



## LICENSING SUB-COMMITTEE

Friday 11 November 2022

### APPLICATION DETAILS

|   |                                   |
|---|-----------------------------------|
| <b>Type:</b>                              | Variation – Premises Licence      |
| <b>Name of Applicant(s):</b>              | Darren and Anna Hadfield          |
| <b>Address of Applicant(s):</b>           | 6 Crown Street, Leiston, IP16 4AX |
| <b>Type of applicant (Premises Only):</b> | Individuals                       |
| <b>Name of Premises:</b>                  | Engineers Arms                    |
| <b>Address of premises:</b>               | 7 Main Street, Leiston, IP16 4ER  |
| <b>Description of Premises:</b>           | 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.

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| Is the report Open or Exempt? | Open |
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| <b>Wards Affected:</b> | Aldeburgh & Leiston |
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| <b>Cabinet Member:</b>     | Councillor Mary Rudd, Cabinet Member with responsibility for Community Health   |
| <b>Supporting Officer:</b> | Leonie Houlton<br>Licensing Officer<br>01502 523624<br><a href="mailto:Leonie.Houlton@eastssuffolk.gov.uk">Leonie.Houlton@eastssuffolk.gov.uk</a> |

## 1. PROPOSED LICENSABLE ACTIVITIES

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

|                    |                |
|--------------------|----------------|
| Monday to Thursday | 06:00 to 00:00 |
| Friday & Saturday  | 06:00 to 00:30 |
| Sunday             | 06:00 to 23:00 |

### 1.1 EXISTING LICENCED TIMES FOR ACTIVITIES

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

|  |                |
|--|----------------|
| Monday to Thursday & Sunday                                | 11:00 to 00:00 |
| Friday & Saturday  | 11:00 to 00:30 |
| Christmas Eve, All Bank Holidays and Bank Holiday Weekends | 11:00 to 01:00 |

## 2. PROPOSED OPENING HOURS

|                             |                |
|-----------------------------|----------------|
| Monday to Thursday & Sunday | 06:00 to 00:00 |
| Friday & Saturday           | 06:00 to 00:30 |
| Sunday                      | 06:00 to 23:00 |

### 2.1. EXISTING OPENING HOURS

|  |                |
|--|----------------|
| Monday to Thursday & Sunday                                | 11:00 to 12:30 |
| Friday & Saturday  | 11:00 to 01:00 |
| Christmas Eve, All Bank Holidays and Bank Holiday Weekends | 11:00 to 01:00 |

## 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 keep all existing conditions, except those that are currently crossed out under Annex 2 of the existing premises licence. These will be removed. To also add these conditions.

### **General**

Only to open for 4 hours to allow night shift workers drinks before bed.

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

Changing condition one to Challenge 25.

### **Public safety**

To refuse the sale of alcohol to underage.

### **Prevention of public nuisance**

Will be closing at 11am then reopening at 3pm to allow clearance and cleaning.

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

No additional conditions.

A copy of the existing premises licence and the plan that accompanies the premises licence are attached as **Appendix A & A1**.

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

4.1 One representation against the application has been received from an 'other person'.

4.2 A petition against the application has been received from local residents.

4.3 A representation against the application has also been received from Leiston-cum-Sizewell Town Council.

4.4 The applicant has been provided with a copy of these representations and these are attached as **Appendix B** for members of the Sub-Committee.

4.5 No representations against the application were received from Responsible Authorities.

4.6 Summary of grounds for representation:

The main concerns are the longer licenced hours in the early hours of the morning and the possibility that this could lead to increased noise and disturbance for local residents. As well as set a precedent for other local businesses in the town. Residents already experience significant disruption in the evenings around the weekend from people exiting local premises at closing time and are concerned that this would be repeated in the early hours of the morning as well.

The local Town Council also had concerns that the extended hours would encourage anti-social behaviour, as well as wishing to protect children from the sale of alcohol on the way to school; and concerns over the health and wellbeing of 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 4 November 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.

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| <b>APPENDICES</b>  |   |
| <b>Appendix A</b>  | A copy of the existing premises licence                       |
| <b>Appendix A1</b> | A copy of the plan that accompanies the premises licence      |
| <b>Appendix B</b>  | Representations (private document for the Sub-Committee only) |

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| <b>BACKGROUND PAPERS</b> |  |
| None                     |  |