



## LICENSING SUB-COMMITTEE

Friday 15 September 2023

### APPLICATION DETAILS

<b>Type:</b>	Summary Review – Premises Licence
<b>Name of Applicant:</b>	Suffolk Constabulary
<b>Address of Applicant:</b>	Force Licensing Unit, Lowestoft Police Station, Old Nelson Street, Lowestoft, NR32 1PE
<b>Type of applicant (Premises Only):</b>	Responsible Authority
<b>Name of Premises:</b>	The Waveney
<b>Address of premises:</b>	132-134 Bridge Road, Oulton Broad, NR33 9JT
<b>Description of Premises:</b>	Public house

### EXECUTIVE SUMMARY:

- This is an application for an expedited review of premises licence WPREM2406 relating to the Waveney, Oulton Broad
- Suffolk Constabulary, in its capacity as a responsible authority, has called for this review under section 53A of the Licensing Act 2003, issuing a certificate, under section 53A (1)(b) of the Act, stating that in their opinion the premises were associated with serious crime.

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	Oulton Broad
<b>Cabinet Member:</b>	Councillor Mike Ninnmey, Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Leonie Houlton Licensing Officer 01502 523624 <a href="mailto:Leonie.Houlton@eastsoffolk.gov.uk">Leonie.Houlton@eastsoffolk.gov.uk</a>

## **1. THE APPLICATION**

- 1.1.1 The application for a summary review of the premises licence was made by Suffolk Constabulary on 29 August 2023. The application form and accompanying certificate is attached as **Appendix A & A1** for members of the Sub-Committee only.
- 1.1.2 Suffolk Constabulary requested that any information provided for this summary review application be exempt/not published as there is an ongoing police investigation.
- 1.1.3 The Police have indicated that they will be making an application for the public to be excluded from the proceedings pursuant to Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.
- 1.1.4 As part of the application, the Suffolk Constabulary requested that interim steps be applied immediately; and for these steps to be in place until the full review hearing. The interim steps proposed can be found in the Suffolk Constabulary application at **Appendix A**.
- 1.1.5 During a meeting of the Sub-Committee on Thursday 31 August 2023 it was concluded that it was necessary, in order to prevent crime and disorder, to implement all of the proposed interim steps with immediate effect pending the determination of this application for a summary review.

The decision of the Sub-Committee meeting held on 31 August 2023 is attached as **Appendix B** for members of the Sub-Committee only.

- 1.2 The application has been forwarded to the relevant Responsible Authorities, as prescribed by the Licensing Act 2003 and advertised, as required by legislation, for a period ending 12 September 2023.
- 1.3 For reference a copy of the current premises licence & accompanying plan has been included for the members of the Licensing Sub-committee. These are attached as **Appendix C & C1**.

## **2. REPRESENTATION FROM LICENCE HOLDER**

- 2.1 At the time of this report being submitted for publication there has been no representation from the premises licence holder.

## **3. ADDITIONAL REPRESENTATIONS**

- 3.1 At the time of this report being submitted for publication there have been no representations received from Responsible Authorities or any other persons.

## **4. POINTS FOR CONSIDERATION**

- 4.1 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. The Licensing Authority wishes to safeguard the amenity of residents and other businesses from the potential adverse consequence of the operation of licensed premises whilst recognizing the valuable contribution that such premises make to the local economy as well as their social and cultural significance.

4.2 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.

4.3 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.

4.4 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.

4.5 The relevant notices about this hearing have been served on the applicant and interested parties and they have until 8 September 2023 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

## 5. RECOMMENDATION

5.1 The Sub-Committee will be asked to determine this application and has the option to:

**a) Modify the conditions of the licence**

This could include either imposing further conditions on the licence or changing (for example, further restricting) the hours of certain licensable activities, where this is proportionate and relevant to the licensing objectives.

For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.

**b) Exclude a licensable activity from the scope of the licence**

The Sub-Committee may decide that it is proportionate and relevant to the licensing objectives to exclude licensable activities

- c) **Remove the Designated Premises Supervisor**
- d) **Suspend the licence for a period not exceeding three months**
- e) **Revoke the licence**

5.2 Depending on the decision of the Sub-Committee, the licence holder and the applicant have rights of appeal to the Magistrates Court.

5.3 When announcing its decision, the Sub-Committee is asked to state its reasons.

<b>APPENDICES</b>	
<b>Appendix A</b>	Application for summary review – for members of the Sub-Committee only
<b>Appendix A1</b>	Certificate the accompanies the application – for members of the Sub-Committee only
<b>Appendix B</b>	Decision Notice 31 August 2023 – for members of the Sub-Committee only
<b>Appendix C</b>	Current Premises licence for the Waveney
<b>Appendix C1</b>	Plan that accompanies the Premises Licence

<b>BACKGROUND PAPERS</b>	
The East Suffolk Council Statement of Licensing Policy, The Licensing Act 2003 (“the Act”) and the Guidance issued under section 182 of the Act.	Available from <a href="mailto:licensing@eastsoffolk.gov.uk">licensing@eastsoffolk.gov.uk</a>