

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Conference Room,
Riverside, on **Monday, 07 August 2023 at 2:00 PM**

Members of the Sub-Committee present:

Councillor Janet Craig, Councillor Alan Green, Councillor Sarah Plummer, Councillor Ed Thompson

Officers present: Teresa Bailey (Senior Licensing Officer), Martin Clarke (Licensing Manager and Housing Lead Lawyer), Duncan Coleman (Estates Manager), Sarah Davis (Democratic Services Officer), Leonie Hault (Licensing Officer), Alli Stone (Democratic Services Officer)

Others present: The Applicant

1 Election of a Chair

On the proposition of Councillor Thompson, seconded by Councillor Craig it was

RESOLVED

That Councillor Sarah Plummer be elected as Chair of the Licensing Sub-Committee for the 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.

5 New Premises Licence - Blackshore Fish Co, Fishing Hut W19, Blackshore, Southwold, IP18 6TA

The Sub-Committee received report **ES-1617** of the Licensing Officer which related to an application for a new new premises license at Fishing Hut W19 Blackshore, Southwold, IP18 6TA.

The Chair invited the Licensing Officer to introduce the report. The Sub-Committee was advised of the details of the application and that a hearing had been convened as one relevant representation had been received from East Suffolk Council Assets Management who were the landlord of the property. The Licensing Officer noted that there had been no objections to the application from any of the responsible authorities consulted.

The Sub-Committee was informed that when taking its decision it was required to consider the guidance issued under Section 182 of the Licensing Act 2003, the Council's current Statement of Licensing Policy and the Human Rights Act 1998, giving full reasons should it have reason to depart from these points.

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

1. Granting the application subject to any mandatory conditions and to those consistent with the application.
2. Granting the application subject to the same conditions but modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives
3. Rejecting the application.

The Sub-Committee was asked to state its reasons when announcing its decision.

The Chair invited questions to the Licensing Officer. Following a question from the Legal Advisor, the Licensing Officer confirmed that there were four other premises in Southwold Harbour with a premises licence. A map showing their location was shared with the Sub-Committee and the Licensing Officer confirmed no complaints had been received about these premises. The Licensing Officer confirmed that the hut next door had applied for and received three temporary event notices since 2017 allowing the sale of alcohol.

The Chair invited the applicant to present their case. The applicant stated that had purchased the hut which had a commercial licence in March. Despite the decline of the fishing industry and issues in hospitality following covid, they intended to set up a small store selling local goods and wet fish. Through the process of purchasing the hut and starting the business they had attempted to work with the Council to ensure the proper processes were being followed. They had engaged with others in the harbour and discussed any concerns to ensure any problems were solved.

The applicant stated that the proposed opening hours were outside of the main working hours in the harbour, and they would be focussing on daylight summer hours when tourists visited the area. The applicant stated there were four other businesses in the harbour selling alcohol and that they hoped they could fit in with the rest of the harbour and contribute to the area.

The Chair invited questions to the applicant.

The applicant confirmed there was a small decking area outside of the hut, and the licence would cover the area inside in the hut and this decking area. The applicant stated they may look to extend this area in the future. Regarding off sales, the applicant confirmed this was to sell bottles of wine as part of the deli business.

Following a question from Councillor Thompson the applicant confirmed they would follow a Challenge 25 policy and hold a refusals register.

The Licensing Officer stated that the inside space was limited and asked how on sales would work in a limited space. The applicants stated they had planned for three small tables inside and limited seating outside.

The Estate Manager representing the Landlord stated that one of the main concerns was the size of the hut, so most people would be moving on with their purchases. Any extension to the outside area would also need planning permission and permission for a change in the tenancy. The Estate Manager added that as far as he was aware there was no permission to trade from this hut.

The Legal Advisor confirmed that should a premises licence be granted there would still need to be the correct permissions in the lease and with regards to planning for the premises to operate.

The Chair invited the Estate Manager to make their representation. The Estate Manager stated that the main issue with the licence in this location was the proximity to the working harbour where light and medium industrial processes took place around the hut, and it was not considered the best environment for the consumption of alcohol as this introduced further dangers to the general public and the operators of the machines as this could lead to further accidents and injury.

The Estate Manager stated that Southwold Harbour was unusual in that the general public could walk through the active areas with very little separation from industrial work. There were other premises which had permissions for a long time, the pub was well separated from the industry with its own access road, and the other premises were self contained restaurants where the consumption of alcohol could be managed. The road was very dangerous and introducing a seating area here was undesirable, especially as there was no footpath. There was the potential for accidents due to the movement of the heavy machinery in the area, and it was close to a fast moving river. The council acknowledged there were other operators with permission for alcohol sales, and they did not feel it was necessary to introduce further alcohol sales.

The Chair invited questions.

Following a question from Councillor Thompson, the Estate Manager stated that he was not aware of any alcohol related accidents in the harbour.

The Chair asked if an additional license for a small premises would make such a difference to safety. The Estates Manager responded that a number of applications were received every year for various businesses and it was difficult to balance the

current use of the harbour as boat building and fishing, with applications for change of use to retail which would change the attraction to the harbour. There was concern that this would open the door for more premises to being turned into premises for the sale of alcohol.

