



**Riverside, 4 Canning Road, Lowestoft, Suffolk,  
NR33 0EQ**

# **Licensing Sub-Committee**

## **Members:**

Councillor Edward Back  
Councillor Tony Cooper  
Councillor Linda Coulam  
Councillor Andree Gee (Reserve)

Members are invited to a **Meeting of the Licensing Sub-Committee**  
to be held in the Conference Room, Riverside, Lowestoft  
on **Monday, 19 December 2022 at 10.00am**

This meeting will be broadcast to the public via the East Suffolk YouTube  
Channel at <https://youtu.be/iAJACaZgZyA>

An Agenda is set out below.

## **Part One – Open to the Public**

**Pages**

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- |          |  |
|----------|--|
| <b>1</b> | <b>Election of a Chairman</b><br>To elect a Chairman for the Licensing Sub-Committee |
| <b>2</b> | <b>Apologies for Absence</b><br>To receive apologies for absence, if any.            |

### 3 **Declarations of Interest**

Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

### 4 **Declarations of Lobbying and Responses to Lobbying**

To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.

### 5 **New Premises Licence: Loaded-Southwold, 6 Victoria Street, Southwold, IP18 6HZ ES/1389** 1 - 6

Report of the Licensing Officer

## Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

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## LICENSING SUB-COMMITTEE

Monday, 19 December 2022

### APPLICATION DETAILS

<b>Type:</b>	New – Premises Licence
<b>Name of Applicant(s):</b>	Emma Barber
<b>Address of Applicant(s):</b>	27 High Street, Wangford, NR34 8RL
<b>Type of applicant (Premises Only):</b>	Individual
<b>Name of Premises:</b>	Loaded-Southwold
<b>Address of premises:</b>	6 Victoria Street, Southwold, IP18 6HZ
<b>Description of Premises:</b>	Restaurant

### EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Sale of alcohol for on and off the premises.

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	Southwold & Reydon
<b>Cabinet Member:</b>	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Leonie Houlton Licensing Officer 01502 523624 <a href="mailto:Leonie.Houlton@eastsoffolk.gov.uk">Leonie.Houlton@eastsoffolk.gov.uk</a>

## **1. PROPOSED LICENSABLE ACTIVITIES**

### **Sale of alcohol – both on and off sales**

Monday to Sunday                      11:00 to 22:00

## **2. PROPOSED OPENING HOURS**

Monday to Sunday                      09:00 to 22:00

## **3. OPERATING SCHEDULE**

- 3.1 The following steps have been proposed in order to promote the four 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**

We will be using 'Challenge 21' and a strict age check policy.

### **Prevention of crime and disorder**

We will install CCTV.

Alcohol will be served in cans to takeaway.

Recyclable cans will be in a locked bin if outside.

All other bins also in a lockable bin store after closing.

We have a strict anti-drugs policy. Anyone believed to be under the influence of drugs or caught taking drugs will be asked to leave.

### **Public safety**

Free drinking water will be available.

Strict no smoking policy in place.

We will keep our site clean and tidy.

A clear route to fire escapes.

Fire risk assessment will be undertaken.

Fire doors and fire escape lights in place.

Upholstered seating is flame retardant.

Fire drill and emergency lighting tests will be conducted monthly with staff.

Adequate first aid equipment will be on the premises.

A suitable first aider will be on the premises when open to the public.

### **Prevention of public nuisance**

Background music will be kept to a reasonable level.

Adequate ventilation and extraction will be fitted.

Any external lighting will face away from neighbours and be switched off at 22.00.

Restaurant will close by 22.00 to avoid upsetting neighbours.

Any litter outside will be cleaned up by staff doing closing checks and put into lockable bins.

### **Protection of children from harm**

Proof of age policy. No smoking policy.

First aider on site.

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

#### **4. REASON FOR HEARING**

4.1 One representation against the application has been received from an other person.

4.2 No representations against the application were received from Responsible Authorities.

All Responsible Authorities listed below were informed about the application on 1

November 2022:

Suffolk Constabulary

Suffolk Fire and Rescue Service

Trading Standards

Public Health

Planning

Environmental Health – Food and Safety

Environmental Health – Environmental Protection

Home Office

4.3 The applicant has been provided with a copy of the representation and this is attached as **Appendix B** for members of the Sub-Committee.

