



LICENSING SUB-COMMITTEE

Monday 7th August 2023

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	David Passey
Address of Applicant(s):	14d Asylum Road, London, SE15 2RL
Type of applicant (Premises Only):	Individual
Name of Premises:	Blackshore Fish Co
Address of premises:	Fishing Hut W19 Blackshore, Southwold, IP18 6TA
Description of Premises:	Fish shop and deli.

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Sale of alcohol for on and off the premises.

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

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – both on and off sales

Friday to Sunday 10:00 to 19:00

2. PROPOSED OPENING HOURS

Friday to Sunday 10:00 to 19:00

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.

General

Compliant with relevant legislation.

Prevention of crime and disorder

Compliant with relevant legislation.

Public safety

Compliant with relevant legislation.

Prevention of public nuisance

Compliant with relevant legislation.

Protection of children from harm

Compliant with relevant legislation.

A plan of the premises is attached as **Appendix A**.

4. REASON FOR HEARING

4.1 One representation against the application has been received from East Suffolk Council as Landowner of Southwold Harbour.

4.2 The applicant has been provided with a copy of the representation and it is attached as **Appendix B** for members of the Sub-Committee.

4.3 Summary of grounds for representation:

Are that this is a working harbour with boats movements occurring, heavy machinery in use, boat repairs being undertaken, and landing stages being built and repaired.

A road also runs along the stretch of the Blackshore Harbour and very close to hut No. W19. For the harbour to operate safely, cooperation from the public is needed at all times in this busy area.

Concerns were raised that increasing the availability of alcohol on the harbour presents an increased risk of accident and injury to the public, those working at the Harbour and those navigating or visiting the area.

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 31st July 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 plan of the premises
Appendix B	Representation (private document for the Sub-Committee only)

BACKGROUND PAPERS – none.
