



## LICENSING SUB-COMMITTEE

Thursday 23 March 2023

### APPLICATION DETAILS

<b>Type:</b>	New – Premises Licence
<b>Name of Applicant(s):</b>	Deborah McGlynn-Hale and Stuart Hale
<b>Address of Applicant(s):</b>	8 Cavendish Road, Felixstowe IP11 2AX
<b>Type of applicant (Premises Only):</b>	Individual
<b>Name of Premises:</b>	The Little Wine Bar
<b>Address of premises:</b>	288 High Street, Felixstowe IP11 9EB
<b>Description of Premises:</b>	Bar serving food

### EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence
- The application seeks to permit the sale of alcohol for on and off sales

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	Western Felixstowe
<b>Cabinet Member:</b>	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Teresa Bailey Senior Licensing Officer 01394 444364 <a href="mailto:Teresa.bailey@eastsoffolk.gov.uk">Teresa.bailey@eastsoffolk.gov.uk</a>

## **1. PROPOSED LICENSABLE ACTIVITIES**

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

Monday to Sunday                      11:00 to 23:00

## **2. PROPOSED OPENING HOURS**

Monday to Sunday                      11:00 to 23:00

## **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**

Abiding by the licensing objective

Stopping the sale of alcohol at a stipulated time ½ hour before closing & closing at stipulated time

Promoting safe drinking measures with vigilance & public information

Limitations on children to be allowed on premises

Availability of non alcoholic options

Proof of age (21) for purchase of alcohol

Security cameras

Fire prevention materials - detectors & extinguishers

First Aid box & accident book

Staff training in respect of licensing objectives & measures to be taken to meet them

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

No sale of alcohol to minors

No sale of alcohol to visibly drunk patrons

Security cameras

Staff training in licensing objectives

### **Public safety**

Security cameras

Heat/smoke detectors

Fire extinguishers appropriate in relation to scale of premises

Fire exit posters

No smoking posters

Know your limit posters

Staff training in safe & legal sales of alcohol

### **Prevention of public nuisance**

Security cameras installed in premises

No alcohol served after 10:30pm - all patrons exited by 11pm

Patrons advised to be respectful of neighbours when leaving premises - posters

Alcohol to be sold responsibly - know your limits posters

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

Children will not be allowed in the premises unless accompanied by an adult  
Provision of alcohol free drinks will be made  
Proof of age (21) to be supplied when purchasing alcohol

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

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

4.1 One representation against the application has been received from a Responsible Authority.

4.2 The applicant has been provided with a copy of the representation and it is attached as **Appendix B**.

4.3 Summary of grounds for representation:

Given the planning history at these premises, and proximity to a residential dwelling, it may be challenging for the applicant to achieve the appropriate planning consent. You will understand therefore that I have some concerns about the licensing authority granting a premises licence at this time.

My opinion is that a drinking type establishment in such close proximity to an existing residential dwelling brings a risk of unreasonable noise disturbance to the neighbouring dwelling and perhaps beyond. The front of 288 High Street is in extremely close proximity to the front door and living room window of 290 High Street. The proposed use of the outdoor dining deck is not compatible with the residential use a few feet away, and the living room windows. At first floor I suspect is a bedroom window that would also overlook the front of 288 High Street.

The use of the garden room to the rear of 288 High Street could also lead to complaints of noise disturbance from neighbouring 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 the Responsible Authority and they have until 16 March 2023 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 representation that has been made and there may be mediation between the applicant and the Responsible Authority 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 the premises
Appendix B	Representation

BACKGROUND PAPERS	
None	