4.4 Summary of grounds for representation:

The main concerns are that it would cause noise and disturbance for local residents.

#### **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 other persons and they have until 12<sup>th</sup> December 2022 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 other persons 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.

<b>APPENDICES</b>	
<b>Appendix A</b>	A plan of the premises
<b>Appendix B</b>	Representation (private document for the Sub-Committee only)

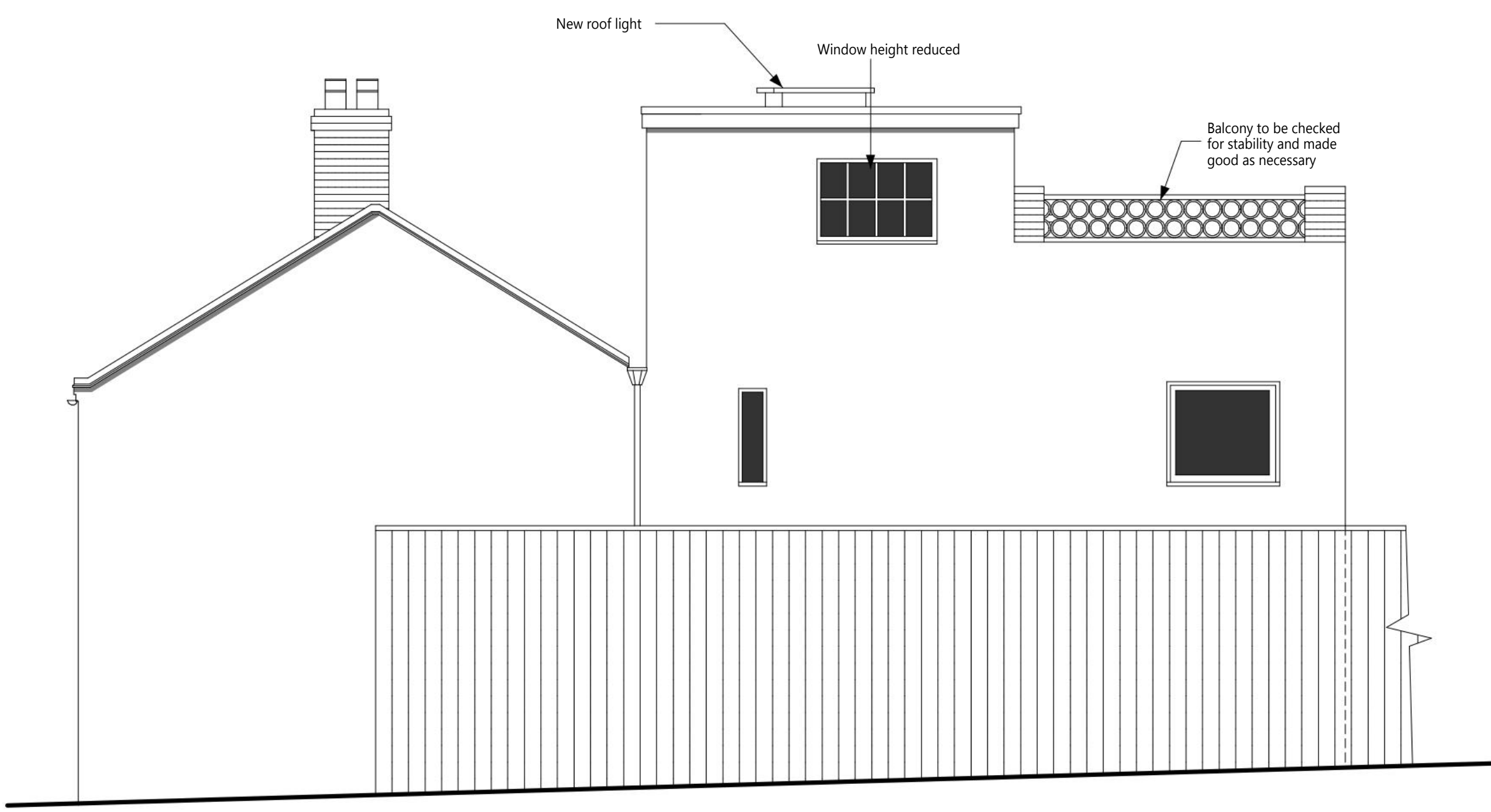
<b>BACKGROUND PAPERS</b>
None



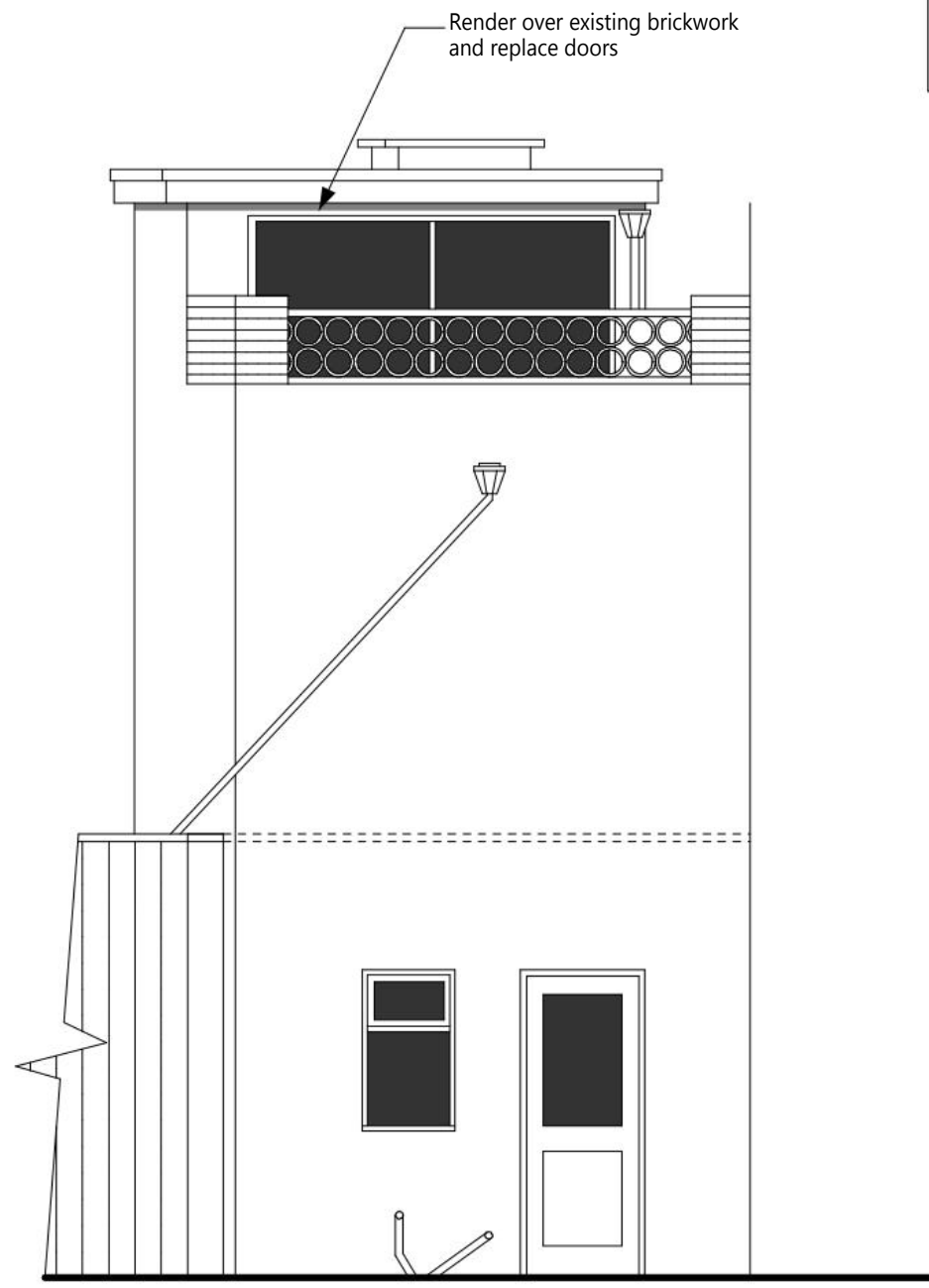
This drawing is not to be scaled from, unless dimensions shown, as reproduced copies may not be to scale. All dimensions are to be checked on site and any inconsistency should be reported to the original designer.



