



LICENSING SUB-COMMITTEE

Wednesday, 19 May 2021

APPLICATION DETAILS

Type:	Variation – Premises Licence
Name of Applicant(s):	Jones of Pakefield Ltd
Address of Applicant(s):	44 Alleyn Road, Dulwich, London, SE21 8AL
Type of applicant (Premises Only):	Company
Name of Premises:	The Hog Hotel
Address of premises:	41 London Road, Pakefield, Lowestoft, NR33 7AA
Description of Premises:	Hotel

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 the premises and add off the premises. Late Night Refreshment indoors and outdoors. To add Live and Recorded Music as well as anything of a similar description both indoors and outdoors. To extend the licensable area to include the gardens.

Is the report Open or Exempt?	Open
Wards Affected:	Kirkley & Pakefield
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 – both on and off sales

Monday to Sunday 11:00 to 01:00

Monday to Sunday 00:00 to 00:00 for residents and their bona fide guests

Late night refreshment – both indoors and outdoors

Monday to Sunday 23:00 to 01:00

Live and recorded music – indoors & outdoors

Monday to Sunday (indoors) 23:00 to 01:00

Monday to Sunday (outdoors) 11:00 to 23:00

(Although mentioned on the application, live and recorded music is permitted by deregulation until 23:00 anyway)

Anything of a similar description to live/recorded music and dance – indoors and outdoors

Monday to Sunday (indoors) 11:00 to 01:00

Monday to Sunday (outdoors) 11:00 to 23:00

2. PROPOSED OPENING HOURS

Monday to Sunday 11:00 to 23:00 and open until 1:30 for events

Monday to Sunday 00:00 to 00:00 for residents and their bona fide guests

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 except 1(g) - On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day, which would be 11:00am if New Years Eve falls on a weekday or 12 noon if a Sunday.

To replace the existing conditions with these:

General

1. Request ID on admission (if required)
2. Maintain & enforce closure and drinking up times
3. Refuse alcohol upon nuisance behaviour
4. Maintain training records for staff
5. Supply of alcohol 24 hours everyday for residents and their bona fide guests. A sign in book shall be kept at the front desk and completed when residents have guests and will included the name of the resident and their guest/s, room number and contact details.

Prevention of crime and disorder

1. Refuse alcohol upon nuisance behaviour
2. Advertise the use of CCTV cameras throughout the premises
3. Maintain a refusals register

Public safety

1. Maintain fire safety procedures and annual inspections
2. Complete risk assessments for public areas of access
3. Training in first aid, health & safety, food hygiene

Prevention of public nuisance

1. Be considerate neighbours, close windows when possible
2. If custom is slow, deter from playing music in gardens
3. Post signs for orderly behaviour, no drugs on the premises
4. Empty bottle bins in the morning
5. Enforce closure and request customers leave quietly

Protection of children from harm

1. Introduce challenge 25 policy
2. Advertise CCTV – in use throughout hotel and grounds
3. Ask for id of younger customers
4. Refuse the sale of alcohol if intoxicated

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

4. REASON FOR HEARING

4.1 Eighteen representations against the application have been received from other persons.

4.2 One representation against the application has been received from Environmental Protection at East Suffolk Council - a Responsible Authority.

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

4.4 Summary of grounds for representation:

The main concerns were the noise nuisance that could occur due to the location of the premises. That it is a residential area and any music played outdoors will affect those that live nearby. There were also concerns that even music played indoors could cause a noise nuisance especially in the conservatory as there is not adequate sound proofing.

Due to what has been requested this could mean that events go on for long period late into the evening/early morning. This could cause a high level of noise nuisance during these times.

There were also concerns that even if there was not music in the gardens if after 11pm guests were using the garden to drink alcohol or eat food this could still cause a disturbance as guests will be chatting and moving around.

Possible over-indulgence by guests in alcohol may well result in disorderly behaviour.

That this would become a destination for people to come and drink as they had a longer licence to allow the supply of alcohol.

That there could be an increase in crime and other public nuisance issues.

Noise of guests leaving the premises late at night

Light pollution especially after midnight

Environmental Protection – concerns with regulated entertainment in the garden as it is a residential area and have requested that the garden areas are not used at all after 11pm.

Within the representations received were many comments that cannot be considered as part of this variation application as they relate directly to licensable activities that the existing premises licence already permits or that the Licensing Act 2003 permits under deregulations made in April 2015.

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 12th May 2021 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.

APPENDICES	
Appendix A	Application form including a plan of the premises
Appendix B	Copy of existing premises licence & plan of the premises
Appendix C	Representations (private document for the Sub-Committee only)

BACKGROUND PAPERS	
None	