



LICENSING SUB-COMMITTEE

Monday 3 June 2019

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	Cole and Carr Limited
Address of Applicant(s):	28 High Road, Trimley St Mary, Felixstowe IP11 9QX
Type of applicant (Premises Only)	Company
Name of Premises:	The Boathouse
Address of premises:	Unit B, The Chandlery, Tide Mill Way, Woodbridge IP12 1FP
Description of Premises:	Café/restaurant/wine bar

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.

Is the report Open or Exempt?	Open
-------------------------------	------

Wards Affected:	Woodbridge
------------------------	------------

Cabinet Member:	Councillor Mary Rudd Cabinet Member with responsibility for Community Health
Supporting Officer:	Teresa Bailey Senior Licensing Officer 01394 444364 teresa.bailey@eastsuffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – on and off sales

Mon - Sat 11:00 to 23:00

Sun 11:00 to 22:00

Non standard timings - New Year's Eve until 00:30.

2. PROPOSED OPENING HOURS

Mon - Sat 11:00 to 23:00

Sun 11:00 to 22:00

Non standard timings - New Year's Eve until 00:30.

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 Conditions

- All managers will be trained and they will be responsible for overseeing the four objectives during their shift to the best of their ability.
- Managers will make sure staff are trained on the objectives during their induction process and they will sign and agree to adhere to these at all times.
- Training will be given as and when changes happen and as a refresher every year.

Crime and Disorder

- CCTV will be installed to deter and monitor crime and disorder.
- There is no late night drinking apart from the one seasonal variation mentioned.
- Staff will be trained on dispersal policies.

Public Safety

- Emergency lighting will be installed in the relevant areas needed
- Fire, health and safety plans will be put in place and implemented -staff will be trained on these regularly.

Prevention of Public Nuisance

- Noise prevention methods include:
- Signs asking customers to leave quietly and respect the neighbours. Staff adhere to the dispersal policies to help achieve this
- CCTV will allow for monitoring of this.

Protection of Children from Harm

- Staff trained on child protection policies
- Signs displaying the age requirement for purchasing alcohol - ID required for those that appear to look under 25
- Managers to oversee standards are being met (CCTV spot checks)
Sample ID and policies for reference behind the bar.

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

4. REASON FOR HEARING

- 4.1 Two representations have been received; one against the application and one in support. 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: Two

- 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:

Against

The representation received against the application highlights concerns that the grant of the licence will have an adverse effect on the licensing objectives - public nuisance, crime and disorder, protection of children from harm and public safety. There is concern that off sales of alcohol will lead to further outside drinking after The Boathouse closes each night. It is suggested that consideration should be given to neighbouring residential properties and houseboat owners who have up until now enjoyed peace and quiet at night

In support

The representation received states Woodbridge sorely needs a place on the river for refreshments in the evenings. Visitors to the town commonly ask where they can have a drink with a nice view of the river. The Boathouse is in a good location, and disruption to residents will be minimal.

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 24th May 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 (attached as an appendix for the Sub-Committee only)

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