



LICENSING SUB-COMMITTEE

Tuesday, 15 June 2021

APPLICATION DETAILS

Type:	Variation – Premises Licence
Name of Applicant(s):	Mr Yi Liang
Address of Applicant(s):	21 High Street, Saxmundham, IP17 1DF
Type of applicant (Premises Only):	Individual
Name of Premises:	Queens Head
Address of premises:	21 High Street, Saxmundham, IP17 1DF
Description of Premises:	Pub

EXECUTIVE SUMMARY:

- This is an application for a variation to an existing Premises Licence.
- The application seeks to permit the following licensable activities: Sale of alcohol, extend times for on sales. To add recorded music, indoors.
- Following the receipt of one representation, the applicant and the interested party have agreed amended timings for the sale of alcohol.

Is the report Open or Exempt?	Open
Wards Affected:	Saxmundham
Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer:	Leonie Hault Licensing Officer 07733 362154 Leonie.Hault@eastsoffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – on sales

Monday to Saturday	11:00 to 24:00
New Year's Eve (Sunday)	12:00 to 24:00
Sunday	12:00 to 22:30 – as per existing licence

Sale of alcohol – on sales (amended following mediation between the applicant and the interested party)

Monday to Thursday	11:00 to 23:00 – as per existing licence
Friday and Saturday	11:00 to 24:00
Sunday	12:00 to 22:30 – as per existing licence
New Year's Eve (Sunday)	12:00 to 24:00

Recorded music – indoors

Monday to Saturday	11:00 to 24:00 Only licensable between 23:00 to 24:00
Sunday	12:00 to 22:30
New Year's Eve (Sunday)	12:00 to 24:00 Only licensable between 23:00 to 24:00

Recorded music – indoors (amended following mediation between applicant & objector)

Monday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 24:00 Only licensable between 23:00 to 24:00
Sunday	12:00 to 22:30
New Year's Eve (Sunday)	12:00 to 24:00 Only licensable between 23:00 to 24:00

2. PROPOSED OPENING HOURS

Monday to Saturday	11:00 to 00:20
Sunday	12:00 to 22:50
New Year's Eve (Sunday)	12:00 to 24:00

Opening hours (amended following mediation between applicant & objector)

Monday to Thursday	11:00 to 23:20
Friday and Saturday	11:00 to 00:20
Sunday	12:00 to 22:50
New Year's Eve (Sunday)	12:00 to 24:00

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.

To remove all existing conditions within Annex 2 of the current premises licence and to replace the existing conditions with these:

General

The licensee and their staff are aware of their responsibility for the effective and safe management of the premises and the promotion of the four licensing objectives.

Alcohol sales are only to be authorised by a person holding a personal licence.
Training is provided to all staff as to the prevention and management of problems occurring at the premises and is regularly updated.

Prevention of crime and disorder

- (1) An alarm is installed at the premises to protect it when closed or empty.
- (2) Staff or private areas and cellars are kept locked and secured whilst the premises are open to the public.
- (3) CCTV is installed inside the premises and recordings kept for 28 days.
- (4) A zero-tolerance policy to the use of drugs and carrying of weapons in the premises has been adopted.
- (5) Any person who appears to be under the influence of alcohol will be refused service and asked to leave.
- (6) Drink-aware posters are displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.

Public safety

- (1) A full risk assessment taking into account public staff and customer safety has been carried out to identify potential hazards posed to staff or customers and sets out precautions to manage the hazards.
- (2) A first aid box is available at the premises and is maintained with sufficient in date stock.
- (3) There is a policy to manage the capacity to prevent overcrowding and localised overcrowding.
- (4) There is a glass collection policy for regular collection of glassware and the prevention of glassware from being taken into external areas.
- (5) There is a written policy to deal with all types of accidents and emergency incidents at the premises.
- (6) A copy of the fire risk assessment is kept at the premises.
- (7) An accident book is kept in order to record all accidents.
- (8) Smoking is not permitted at the premises.

Prevention of public nuisance

- (1) Windows and doors are kept closed whilst the premises licence is in use to prevent noise breakout.
- (2) Windows are sound insulated.
- (3) Doors are fitted with self-closing devices.
- (4) Prominent notices are displayed close to the exit doors, requesting patrons to leave the premises quickly and quietly.
- (5) Commercial deliveries, collections, and storage/disposal of waste, including beer deliveries, refuse collections and storage/disposal of waste and recyclables in external areas are restricted to normal working hours between 8am and 6pm Monday to Friday.

Protection of children from harm

- (1) There is a documented policy setting out measures to protect children from harm at the premises. All staff are trained on the policy.
- (2) The admittance of children is only permitted if they are accompanied by an adult.
- (3) A strict 'No ID – No Sale' policy is operated. Only photographic driving licences, passports or PASS (Proof of Age Standards Scheme) cards are accepted as means of ID.

The application is attached as **Appendix A** and the existing premises licence and plan is attached as **Appendix B**.

4. REASON FOR MEETING OF THE LICENSING SUB-COMMITTEE

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

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

4.3 Summary of grounds for representation:

The main concerns were the noise nuisance that could occur due to the increase in licensed hours until midnight. The objector was already often disturbed by the loud voices of people who had drunk at the premises as they make their way down the high street after closing time.

4.4 Following discussions with the person making a representation, the applicant suggested amendments to the proposed times for licensable activities. These amendments satisfied the objector, and he is willing to withdraw his objection on the basis that these amendments would be granted. The correspondence showing the agreement for the amendments is attached as **Appendix D** for members of the Sub-Committee.

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.

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 Both parties are in agreement that since amended timings for licensable activities have been agreed, a hearing is no longer necessary. However, because the application has been changed the Licensing Sub-committee will need to determine the new application.

6. CONCLUSION

- 6.1 Mediation between the applicant and the ‘other person’ making a representation has taken place and new timings for licensable activities have been agreed. 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, any condition which must be included in the licence in accordance with the Licensing Act 2003, and the amended timings agreed between the applicant and the objector.
- 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	Application form
Appendix B	Copy of existing premises licence and plan of the premises

Appendix C	Representations (private document for the Sub-Committee only)
Appendix D	Agreed amendment correspondence (private document for Sub-Committee only)

BACKGROUND PAPERS	
None	