



# Licensing Sub- Committee

## Members:

Councillor Paul Ashdown  
Councillor Edward Back  
Councillor Janet Craig  
Councillor Steve Wiles (Substitute)

Members are invited to a Meeting of the **Licensing Sub-Committee**  
to be held in the Thomas Crisp Room, Riverside,  
on **Wednesday, 5 June 2019 at 9:30am**

An Agenda is set out below.

## Part One – Open to the Public

## Pages

To elect a Chairman for the meeting.

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests 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.

Report of the Senior Licensing Officer

**Part Two – Exempt/Confidential**

**Close**

A handwritten signature in dark ink, appearing to read "Stephen Baker", with a long horizontal flourish extending to the right.

Stephen Baker, Chief Executive

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## LICENSING SUB-COMMITTEE

**Wednesday, 5 June 2019**

### APPLICATION DETAILS

<b>Type:</b>	Variation – Premises Licence
<b>Name of Applicant(s):</b>	Curious Pier Ltd
<b>Address of Applicant(s):</b>	Saxon House, Fornham All Saints, Bury St Edmunds, IP28 6JY
<b>Type of applicant (Premises Only)</b>	Company
<b>Name of Premises:</b>	Curious Pier
<b>Address of premises:</b>	Southwold Pier, North parade, Southwold, IP18 6BN
<b>Description of Premises:</b>	Pier at Southwold Beach which provides various entertainment outlets, shops and cafes.

### EXECUTIVE SUMMARY:

- This is an application to vary Premises Licence.
- The application seeks to vary the existing premises licence to include

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	Southwold
<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. EXISTING LICENCE

1.1 Southwold Pier currently has a Premises Licence which allows live and recorded music (indoors), performance of dance (indoors), anything similar to live and recorded music and performance of dance (indoors) and the sale of alcohol on the premises.

1.2 A copy of the existing licence is attached as **Appendix A**.

## 2. PROPOSED VARIATION

2.1 The following additions to the existing licence have been applied for:

a. **Films**

Thursday to Sunday (indoors and outdoors) 18:00 to 23:00

b. **Live Music**

Monday to Sunday (outdoors) 10:00 to 18.00

c. **Anything similar to live and recorded music**

Monday to Sunday (outdoors) 09:30 to 20.00

## 3. OPERATING SCHEDULE

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

General

We will ensure that Pier staff and management risk assess every event in relation to the four licensing objectives.

The prevention of crime and disorder

We will maintain this in accordance with our current licence.

Public safety

We will maintain this in accordance with our current licence.

The prevention of public nuisance

We will maintain this in accordance with our current licence.

The protection of children from harm

In respect of any films shown outdoors we will advise in publicity and pre-screening of the film classification.

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

## 4. REASON FOR HEARING

4.1 Eleven representations against the application have been received

**Responsible Authorities:** None

**Other persons:** Eleven

- 4.2 The applicant has been provided with a copy of the representations and they are attached as **Appendix C** for members of the Sub-Committee.
- 4.3 Summary of grounds for representations in objection:  
Concerns raised in regards to this application which can be considered under the licensing objectives are based on noise and the disruption and intrusiveness that outdoor events would cause to 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 interested parties and they have until 28<sup>th</sup> 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	
<b>Appendix A</b>	Existing premises licence
<b>Appendix B</b>	Plan of premises.
<b>Appendix C</b>	Representations.

BACKGROUND PAPERS	
Application Form	Available from <a href="mailto:licensing@eastsoffolk.gov.uk">licensing@eastsoffolk.gov.uk</a>

