



LICENSING SUB-COMMITTEE

Friday 6 December 2019

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	Casteillas Ltd
Address of Applicant(s):	The Old School, 40 London Road, Wrentham, NR34 7HH
Type of applicant (Premises Only)	Company
Name of Premises:	Rouge Fourmi
Address of premises:	9 Pinkneys Lane, Southwold IP18 6EW
Description of Premises:	Commercial building on residential street - Conversion to restaurant

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the sale of alcohol on the premises.

Is the report Open or Exempt?	Open
Wards Affected:	Southwold
Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health

Supporting Officer:	Teresa Bailey Senior Licensing Officer 01394 444364 teresa.bailey@eastsuffolk.gov.uk
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1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – both on & off sales

Monday to Saturday 11:00 to 23:00

Sunday 11:00 to 22:30

2. PROPOSED OPENING HOURS

Monday to Saturday 11:00 to 23:00

Sunday 11:00 to 22:30

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

This is a small community venue, maximum 30/35 people at any time. Customers between 30 and 70 years of age.

Consumption of alcohol mainly with food at table.

No children passed 7pm and only with parents/guardian.

No live music or loud - control of noise after 10pm

Prevention of Crime and Disorder

Planning to install CCTV, recording of any wrong behaviour.

Staff training to observe, record and understanding of the law.

Challenge 21.

Work with local police and community.

Refusals/incident log.

Public Safety

Fire evacuation and procedure, training and clear signage.

First aid on duty.

No overcrowding, seating mainly 3 rooms of 10/12 people, exit in each room.

Prevention of Public Nuisance

No live music or loud in venue.

Venue to emphasise respect, behaviour and individual rights.

Alcohol served mainly with food, not to intoxicated person.

Strict control of exit after 10pm.

Protection of Children from Harm

No children under the age of 18 will be served alcohol or on their own.

Proof of ID and challenge 21.

Restaurant set up so easy control.
Small venue with ease to recognise people and behaviour.
No smoking.

A plan of the premises is attached as **Appendix A**

4. REASON FOR HEARING

4.1 Two representations against the application have been received, one from Environmental Protection as a Responsible Authority, and one from a local resident.

Responsible Authorities: One representation in objection

Other persons: One representation in objection

4.2 The applicant has been provided with a copy of the representations and they are attached as **Appendix B** for Members of the Sub-Committee.

4.3 Summary of grounds for representations in objection:

Responsible Authority – Concerns over public nuisance, the premises is close to residential accommodation and it is likely that the noise from the operating of the business will cause disturbances to the surrounding residential properties especially numbers 5 and 7 Pinkneys Lane.

Concerns over the extract systems regarding noise and smells as well as noise from customers coming and going and smoking outside. Also, it is likely that any music coming from the premises will be heard by the neighbouring premises especially in the warmer months when windows will be open.

Other persons – Concerns over public nuisance, anti-social behaviour and rowdy late nights.

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 29 November 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	
Appendix A	Plan of premises.
Appendix B	Representations.

BACKGROUND PAPERS	
Application Form	Available from licensing@eastsoffolk.gov.uk