The Legal Advisor confirmed that the Sub-Committee could not take into account the number of premises in an area unless a number of issues had been reported and a cumulative impact assessment had been completed.

The Licensing Officer asked about the other premises in the harbour. The Estates Manager confirmed that other licenced premises in the harbour were also owned by East Suffolk Council and that there had been no issue with regards to alcohol sales. Regarding temporary events notices the Estates Manager was informed of these as part of the process.

Councillor Thompson asked what the difference was between this premises and others in the harbour. The Estates Manager stated that other premises in the harbour were managed as restaurants where people would sit in and have food with their drink in a contained area rather than buying food and drink and taking it to another area. The Council wished to encourage businesses in the area, but there were risks with sales in an active harbour.

The Legal Advisor asked where the heavy machinery was typically used in the harbour. The Estates Manager stated that the Harbour Inn was furthest away from the machinery. The closest was Le Roc who operated next to the boat builders. People had storage all along the harbour and could bring in heavy machinery all along the road. The main heavy machinery was used in the centre of the harbour around the boat builders but could move all the way along the harbour. The Estates Manager stated that was the asset management teams point of view that just because one premises had permissions did not mean this premises should have permission.

The Licensing Officer confirmed the premises licences for the other premises. Three had on and off sales, one had temporary entitlement to have off sales following covid.

The Chair invited parties to sum up.

The applicant stated that they had made their point. The Estates Manager commented that the key issue from the point of view of assets was the ability of people to consume alcohol directly in an area where heavy machinery was operated, and they were keen to avoid any issues.

The Sub-Committee adjourned with the Legal Advisor and Democratic Services Officer to consider their decision.

On the Sub-Committees return the Chair read the following decision notice:

DECISION NOTICE

David Passey (the Applicant) has applied for a new premises license at Fishing Hut W19 Blackshore, Southwold, IP18 6TA to permit the sale of alcohol for on and off sales from

Friday to Sunday 10:00 to 19:00. The proposed opening hours are the same - Friday to Sunday 10:00 to 19:00.

The Sub-Committee has been held as one representation against the application had been received from East Suffolk Council as the Landowner. A late representation had also been received from Southwold Town Council. Both representations had referred to concerns around public safety as the premises was located in a working harbour close to areas where heavy machinery was used. The premises was also close to a fast moving river.

The Sub-Committee first heard from the Licensing Officer, who summarised the report. When questioned the Licensing Officer confirmed that four other premises had licences for on and off sales of alcohol and that there had been no issues with the licence at these premises in the past. The Licensing Officer confirmed that the hut next door had received three temporary events notices in the past five years for up to one week at a time.

The Sub-Committee also heard from the applicant who stated that they had bought the hut with the view to opening a small wet fish shop and deli, and that they wished to sell local goods, including locally sourced alcohol, along with food. The hut was small and the applicants confirmed that they had only planned for three tables inside and that the outside area was very limited in seating. The applicants stated that they had discussed their plans with others in the harbour to ensure that they could contribute and fit in with the existing businesses in the areas.

The Sub-Committee also heard from East Suffolk Council's asset management team who were the landlord for the premises and had registered an objection. The Estates Manager stated that the main issue was that the hut was located in the middle of a working harbour and light and medium industrial processes took place along the harbour, including the movement of heavy machinery. There was also no separate footway on the harbour road and so pedestrians would walk in the line of traffic. The Estates Manager acknowledged that there were four other premises in the harbour with licences, but argued that there were much larger premises which were run as restaurants and so alcohol was consumed in a limited area, and that most of these premises were further away from machinery movements.

The decision of the Sub-Committee

The Sub-Committee, having considered the application have decided to grant the application for the sale of alcohol for on and off sales from Friday to Sunday 10:00 to 19:00.

Reasons for decision

In arriving at this decision, the Sub-Committee has taken into consideration the representations of both the applicant and objector as well as the Licensing Officer's report. The Sub-Committee also considered the Council's own licensing guidance and statement of licensing policy, as well as the Statutory Section 182 guidance, and Human Rights Act 1998.

The Sub-Committee noted the objectors representation that this was a working harbour and therefore not a suitable place for the sale of alcohol. However there are four licenced premises in the harbour area which have been operating for some time and no concerns have been raised by an responsible body in relation to the operation of these other premises. In addition the responsible bodies were consulted regarding this application and no representations were received. In accordance with paragraph 9.12 the sub-committee places great weight on the expertise of the responsible bodies and the fact that they have not objected is something that the sub-committee relied on when making its decision.

The Sub-Committee notes that the objector did not wish to have too many licenced premises in the area, but this is not something the sub-committee can consider as no cumulative impact assessment has been published in relation to this area.

In making its decision the Sub-Committee considered the Council's own licensing guidance and statement of licensing policy, as well as the Statutory Section 182 guidance, and Human Rights Act 1998.

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

Date: 7 August 2023

The meeting concluded at 3.58pm

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Chair