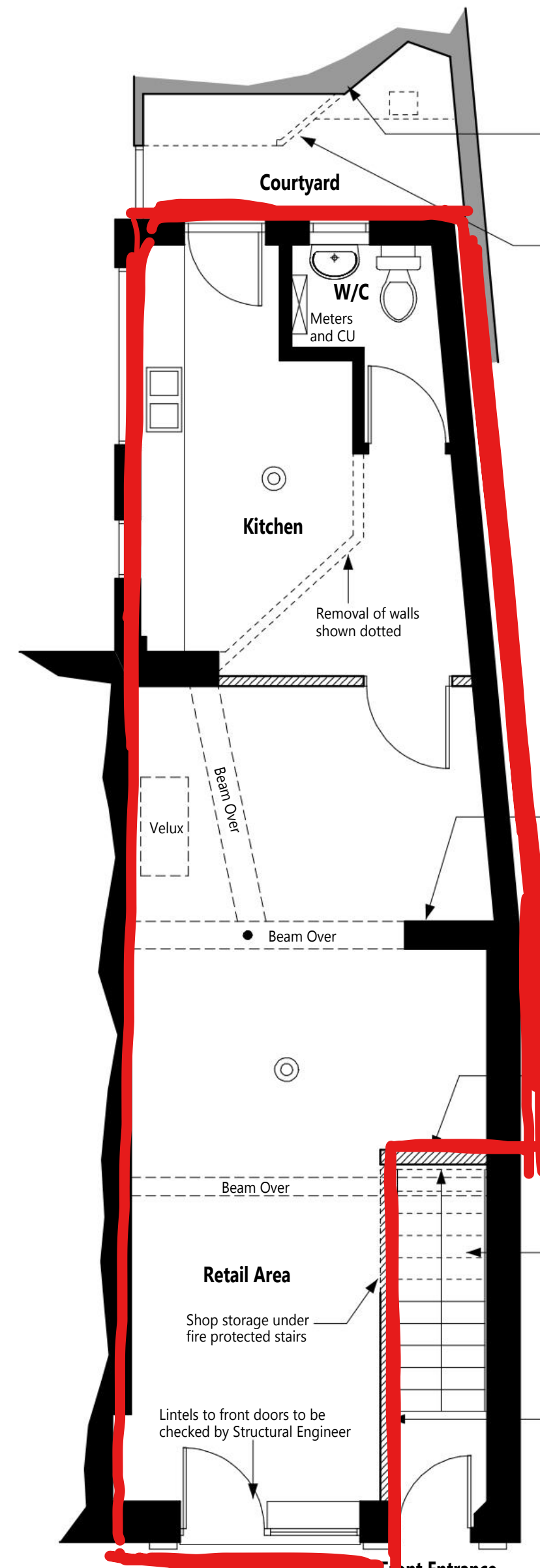
South Elevation



East Elevation



North Elevation



Ground Floor Plan

Checking of structure by Structural Engineer.  
Removal of unsafe high level areas of wall as required (with neighbour's consent under party wall agreement)

