

4.1 The operating schedule submitted by the applicant in Section 5 of the application addresses the four licensing objectives. Paragraphs 8.33-8.41 and Section 10 of the government guidance refer to the operating schedule and licence conditions. The applicant has proposed a number of measures in support of the licensing objectives. These include CCTV and Challenge 21. These proposals will be translated directly into conditions that will be attached to the premises licence.

5. REPRESENTATIONS

5.1 During the period for the receipt of representations, no representations were received from the Responsible Authorities. Three representations were received by the licensing authority from 'other persons'. The representations have been attached in their entirety as Appendix B. Not all matters raised within the representation may be relevant matters for consideration under the Licensing Act 2003.

5.2 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

6. ACTION BY THE LICENSING AUTHORITY

6.1 The Licensing Authority has a duty under the Licensing Act 2003 by promoting the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1988. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

7. OPTIONS

7.1 Having regard to the representations and supporting documentation contained and attached to this report and any other information presented at the hearing, the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps

are to grant the licence subject to conditions, modified as necessary, to exclude a licensable activity, or to reject the application. Conditions are modified if they are altered, omitted or any new condition added (Licensing Act 2003 section 18(4) & (5)).

8. RECOMMENDATION

8.1 That Members determine the application on its individual merits.

BACKGROUND INFORMATION

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

Contact Officer: Christine Allison, Licensing Manager
☎ 01480 387075