



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

Licensing Sub-Committee

Members:

Councillor Linda Coulam
Councillor Andree Gee
Councillor Keith Patience
Councillor Keith Robinson (Reserve)

Members are invited to a **Meeting of the Licensing Sub-Committee**
to be held in the Conference Room, Riverside, Lowestoft
on **Monday, 7 November 2022 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube
Channel at <https://www.youtube.com/watch?v=ifepszls2Oc>

An Agenda is set out below.

Part One – Open to the Public

Pages

-
- 1 Election of a Chairman**
To elect a Chairman for the Licensing Sub-Committee
 - 2 Apologies for Absence**
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 **Variation of Premises License, White Horse, 47 The Street, Corton, NR32 5HP ES/1331**

Report of the Licensing Officer.

1 - 11

Part Two – Exempt/Confidential

Pages

No Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

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LICENSING SUB-COMMITTEE

Monday 7 November 2022

APPLICATION DETAILS

Type:	Variation – Premises Licence
Name of Applicant(s):	Beverley Nilsson
Address of Applicant(s):	47 The Street, Corton, NR32 5HP
Type of applicant (Premises Only):	Individual
Name of Premises:	White Horse
Address of premises:	47 The Street, Corton, NR32 5HP
Description of Premises:	Public House

EXECUTIVE SUMMARY:

- This is an application for a variation to an existing Premises Licence.
- The application seeks to extend the licensed times for the following licensable activities: Sale of alcohol for on and off the premises, and both live and recorded music (indoors and outdoors).

Is the report Open or Exempt?	Open
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Wards Affected:	Lothingland
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Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer:	Leonie Houlton Licensing Officer 01502 523624 Leonie.Houlton@eastsoffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – both on and off sales

Monday to Thursday	08:00 to 23:00
Friday to Sunday	08:00 to 00:00
New Year's Eve	08:00 to 00:30

Live and recorded music – indoors and outdoors

Monday to Thursday	12:00 to 22:30
Friday to Sunday	12:00 to 00:00
New Year's Eve	08:00 to 00:30

Please note that live and recorded music between 8am and 11pm on any day is not a licensable activity, as this premises is already licenced for the 'on sales' of alcohol.

EXISTING LICENCED TIMES FOR ACTIVITIES

Sale of alcohol – both on and off sales

Monday to Saturday	11:00 to 23:00
Sunday	12:00 to 22:30

2. PROPOSED OPENING HOURS

Monday to Thursday	08:00 to 23:00
Friday to Sunday	08:00 to 00:30
New Year's Eve	08:00 to 01:00

3. OPERATING SCHEDULE

3.1 The following steps have been proposed 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.

No additional conditions were put forward with this variation application.

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

4.3 Summary of grounds for representation:

- The main concerns are that the premises is in a quiet village setting and any extension to the current licence would have an impact on local neighbouring properties.
- There are concerns that the new hours would cause a nuisance with the level of noise at the premises and that the sound of the music would travel and disturb 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 31 October 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.

APPENDICES	
Appendix A	A copy of the existing premises licence
Appendix B	Representation (private document for the Sub-Committee only)

BACKGROUND PAPERS	
None	

Licensing Act 2003 Premises Licence

WPREM2419

ES/1331

LOCAL AUTHORITY



East Suffolk Council
East Suffolk House Riduna Park
Station Road Melton
Woodbridge
Suffolk
IP12 1RT

tel: 01394 444802
web: www.eastsuffolk.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

White Horse

47 The Street, Corton, Lowestoft, Suffolk, NR32 5HP.

Telephone 01502 730294

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Saturday	11:00am	11:00pm
	Sunday	Noon	10:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Anthony John Cooper

The White Horse, 47 The Street, Corton, Lowestoft, Suffolk, NR32 5HP.

Beverley Nilsson

The White Horse Pub, 47 The Street, Corton, Lowestoft, Suffolk, NR32 5HP.
Telephone 01502 561123

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



Licensing Act 2003

Premises Licence

WPREM2419

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE
AUTHORISES THE SUPPLY OF ALCOHOL

Beverley NILSSON

The White Horse Pub, 47 The Street, Corton, Lowestoft, Suffolk, NR32 5HP.
Telephone 01502 561123

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. WPERS3425

Issued by Waveney



ANNEXES

ANNEX 1 - MANDATORY CONDITIONS**SUPPLY OF ALCOHOL**

Where a premises licence authorises the sale of alcohol, the licence must include the following conditions:

1. (1) No supply of alcohol may be made under the premises licence -

- At any time when there is no designated premises supervisor in respect of the premises, or
- At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age



ANNEXES continued ...

verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

6. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

6.1 For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.



ANNEXES continued ...

6.2 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

6.3 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Where previous licence is "on licence" alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means (unless licence subject to variation):

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 am to 11 pm.
- b) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 pm.
- c) On Good Friday, 12 noon to 10.30 pm.
- d) On Christmas Day, 12 noon to 3 pm and 7 pm to 10.30 pm.
- e) On New Year's Eve, except on a Sunday, 11 am to 11 pm.
- f) On New Year's Eve on a Sunday, 12 noon to 10.30 pm
- g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day, which would be 11.00 am if New Year's Day falls on a weekday or 12 noon if a Sunday.

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- c) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) The sale of alcohol to a trader or club for the purposes of the trade or club;
- e) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) The taking of alcohol from the premises by a person residing there; or
- g) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

N/A



LOCAL AUTHORITY



East Suffolk Council
 East Suffolk House Riduna Park
 Station Road Melton
 Woodbridge
 Suffolk
 IP12 1RT

tel: 01394 444802
 web: www.eastsuffolk.gov.uk

Premises Details

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REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Beverley NILSSON



STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