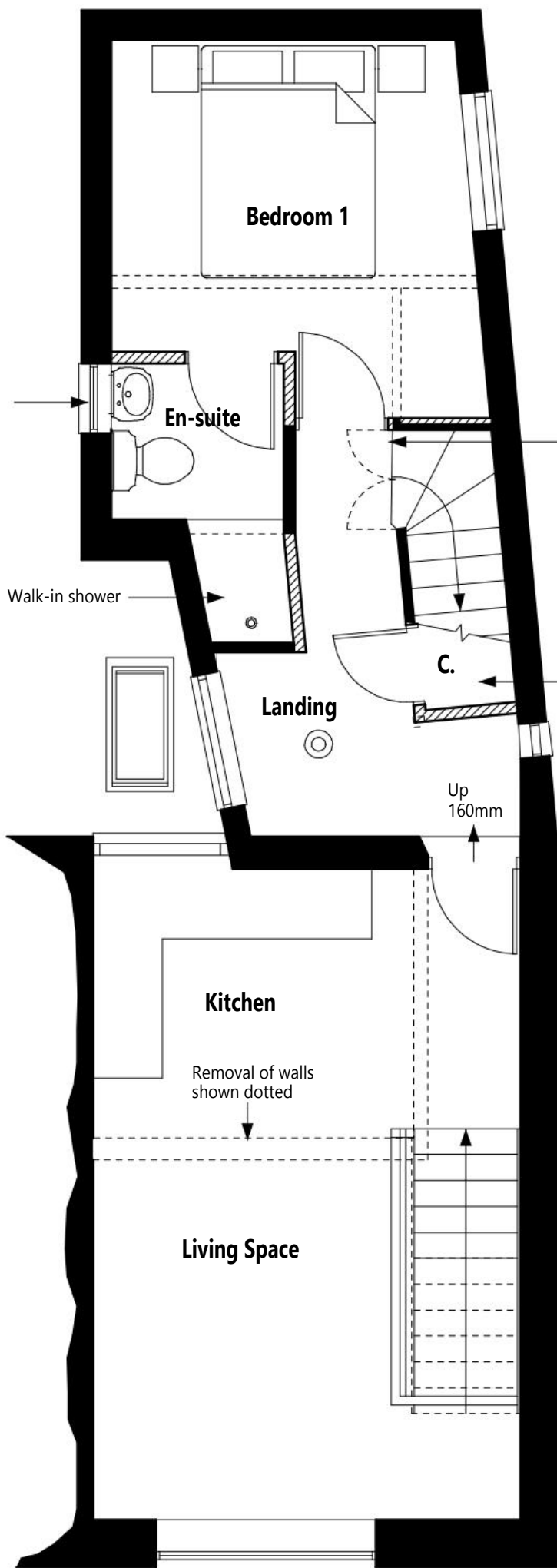
General clearing in this area

Possible removal or reduction of structural wall, to Structural Engineer's details

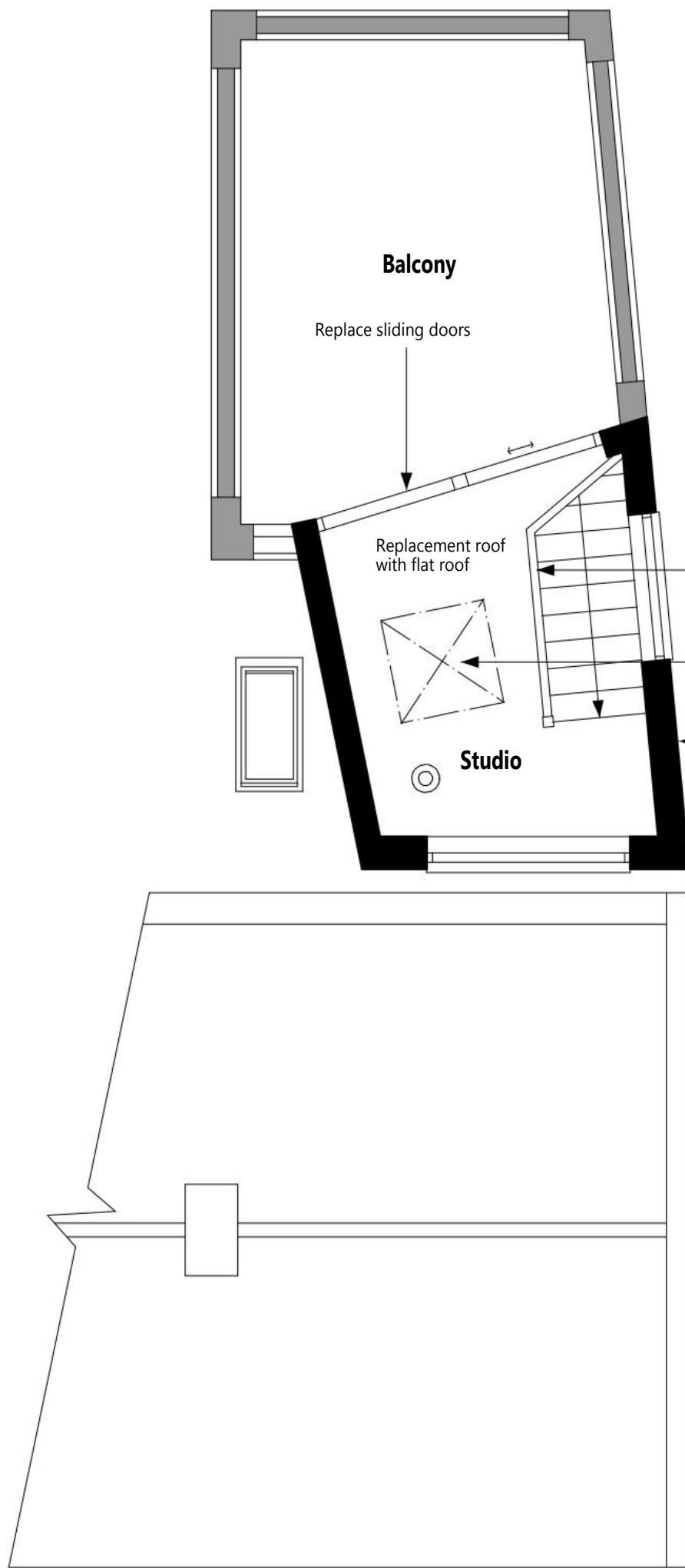
Dimensions of staircase to be checked on site before forming opening - new wall to support stairs over, shelving in shop under stairs

