



## Licensing Sub-Committee

Members are invited to a **Meeting of the Licensing Sub-Committee** to be held in the Conference Room, Riverside, on **Friday, 15 September 2023** at **9.30am**.

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtube.com/live/Vb122741bJc?feature=share>.

### Members:

Councillor Jan Candy, Councillor John Fisher, Councillor Keith Robinson.

An Agenda is set out below.

### Part One – Open to the Public

Pages

- 1 Election of a Chair**  
To elect a Chair for the meeting.
- 2 Apologies for Absence**  
To receive apologies for absence, if any.
- 3 Declarations of Interest**  
Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.
- 4 Declarations of Lobbying and Responses to Lobbying**  
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.
- 5 Exempt/Confidential Items**  
It is recommended that under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Act.

- 6 **Summary Review - The Waveney, 132-134 Bridge Road, Oulton Broad, Lowestoft, NR33 9JT ES/1656** 1 - 13  
Report of the Licensing Officer.

**Close**



Chris Bally, Chief Executive

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**[democraticservices@eastsoffolk.gov.uk](mailto:democraticservices@eastsoffolk.gov.uk)**

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

Licensing Act 2003  
**Premises Licence**

**WPREM2406** ES/1656

LOCAL AUTHORITY	
 <p><b>EASTSUFFOLK</b> COUNCIL</p>	<p><b>East Suffolk Council</b>                      East Suffolk House Riduna Park                      Station Road Melton                      Woodbridge                      Suffolk                      IP12 1RT</p> <p>tel: 01394 444802                      web: www.eastsuffolk.gov.uk</p>

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
<p><b>Waveney</b>                      132-134 Bridge Road, Lowestoft, Suffolk, NR33 9JT.</p>	<p>Telephone 01502 569135</p>

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> <li>- an exhibition of a film</li> <li>- an indoor sporting event</li> <li>- a performance of live music</li> <li>- any playing of recorded music</li> <li>- provision of late night refreshment</li> <li>- the supply of alcohol</li> </ul>

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday New Years Eve As embedded for alcohol	11:00am	1:00am
C. Indoor sporting event	Monday to Sunday New Years Eve As embedded for alcohol	11:00am	1:00am
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday INDOORS	11:00am	11:30pm
	Monday to Sunday OUTDOORS	11:00am	9:00pm
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday INDOORS	11:00am	1:00am
	Monday to Sunday OUTDOORS	11:00am	11:00pm
I. Late night refreshment (Indoors)	Monday to Sunday New Years Eve	11:00pm	1:00am



## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors) continued ...	As embedded for alcohol		
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday New Years Eve As embedded	11:00am	1:00am

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	11:00am	1:30am

## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

## Part 2

## NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Craft Union Pub Company Limited 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ.  
Telephone 0121 272 5501

## REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Craft Union Pub Company Limited 09429990

## NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

## PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. Issued by Waveney





# Premises Licence

## ANNEXES

### ANNEX 1 - MANDATORY CONDITIONS

#### EXHIBITION OF FILMS

- 1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section -
- 2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- 3) Where -
  - a) the film classification body is not specified in the licence, or
  - b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 4) In this section -
 

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

#### SUPPLY OF ALCOHOL

Where a premises licence authorises the sale of alcohol, the licence must include the following conditions:

1. (1) No supply of alcohol may be made under the premises licence -
  - At any time when there is no designated premises supervisor in respect of the premises, or
  - At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;



## Premises Licence

## ANNEXES continued ...

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

(a) a holographic mark, or

(b) an ultraviolet feature.

5. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

6. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

6.1 For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and



# Premises Licence

**ANNEXES continued ...**

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

6.2 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

6.3 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

On New Year's Eve the premises would be permitted to supply alcohol on and off the premises from the end of the normal licensed hours until the start of the licensed hours on the following day.

**General Conditions**

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**Crime and Disorder**

1. The Licence holder shall ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder asks for a photo ID proof of age where they have reason to suspect that the individual may be under 18 years of age.

**Public Safety**

-

**Prevention of Public Nuisance**

1. The Licence holder shall provide adequate and suitable (lidded) receptacles to receive and store refuse from the premises/site.

2. The Licence holder shall ensure that noxious smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

3. The Licence holder shall display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

4. Recorded music played outside shall finish at 23:00

5. Live music played outside shall finish at 21:00



ANNEXES continued ...

6. Any entertainment operated in the outside area will be operated in accordance with a noise management plan, **agreed in writing with the East Suffolk Council Community Protection team**, which will be made available for inspection to officers of the responsible authorities upon request.

**Protection of Children from Harm**

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**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

N/A



## Premises Licence Summary

## LOCAL AUTHORITY



East Suffolk Council  
 East Suffolk House Riduna Park  
 Station Road Melton  
 Woodbridge  
 Suffolk  
 IP12 1RT

tel: 01394 444802  
 web: www.eastsuffolk.gov.uk

## Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Waveney**

132-134 Bridge Road, Lowestoft, Suffolk, NR33 9JT.

Telephone 01502 569135

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

## THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday New Years Eve As embedded for alcohol	11:00am	1:00am
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## Premises Licence Summary

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors) continued ...	New Years Eve As embedded for alcohol		
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday New Years Eve As embedded	11:00am	1:00am

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	11:00am	1:30am

## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Craft Union Pub Company Limited 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ.

## REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Craft Union Pub Company Limited 09429990

## NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

## STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



