



LICENSING SUB-COMMITTEE

Friday 11 December 2023

APPLICATION DETAILS

Type:	Variation – Premises Licence
Name of Applicant(s):	The Hotel Folk
Address of Applicant(s):	The Hotel Folk Ltd, Lakeside Avenue, Thorpeness, Leiston Suffolk IP16 4NH
Type of applicant (Premises Only):	Limited Company
Name of Premises:	Thorpeness Leiston
Address of premises:	Thorpeness Country Club, The Benthills, Thorpeness Leiston IP16 4NU
Description of Premises:	Country club and events venue

EXECUTIVE SUMMARY:

- This is an application for a variation to an existing Premises Licence.
- The application seeks to extend the licensed times for live and recorded music indoors, to add live and recorded music on an outside lawn area and to remove old, obsolete conditions imposed under the now repealed licensing regime.

Is the report Open or Exempt?	Open
Wards Affected:	Aldeburgh & Leiston
Cabinet Member:	Councillor Jan Candy, Cabinet Member with responsibility for Community Health
Supporting Officer:	Jodie Fisher Licensing Officer 01394 444363 Jodie.Fisher@eastsoffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Live Music – outdoors (lawn area)

Monday to Sunday 10:00 to 00:00

Recorded Music – outdoors (lawn area)

Monday to Sunday 10:00 to 00:00

Supply of alcohol – off Sales

Monday to Sunday 10:00 to 00:00

1.1 EXISTING LICENCED TIMES FOR ACTIVITIES

Live Music – indoors

Monday to Saturday 10:00 to 00:00

Sunday 10:00 to 22:30

Recorded Music – indoors

Monday to Saturday 10:00 to 00:00

Sunday 10:00 to 22:30

Performance of Dance – indoors

Monday to Saturday 10:00 to 00:00

Sunday 10:00 to 22:30

Late night refreshments – indoors

Monday to Sunday 23:00 to 00:00

Supply of alcohol – ON premises

Monday to Saturday 10:00 to 00:00

Sunday 10:00 to 22:30

2. PROPOSED OPENING HOURS

Monday to Sunday 08:00 to 00:00

Easter Sunday 06:00 to 00:00

New Years Eve 08:00 to 01:00

2.1. EXISTING OPENING HOURS

Monday to Saturday 10:00 to 00:00

Sunday 10:00 to 22:30

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 keep all existing relevant conditions and to also add these conditions:

General

Keeping a log of refusals for sales

We operate a challenge 25 policy.

All staff have completed licensing training, bar staff, waiting staff and managers.

Prevention of crime and disorder

Training is given to staff to ensure they understand licensing laws and how to prevent crime and disorder.

We conduct regular checks of toilets and other public areas to prevent unacceptable or illegal activity and to ensure it is kept clean and tidy.

Public safety

Event staffing is based on the number of guests attending.

Our risk assessments are reviewed for the requirements of each event.

We have a safeguarding policy in place.

Prevention of public nuisance

The use of The Beach side lawn will not be permitted after 10pm

The volume of amplified music will be strictly controlled in all areas.

Protection of children from harm

We operate a challenge 25 policy.

Events have specific guest lists; we know the amount of children in attendance.

Safeguarding policy in place with a company designated safeguarding officer for The Hotel Folk.

The summer programme have additional risk assessments.

A copy of the existing premises licence and the existing plan of the premises licence are attached as **Appendix A & A1**.

A copy of the new plan of the premises including the new proposed licence area is attached as **Appendix B**.

4. REASON FOR HEARING

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

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

4.3 No representations against the application were received from any of the Responsible Authorities.

4.4 Summary of grounds for representation:

We are currently inconvenienced periodically by the noise from wedding discos held at the County Club.

Acoustic noise will definitely pollute that stretch of beach and all the surrounding homes/holiday lets.

There is a potential danger to the public, particularly children, due to the location of the site being on the opposite side of the highway (B1353) to the premises of the Country Club.

The creation of the beachside lawn venue with the sale of alcohol, live and recorded music, potentially every afternoon and evening seven days a week will cause a significant and unacceptable public nuisance.

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 5 December 2023 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	A copy of the existing premises licence
Appendix A1	A copy of the plan that accompanies the existing premises licence
Appendix B	A copy of the plan for the proposed variation
Appendix C	Representations (private document for the Sub-Committee only)

BACKGROUND PAPERS	
None	