Fire protected staircase min. 30 minute Class 0 underlined with 2no. layers of 12.5mm fireline board

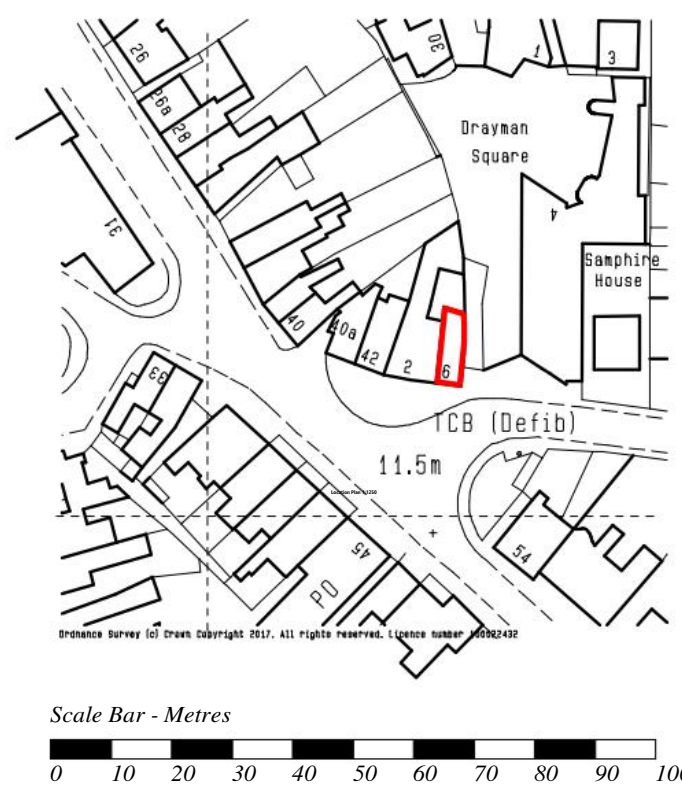
Fire separating 140mm blockwork wall between flat and shop lined with 12.5mm fireline board both sides



First Floor Plan



Second Floor Plan



SMOKE DETECTION (BS 5839-6:2004):  
Linked self-contained smoke alarms to comply with BS 5446 to be fitted in circulation areas on the ground and first floors in accordance with the current building regulations, section B1.

REVISIONS	
PROJECT	Works to Shop and First Floor Flat
ADDRESS	6 Victoria Street, Southwold
CLIENT	Richard Jackson
DATE	June 2017
SCALE / SIZE	1:50 / A1
DRAWING	Scheme Design
REFERENCE	LDA-128-100

