



## LICENSING SUB-COMMITTEE

Friday 20 May 2022

### APPLICATION DETAILS

<b>Type:</b>	New – Premises Licence
<b>Name of Applicant(s):</b>	Mr Amit Kumar Mehta
<b>Address of Applicant(s):</b>	31 Adelaide Close, Stanmore, HA7 3EN
<b>Type of applicant (Premises Only):</b>	Proprietor of school
<b>Name of Premises:</b>	St Felix School
<b>Address of premises:</b>	Halesworth Road, Reydon, Southwold, IP18 6SD
<b>Description of Premises:</b>	School

### 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 the premises. Provision of late night refreshment as well as live and recorded music (indoors).

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	Southwold & Reydon
<b>Cabinet Member:</b>	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Leonie Hoult Licensing Officer 01502 523624 <a href="mailto:Leonie.Hoult@eastssuffolk.gov.uk">Leonie.Hoult@eastssuffolk.gov.uk</a>

## 1. PROPOSED LICENSABLE ACTIVITIES

### **Sale of alcohol – on sales**

Sunday to Friday	11:00 to 23:00
Saturday	11:00 to 00:00

### **Late night refreshment – indoors**

Friday and Saturday	23:00 to 00:00
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### **Live & recorded music – indoors**

Friday and Saturday	23:00 to 00:00
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## 2. PROPOSED OPENING HOURS

Sunday to Thursday	08:30 to 00:00
Friday and Saturday	08:30 to 02:00

## 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**

Following the school rigids safeguarding practices and polies which are in place to protect our students and any visitors on site. Also adhering to our staff code of conduct. All alcohol will be kept under controlled conditions. Access to the school premises will be controlled at all times with all visitors signing in and signing out. Where an external let takes place, the hirer will be presented with a hire agreement with clear terms and conditions of usage of the site which include licensable activities. This needs to be signed and countersigned with relevant risk assessments provided before the hirer is allowed on site to commence the let. All licensable activity will be supervised as appropriate.

### **Prevention of crime and disorder**

Control of access to site.  
Supervision whilst on site of all activities.  
Following licensing laws  
Maintaining of relevant risk assessments relating to crime and disorder.

### **Public safety**

Maintaining of relevant risk assessments relating to public safety including health and safety at work act.  
All events have risk assessments completed.  
Maintaining security of the site and allowing access to relevant individuals in the hire agreement or invited guests.  
Staff will be trained to prevent risk.

### **Prevention of public nuisance**

All licenced area will be supervised by management on duty. The site has few close neighbours, but direct noise will be controlled by management here possible to minimise the

effect. Waste areas are regularly emptied and cleaned. The site is regularly maintained, and litter controlled. Extra attention is given to this after events. Out kitchens do little frying but we have effective well maintained grease trap and extraction in use.

#### **Protection of children from harm**

None.

The plans of the premises are attached as **Appendix A**.

#### **4. REASON FOR HEARING**

4.1 One representation against the application has been received from a other person.

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

4.3 Summary of grounds for representation:

That the consumption of alcohol, especially late at night, would lead to various forms of disturbance, mostly through noise, which could not only disturb residents, but also effect the local wildlife.

#### **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 13 May 2022 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.

<b>APPENDICES</b>	
<b>Appendix A</b>	Plans of the premises
<b>Appendix B</b>	Representation (private document for the Sub-Committee only)

<b>BACKGROUND PAPERS</b>	
None	