



Licensing Sub-Committee

Members are invited to a **Meeting of the Licensing Sub-Committee** to be held in the Conference Room, Riverside, Lowestoft on **Friday, 25 August 2023 at 9:30am**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtube.com/live/kZPAe316b1c?feature=share>

Members:

Councillor John Fisher, Councillor Alan Green, Councillor Keith Patience, Councillor Keith Robinson (Reserve)

An Agenda is set out below.

Part One – Open to the Public

Pages

- 1 Election of a Chair**
To elect a Chair for the Licensing Sub-Committee.
- 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 Variation of Premises Licence ES/1629**
Report of the Licensing Officer 1 - 16

There are no Exempt or Confidential items for this Agenda.

Close



Chris Bally, Chief Executive

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democraticservices@eastsoffolk.gov.uk

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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:

- | |
|---|
| <ul style="list-style-type: none"> • 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
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Wards Affected:	Oulton Broad
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Cabinet Member:	Councillor Mike Ninnmey, Cabinet Member with responsibility for Community Health
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Supporting Officer:	Leonie Hoult Licensing Officer 01502 523624 Leonie.Hoult@eastsoffolk.gov.uk
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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	

Licensing Act 2003
Premises Licence

WPREM2119 ES/1629

LOCAL AUTHORITY	
 <p>EASTSUFFOLK COUNCIL</p>	<p>East Suffolk Council 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>Everitt Park Cafe Nicholas Everitt Park, Bridge Road, Lowestoft, Suffolk, NR33 9JR.</p>	<p>Telephone 01502 531451</p>

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	9:00am	Midnight

THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
Monday to Sunday	8:30am	Midnight	

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	
<p>Holly Davis holly@everittparkcafe.co.uk</p>	[REDACTED]

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

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL	
Holly DAVIS	[REDACTED]



Licensing Act 2003

Premises Licence

WPREM2119

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. WPERS3599

Issued by Waveney



ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

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;
 - (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-



Premises Licence

ANNEXES continued ...

(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(a);

(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
- (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(a).

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.



Premises Licence

ANNEXES continued ...

(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

- 1 The Licence holder shall ensure that the consumption of alcohol is restricted to the areas identified on the plan attached to the operating schedule.
- 2 The Licence holder shall ensure that the maximum occupancy of the licensed premises is restricted at any one time to: 150.
- 3 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.
- 4 The Licence holder shall implement a policy agreed by the Police and local authority.
- 5 The Licence holder shall ensure that a secure deposit box is kept on the premises for the retention of confiscated items and ensure that the Police are advised of any items, which require safe disposal.
- 6 The Licence holder shall ensure that public information notices about crime and disorder issues are displayed at the requested of the Council or the Suffolk Constabulary.
- 7 The Licence holder shall ensure that lighting is provided outside the premises (and in any private car park of the premises) during the hours of darkness when any licensable activity takes place on the premises.
- 8 The Licence holder shall make sure that doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check is kept.
- 9 Access for emergency vehicles is to be kept clear and free from obstruction.
- 10 The Licence holder shall make sure that when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency, and that patrons are made aware of these arrangements.
- 11 The Licence holder shall make sure that adequate and appropriate supply of first aid equipment and materials is available on the premises.
- 12 The Licence holder shall make sure that at least one suitable trained first aider will be on duty when the public are present.
- 13 If more than one first aider is present, the Licence holder shall make sure that their respective duties are clearly defined.
- 14 In the absence of adequate daylight, the Licence holder shall make sure that the lighting in any area accessible to the public is fully operational.
- 15 The Licence holder shall not alter Emergency lighting without prior notification to the Licensing Authority.
- 16 The Licence holder shall make sure that Emergency lighting batteries are fully charged before admission of the public.
- 17 In the event of failure of normal lighting, where the emergency lighting battery has a capacity of one hour, the Licence holder shall make sure that evacuation of the premises is possible within 20 minutes.
- 18 The Licence holder shall make sure that the following systems are maintained and inspected by suitably qualified professional persons in accordance with any British Standards and at intervals recommended in national guidance, and will keep the records of such inspections available for inspection by authorised officers on request:
 - Building Electrical Installation
 - Emergency Lighting System
 - Fire Warning System
 - Gas boiler, calorifier or appliance
 - Oil fired boiler or appliance
 - Suspended ceilings
 - Portable fire fighting equipment
 - Temporary Electrical Installation
- 19 The Licence holder shall make sure that the premises have valid public liability insurance in force and that a copy of the schedule is available for inspection by an authorised officer on request.
- 20 The Licence holder shall not alter the premises in such a way as to make it impossible to comply with an existing licence condition, without first seeking a variation of the premises licence.



