



**Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ**

Licensing Sub-Committee

Members:

Councillor Janet Craig
Councillor John Fisher
Councillor Tony Goldson
Councillor Paul Ashdown (Reserve)

Members are invited to a **Meeting of the Licensing Sub-Committee** to be held in the Conference Room, Riverside, on **Monday, 5 July 2021 at 2:00pm**

In order to comply with coronavirus regulations and guidance, the number of people at this meeting will have to be restricted to only those whose attendance is reasonably necessary.

Ordinarily, East Suffolk Council encourages members of the public to attend its meetings but on this occasion would encourage the public to watch the livestream, via the East Suffolk Council YouTube channel instead at https://youtu.be/BPD-_ymTcNg

If you do believe it is necessary for you to be in attendance we encourage you to notify Democratic Services, by email to democraticservices@eastsoffolk.gov.uk, of your intention to do so no later than 12 noon on the working day before the meeting so that the meeting can be managed in a COVID secure way and the Team can endeavour to accommodate you and advise of the necessary health and safety precautions.

However, we are not able to guarantee you a space/seat and you are advised that it may be that, regrettably, we are not able to admit you to the meeting room.

An Agenda is set out below.

Part One – Open to the Public

Pages

- 1 Election of a Chairman**
To elect a Chairman for the meeting
- 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 Disclosable Pecuniary or Local Non-Pecuniary Interests 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 New Premises Licence - YouDrink, 14 Portsch Close, Carlton Colville, Lowestoft, NR33 8TY ES/0822** **1 - 5**
Report of the Acting Legal and Licensing Services Manager

Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

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LICENSING SUB-COMMITTEE

Monday, 5 July 2021

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	Tom Sutton
Address of Applicant(s):	14 Portsch Close, Carlton Colville, NR33 8TY
Type of applicant (Premises Only):	Individual
Name of Premises:	YouDrink
Address of premises:	14 Portsch Close, Carlton Colville, NR33 8TY
Description of Premises:	Private residence with garage to store alcohol

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Sale of alcohol – Off sales

Is the report Open or Exempt?	Open
Wards Affected:	Carlton Colville
Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer:	Leonie Hault Licensing Officer 07733 362154 Leonie.Hault@eastsoffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – off sales

Monday to Sunday 08:00 to 21:00

Sale of alcohol – off sales

Monday to Sunday 09:00 to 17:00

2. PROPOSED OPENING HOURS

Premises is not open to the public

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

The business is the offsite sale of craft beers, real ale, beers and cider online with delivery from the garage of the premises. We are aware of the requirement to make ID checks and age verification when ordering alcohol. We shall keep a record of due diligence and refusal to serve. There is an age verification process when using our online ordering system. Any off sales from the premises will be subject to the same rigid process. Challenge 25 will be used as a scheme to help identify the age verification process.

Prevention of crime and disorder

We will run the business in a professional manner. Refusing sales to anyone who is drunk or who cannot provide age verification (challenge 25 will be our policy). The business is off sales only. We will work with our delivery partners to ensure age verification on receipt of the goods

Public safety

Appropriate risk assessments in place, fire safety, first aid, COVID-19 risk assessments

Prevention of public nuisance

There should not be any issues with noise with trading hours 8am till 9/10pm we will work with our businesses to restrict to daytime deliveries only for the arrival of products. The daytime will be used for the organising of deliveries and the evenings will be mainly used to deliver to local areas where the use of the garage will be limited to be conscious of our neighbours.

Protection of children from harm

Challenge 25 adopted, age verification when ordering alcohol and age verification on delivery with refusals if appropriate ID (passport or driving licence) isn't available. No deliveries to be made to anyone who isn't over the age of 18 with a refusals register being kept. We will ensure our drivers are trained in challenge 25 to ensure age verification.

The application including a plan of the premises are attached as **Appendix A**.

4. REASON FOR HEARING

4.1 One representation against the application has been received from other persons. It should be noted that the van that is pictured in the photograph from the objector is not connected in any way with the applicant.

4.2 One representation against the application has been received from Environmental Protection at East Suffolk Council - a Responsible Authority.

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

4.4 Summary of grounds for representation:

The main concerns were increased traffic and the possibility that roads would be blocked and be unsafe for pedestrians and drivers. That a residential area is not a suitable location for a premises selling alcohol. The extra vehicles coming and going from the premises and the additional noise that this will cause.

Environmental Protection – location of the premises in a residential area and the possibility that activities such as deliveries and picking and sorting orders could cause additional noise, especially late into the evening.

4.5 In the course of discussions between the applicant and those who made representations the applicant has submitted amendments to the proposed application these are:

That the licensed hours will be 9am to 5pm, Monday to Sunday.

Deliveries from suppliers to 14 Portsch Close will only be between 9am and 5pm Monday to Sunday.

There will be a maximum of 5 deliveries per week from suppliers to the premises.

There will be no collections made by customers from 14 Portsch Close as the business is delivery only.

These amendments are attached as **Appendix C** for members of the Sub-Committee

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 28th June 2021 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	Application form including a plan of the premises
Appendix B	Representations (private document for the Sub-Committee only)
Appendix C	Proposed amendments (private document for the Sub-Committee only)

BACKGROUND PAPERS – None
