



LICENSING SUB-COMMITTEE

Committee Date: Wednesday 14 August 2019

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	Gentian Harvey's Deli Limited
Address of Applicant(s):	56 Thoroughfare, Woodbridge IP12 1AL
Type of applicant (Premises Only)	Company
Name of Premises:	Honey & Harvey
Address of premises:	Unit 1, Riduna Park, Station Road, Woodbridge IP12 1QT
Description of Premises:	Coffee shop

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the sale of alcohol on and off the premises, films, live and recorded music and anything similar to live and recorded music.

Is the report Open or Exempt?	Open
Wards Affected:	Melton
Cabinet Member:	Councillor Mary Rudd Cabinet Member with responsibility for Community Health
Supporting Officer:	Teresa Bailey Senior Licensing Officer 01394 444364 teresa.bailey@eastsoffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – on and off sales

Mon - Thurs 07:00 to 22:00
Fri & Sat 07:00 to 01:00
Sun 08:00 to 22:00
New Year's Eve until 02:00

Films - indoors

Mon - Thurs 08:00 to 22:00
Fri & Sat 08:00 to 01:00
Sun 08:00 to 22:00

Live music - indoors

Mon - Weds 07:00 to 22:00
Thurs 08:00 to 22:00
Fri & Sat 07:00 to 01:00
Sun 08:00 to 22:00
New Year's Eve until 02:00

Recorded music - indoors

Mon - Thurs 07:00 to 22:00
Fri & Sat 07:00 to 01:00
Sun 07:00 to 22:00
New Year's Eve until 02:00

Anything similar to live and recorded music - indoors

Mon - Thurs 07:00 to 22:00
Fri & Sat 07:00 to 01:00
Sun 08:00 to 22:00
New Year's Eve until 02:00

2. PROPOSED OPENING HOURS

Sun - Thurs 07:00 to 22:00
Fri & Sat 07:00 to 01:00

3. OPERATING SCHEDULE

- 3.1 The following steps have been proposed in order to promote the 4 licensing objectives. These are proposals offered by the applicant and in their own words. Some submissions may already form part of the licence, as mandatory conditions; others may be re-worded by officers to form meaningful, enforceable conditions on the licence.

General Conditions

CCTV are positioned outside the front and rear of the premises.

Refusals register/incident record will be kept on the premises at all times. The book shall detail any age challenge and/or refusal. Such matter will be timed, dated and signed by the author and produced to the police/authorised licensing officer on demand.

Crime and Disorder

We will adopt and implement the 'challenge 21' scheme. Credible ID such as photo driving licence and passport will only be accepted.

Public Safety

Prevention of Public Nuisance

We shall put up notices at the exit points requesting that customers leave quietly and respect local residents.

Protection of Children from Harm

A responsible adult must accompany any child attending events at all times.

A plan of the premises is attached as **Appendix A**

4. REASON FOR HEARING

- 4.1 Fourteen representations have been received against the application. The Council's Head of Legal and Democratic Services has examined the representations made about this application and has determined that the relevant representations have been made within the statutory 28 day period by the following:

Responsible Authorities: None

Other persons: Fourteen

- 4.2 The applicant has been provided with a copy of the representations and they are attached as **Appendix B** for members of the Sub-Committee.
- 4.3 Summary of grounds for representations:

The representations highlight concerns that the grant of the licence will have an adverse effect on the licensing objectives prevention of public nuisance and prevention of crime and disorder. There is concern that music from the premises late at night will cause a disturbance to nearby residents who live in a currently quiet residential area. Noise from the premises will negatively impact on the quality of life of nearby residents. Noise will also be created when customers leave late at night.

5. POINTS FOR CONSIDERATION

- 5.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

- 5.2 The attention of the Sub-Committee is drawn to the following:

- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
 - Guidance Issued under Section 182 of the Licensing Act 2003.

- The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

- 5.3 The relevant notices about this hearing have been served on the applicant and interested parties and they have until 7th August 2019 to confirm that they intend to attend (or not) as the case may be and give notice that they wish to call witnesses.

6. CONCLUSION

- 6.1 The applicant has been advised of the representations that have been made and there may be mediation between the applicant and the interested parties before the hearing in order to achieve agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to determine this application by:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

- 6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.
- 6.3 Depending on the decision of the Sub-Committee, the applicant and / or responsible authority and interested parties that have made representations have rights of appeal to the Magistrates Court.
- 6.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

APPENDICES	
Appendix A	Plan of premises.
Appendix B	Representations.

BACKGROUND PAPERS	
Application Form	Available from licensing@eastsoffolk.gov.uk