Premises Licence

ANNEXES continued ...

- 21 The Licence holder shall not use portable heating appliances on the premises.
- 22 The Licence holder shall ensure that receptacles for waste are emptied regularly to minimise noxious smells.
- 23 The Licence holder shall provide adequate and suitable (lidded) receptacles to receive and store refuse from the premises/site.
- 24 The Licence holder shall make sure that receptacles for refuse storage are maintained in a clean condition.
- 25 The Licence holder shall make sure litter is regularly cleared from the vicinity of the premises.
- 26 A crime prevention policy agreed by the police and local authority shall be in place.

General

N/A

Prevention of crime and disorder

1. CCTV will be installed and maintained in full working order. Prominent signage will be displayed throughout the premises informing people that there is CCTV in operation. All recordings will be maintained for at least 28 days and will be made available to an authorised officer of the licensing Authority or a police officer on demand.
2. Staff will be fully trained to deal with any incidents that may occur.

Public safety

1. There will be always First aiders on site.
2. Regular checks of all fire exits, and routes will be carried out.
3. No overcrowding within the premises to keep within the premises capacity.
4. Any incidents regarding fire will be dealt with correctly and the fire service called if required.

Prevention of public nuisance

1. The Licence holder shall ensure that all areas are always kept clean and that there are plenty of bins available, which will be emptied on a regular basis.

Protection of children from harm

1. The licence holder shall implement the 'Challenge 25' scheme, ensuring prominent signage is displayed throughout the premises and all staff are trained in its operation. The Licence Holder shall ensure that any person selling or supplying alcohol at the premises, under the authority of a Personal Licence Holder, asks for photographic proof of ID document where they have reason to suspect that the individual may be less than 25 years of age.
2. There will be no adult entertainment or gambling on site.

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

N/A



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

Everitt Park Cafe

Nicholas Everitt Park, Bridge Road, Lowestoft, Suffolk, NR33 9JR.

Telephone 01502 531451

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	9:00am	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:30am	Midnight

WHERE THE LICENCE AUTHORIZES 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

