



## LICENSING SUB-COMMITTEE

Friday 8<sup>th</sup> December 2023

### APPLICATION DETAILS

<b>Type:</b>	New – Premises Licence
<b>Name of Applicant(s):</b>	Mr Hale and Mrs McGlynn-Hale
<b>Address of Applicant(s):</b>	8 Cavendish Road, Felixstowe, Suffolk IP11 2AX
<b>Type of applicant (Premises Only):</b>	Individual
<b>Name of Premises:</b>	The Little Wine Bar and Café
<b>Address of premises:</b>	187 Hamilton Road, Felixstowe, Suffolk IP11 7DT
<b>Description of Premises:</b>	Licensed café

### EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Live music, recorded music, supply of alcohol on-sales

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

<b>Wards Affected:</b>	Eastern Felixstowe
------------------------	--------------------

<b>Cabinet Member:</b>	Councillor Jan Candy, Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Jodie Fisher Licensing Officer 01394 444363 Jodie.Fisher@eastsuffolk.gov.uk

## 1. PROPOSED LICENSABLE ACTIVITIES

### **Live Music – Indoors**

Monday – Thursday and Sunday	12:00 to 00:00
Friday – Saturday	12:00 to 01:00

### **Recorded Music – Indoors**

Monday – Thursday and Sunday	12:00 to 00:00
Friday – Saturday	12:00 to 01:00

### **Supply of Alcohol – On and Off sales**

Monday – Thursday and Sunday	08:00 to 00:00
Friday – Saturday	08:00 to 01:00

## 2. PROPOSED OPENING HOURS

Monday – Thursday	07:00 to 01:00
Friday - Saturday	07:00 to 01:30
Sunday	07:00 to 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**

CCTV and alarm is linked to priority staff/committee members if needed.

Fire safety log is signed by staff member each morning after checks, as well as a committee member regularly carrying out checks on fire alarms.

Staff on duty to make sure windows and doors are closed before events. Daily cleaner to keep all bins and ashtrays empty.

Staff are aware of challenge 25 and a reminder is left behind the bar with the current year of turning 18 on. Staff also aware that under 16s must not be in the club unless accompanied by an adult.

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

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

Childrens access will be at restricted times (Children Allowed 07:00 - 18:00) Not allowed outside these times.

Availability of non-alcoholic options

Proof of age (21) for purchase of alcohol

CCTV 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

**Public safety**

no sale of alcohol to minors

no sale of alcohol to visibly drunk patrons

CCTV cameras

staff training in licensing objectives

**Prevention of public nuisance**

CCTV installed in premises

alcohol served only in licensed times

patrons advised to be respectful of neighbors when leaving premises - posters

alcohol to be sold responsibly - know your limits posters

noise checks to be done regularly while music is being performed/Played

external doors windows to be closed after 11:00 while music is being performed/Played

**Protection of children from harm**

Childrens access will be at restricted times (Children Allowed 07:00 - 18:00) Not allowed outside these times.

Provision of alcohol-free drinks and water 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 local resident.

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:

Very late opening times and late music license potentially causing a nuisance to tenant and probably making it more difficult to find future tenants.

For workers and children living around the vicinity of the bar; such late night opening especially on week nights and Sundays, could also have a detrimental affect their sleep.

Potential late night drunkenness could result in noisy exchanges in the street, and also possible urination in the recessed doorways of the shops and flats.

**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 interested party and they have until 1 December 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 interested party 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.

<b>APPENDICES</b>	
<b>Appendix A</b>	Plan of the premises
<b>Appendix B</b>	Representation

<b>BACKGROUND PAPERS</b>	
None	