



LICENSING SUB-COMMITTEE

Friday 25 August 2023

APPLICATION DETAILS

Type:	Variation – Premises Licence
Name of Applicant(s):	Holly Davis
Address of Applicant(s):	89 Seago Street, Lowestoft, NR32 2DT
Type of applicant (Premises Only):	Individual
Name of Premises:	Everitt Park Cafe
Address of premises:	Nicholas Everitt Park, Bridge Road, Oulton Broad, NR33 9JR
Description of Premises:	Cafe

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: provision of live and recorded music (indoors).
- To extend the licenced area, to include a new area outside.

Is the report Open or Exempt?	Open
Wards Affected:	Oulton Broad
Cabinet Member:	Councillor Mike Ninnmey, Cabinet Member with responsibility for Community Health
Supporting Officer:	Leonie Hoult Licensing Officer 01502 523624 Leonie.Hoult@eastsoffolk.gov.uk

1. PROPOSED VARIATION TO LICENSABLE ACTIVITIES

Live and recorded music (indoors)

Friday and Saturday 23:00 to 00:00

2. EXISTING LICENCED TIMES FOR ACTIVITIES

Sale of alcohol – on and off sales

Monday to Sunday 09:00 to 00:00

3. EXISTING OPENING HOURS

Monday to Sunday 08:30 to 00:00

4. OPERATING SCHEDULE

4.1 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 and to also add these conditions.

General

None.

Prevention of crime and disorder

Ensure correct authorities are notified of any incidents.

All staff trained to know how to react in certain situations.

Zero drug tolerance.

Public safety

First aid trained members of staff on site.

CCTV is installed.

Prevention of public nuisance

Ensure number of bins located around site.

Ensure noise levels are kept to a reasonable level and monitored.

Protection of children from harm

No gambling or adult activities take place on premises.

Zero drug tolerance.

Think 25 in place.

A copy of the existing premises licence and the plan that accompanies the premises licence are attached as **Appendix A and A1**. A copy of the plan that accompanies the variation application is attached as **Appendix B**.

5. REASON FOR HEARING

5.1 Two representations against the application have been received from an 'other person'.

5.2 One representation against the application has been received from Oulton Broad Parish Council.

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

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

5.5 Summary of grounds for representation:

The proposed new licenced area within the park is located near a children's play area. There is already an issue with youths behaving badly in the park during the evenings.

There is also the potential for broken glass and associated waste within this area of the park.

6. POINTS FOR CONSIDERATION

6.1 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.

6.2 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.

6.3 The relevant notices about this hearing have been served on the applicant and other persons and they have until 18 August 2023 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

7. CONCLUSION

7.1 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.

7.2 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.

7.3 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.

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

APPENDICES	
Appendix A	A copy of the existing premises licence
Appendix A1	A copy of the plan that accompanies the premises licence
Appendix B	A copy of the plan that accompanies the variation application
Appendix C	Representations (private document for the Sub-Committee only)

BACKGROUND PAPERS	
None	