Holly Davis

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

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Holly DAVIS



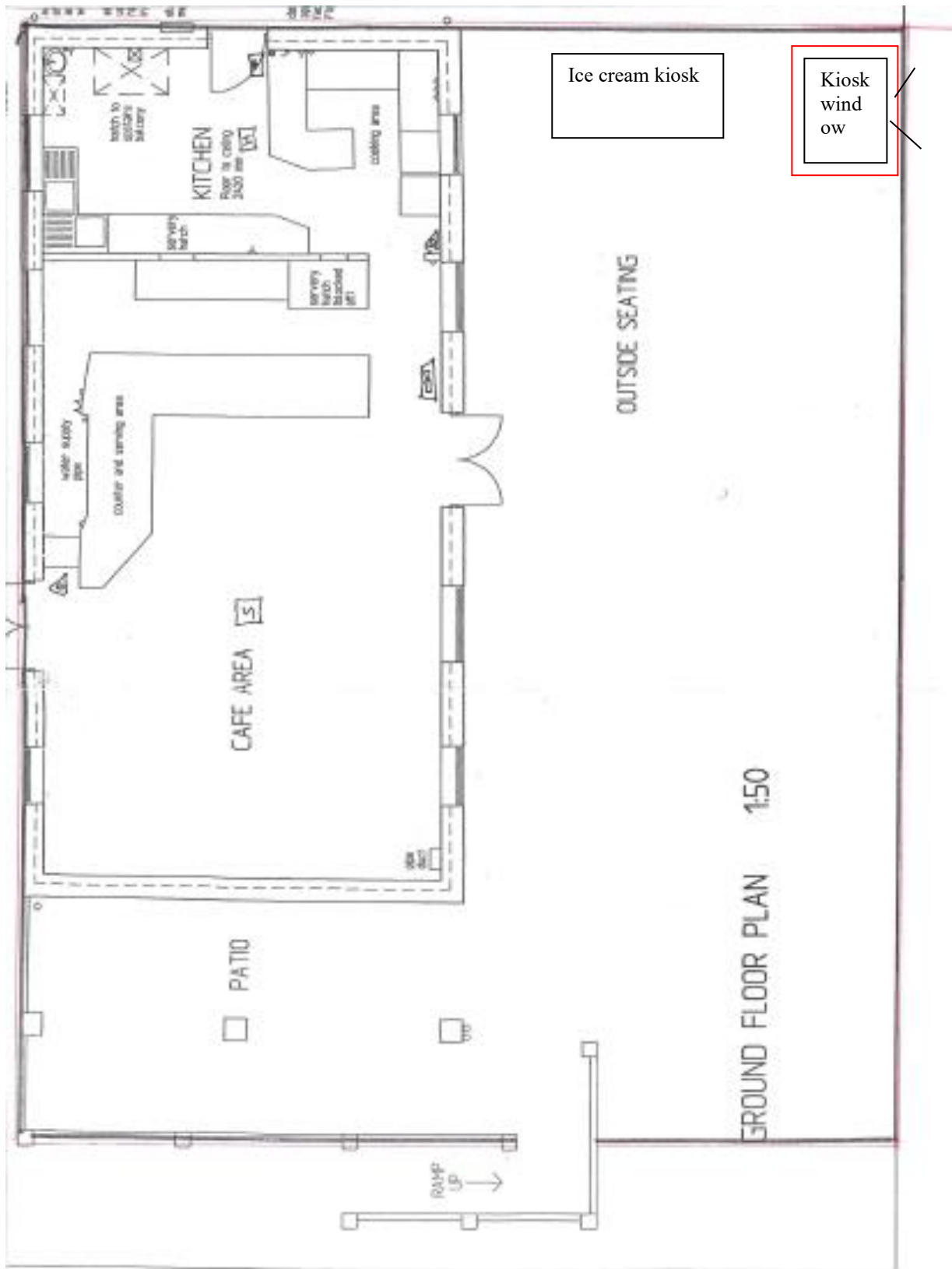
Premises Licence Summary

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

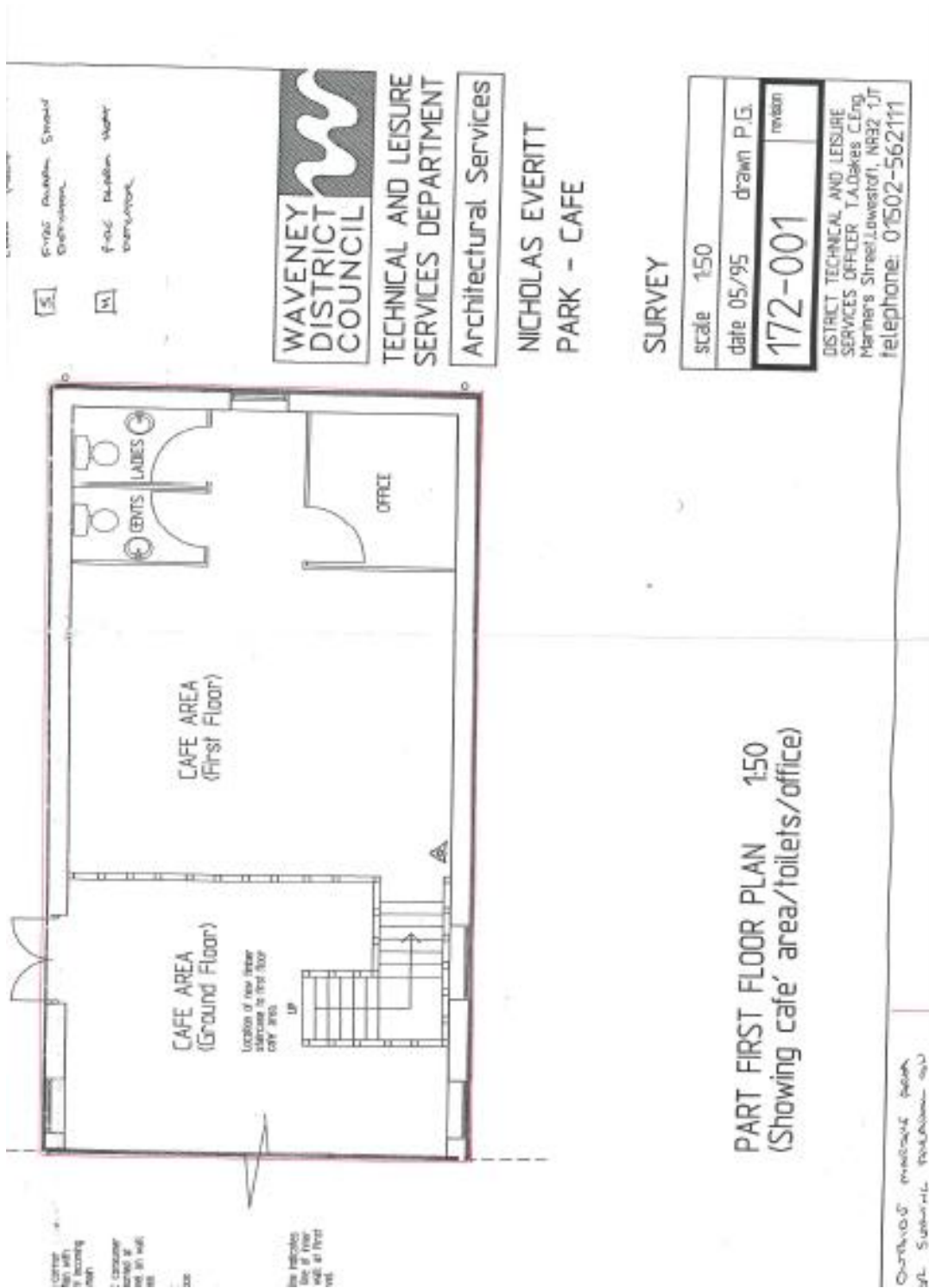


LICENSING ACT 2003 – ANNEX 4 – PLAN
Everitt Park Cafe
Nicholas Everitt Park, Oulton Broad

Agenda Item 5
ES/1629



LICENSING ACT 2003 – ANNEX 4 – PLAN
 Everitt Park Cafe
 Nicholas Everitt Park, Oulton Broad



WAVENEY DISTRICT COUNCIL
 TECHNICAL AND LEISURE SERVICES DEPARTMENT
 Architectural Services

NICHOLAS EVERITT
 PARK - CAFE

SURVEY

Scale	150
date	05/95
drawn	P.G.
172-001	revision

DISTRICT TECHNICAL AND LEISURE SERVICES OFFICER T. Adkins C.Eng.
 Manners Street, Lowestoft, NR32 1JT
 telephone: 01502-562111

PART FIRST FLOOR PLAN 150
 (Showing café area/toilets/office)

Checked: [Signature]
 D.L. [Signature]

Leaf 1 Plan

Waveney District Council

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Park Cafe, Nicholas Everitt Park, Lowestoft, Suffolk

Scale 1:1250

Speeder
J. P. [unclear]

