

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Conference Room,
Riverside, on **Monday, 19 December 2022** at **10:00 AM**

Members of the Sub-Committee present:

Councillor Edward Back, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Keith Patience

Officers present: Martin Clarke (Legal Advisor), Leonie Houtt (Licensing Officer), Jemima Shaw (Trainee Solicitor), Alli Stone (Democratic Services Officer), Nicola Wotton (Deputy Democratic Services Manager)

Others present: The Applicant

1 Election of a Chairman

On the proposition of Councillor Cooper, seconded by Councillor Coulam it was

RESOLVED

That Councillor Back be elected the Chairman of the Licensing Sub-Committee for this meeting.

2 Apologies for Absence

There were no apologies for absence.

3 Declarations of Interest

There were no declarations of interest.

4 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying.

New Premises Licence: Loaded-Southwold, 6 Victoria Street, Southwold, IP18 6HZ

The Sub-Committee received report **ES/1389** of the Licensing Officer which related to an application for the sale of alcohol - both on and off sales, for Loaded, 6 Victoria Street, Southwold, IP18 6HZ.

The hearing was required as one representation against the application had been received from an 'other person'.

The Sub-Committee was asked to decide the application by either:

1. 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.
2. 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.
3. Rejecting the application.

When making its decision, the Sub-Committee was asked to take into account the guidance issued under Section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy and the Human Rights Act 1998, and to state the reasons for its decision.

The Licensing Officer confirmed that all Responsible Authorities had been informed of the application, and none of the bodies had responded which was usual when they had no comments.

The Chairman invited the applicant to address the Sub-Committee.

The applicant, Ms B, stated that Loaded was a small restaurant, and that they wished to have a small selection of alcoholic beverages to serve with food and with takeaway orders. Ms B advised that she had discussed concerns with neighbours, including the objector. The neighbour had advised that their concerns were centred around increased noise and littering and Ms B had pointed out that this was a risk with any business, regardless of any premises license, and that they had planned to keep the site clean and tidy.

The Chairman invited questions from the Sub-Committee.

Ms B confirmed that the restaurant was not able to use the outside area as this was at the discretion of the Town Council and that there was not any room for seating on the pavement. The Licensing Officer confirmed that the Town Council had stated that they did not wish to have any tables outside the premises.

Ms B confirmed that she would be willing to replace the Challenge 21 policy with a Challenge 25 policy.

Ms B confirmed that at present most customers were eating in during the day, with a few takeaway orders in the evening.

The Sub-Committee adjourned from 10.16am to 11.00am with the Legal Advisor and Democratic Services Officer to make its decision.

On the return of the Sub-Committee, the Chairman read the decision notice as follows:

DECISION NOTICE

Ms Emma Barber has applied for a new premises licence at 6 Victoria Street, Southwold, IP18 6HZ, which would allow the following licensable activities:

Sale of alcohol – both on and off sales

Monday to Sunday 11:00 to 22:00

This Sub-Committee has been held as one representation against the application has been received from other persons.

The Sub-Committee heard from the Licensing Officer and the applicant.

The Sub-Committee first heard from the Licensing Officer who summarised the report and asked that the sub-committee either grant the application, grant the application with conditions or refuse the application.

The applicant stated that she wished to have a licence to serve a small selection of alcohol in the restaurant or with takeaway orders. The applicant explained that she had discussed the issues with the objector who had raised concerns about littering and noise. The applicant argued that this was potentially an issue for any business, but that they had addressed this in their application. The applicant confirmed they were not able to use the outside areas for seating as this was a busy junction and that it would not be allowed by the Town Council.

The Sub-Committee's decision

The Sub-Committee, having consider the representations of the applicant and the licensing officer, have decided to grant the application subject to the following condition

- That a Challenge 25 policy is in place

Reasons for decision

In arriving at this decision, the Sub-Committee has taken into consideration the representations from the applicant, objector and the Licensing Officer's report, which drew the Sub-Committees attention to its obligations under the Human Rights Act 1998.

The Sub-Committee noted that the applicant only had a small premises with 20 covers at any one time, and that the premises license did not extend to allow outside seating.

The Sub-Committee also noted that the applicant had discussed any issues with neighbours, including the objector, and that the applicant was taking steps to mitigate any disturbance. The Sub-Committee also noted that no objections had been received from any responsible authorities.

The Sub-Committee also considered the licensing objectives and the Council's own guidance and statement of licensing policy as well as the Statutory Section 182 guidance, in particular the protection of children from harm.

Therefore, the Sub-Committee was of the view that the licensing objectives could be promoted by the granting of a licence with an additional condition requiring a Challenge 25 scheme.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

Date: 19 December 2022

The meeting concluded at 11:04 AM

.....
Chairman