



## LICENSING SUB-COMMITTEE

Friday, 14 January 2022

### APPLICATION DETAILS

<b>Type:</b>	New – Premises Licence
<b>Name of Applicant(s):</b>	The Wood Yard Restaurants Ltd
<b>Address of Applicant(s):</b>	The Dog Inn, The Green, Grundisburgh, IP13 6TA
<b>Type of applicant (Premises Only):</b>	Company
<b>Name of Premises:</b>	The Wood Yard
<b>Address of premises:</b>	Unit 3a Deben Wharf, Woodbridge, IP12 1FP
<b>Description of Premises:</b>	Restaurant

### 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, and the exhibition of films indoors.

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	Woodbridge
<b>Cabinet Member:</b>	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Leonie Houlton Licensing Officer 07733 362154 <a href="mailto:Leonie.Houlton@eastsoffolk.gov.uk">Leonie.Houlton@eastsoffolk.gov.uk</a>

## 1. PROPOSED LICENSABLE ACTIVITIES

### 1.1 PROPOSED LICENSABLE ACTIVITIES - as originally submitted

#### Sale of alcohol – both on and off sales

Monday to Sunday	09:00 to 23:00
Bank Holiday weekends (Friday to Sunday)	09:00 to 00:00

#### Films – indoors

Monday to Sunday	18:00 to 23:00
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### 1.2 PROPOSED LICENSABLE ACTIVITIES – following the amendment to the application

#### Sale of alcohol – both on and off sales

Tuesday to Saturday	09:00 to 23:00
Sunday	09:00 to 22:00

#### Films – indoors

Tuesday to Saturday	18:00 to 23:00
Sunday	18:00 to 22:00

## 2. PROPOSED OPENING HOURS

### 2.1 PROPOSED OPENING HOURS – as originally submitted in the application

Monday to Sunday	08:00 to 23:00
Bank Holiday weekends (Friday to Sunday)	08:00 to 00:00

### 2.2 PROPOSED OPENING HOURS – following the amendment to the application

Tuesday to Saturday	09:00 to 23:00
Sunday	09:00 to 22:00

## 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

By ensuring competent staff are always working at the restaurant this will mean all licensable activity will be undertaken by adhering to the laws. I shall ensure that staff will undertake training in their responsibilities in relationship to the sale of alcohol.

A 'challenge 25' policy will be introduced.

#### Prevention of crime and disorder

CCTV will be fitted in the unit.

We have a proof of age policy.

No irresponsible drinks promotions.

### **Public safety**

Health and safety risk assessments will be undertaken. Full staff training.  
Fire risk assessment carried out.  
Operative exit doors.

### **Prevention of public nuisance**

Doors kept closed when possible, to eliminate noise.  
Controls on music levels.  
The restaurant has a specific bin lock up area.  
Extra bins placement.

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

Proof of age policy.  
Adequate staff training.

3.2 Following discussions with Mr Kinsman, an Environmental Health Officer at East Suffolk Council, the applicant has agreed to add these recommended conditions to the operating schedule with respect to **Prevention of Public Nuisance**:

1. No noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises, that gives rise to a nuisance at nearby noise sensitive receptor locations.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the Needs of local residents and businesses and leave the area quietly.
3. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

Plans of the premises are attached as **Appendix A**.

## **4. REASON FOR HEARING**

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

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

4.3 Summary of grounds for representation:

The main concerns are that the premises is in a residential area and therefore, the possibility that alcohol could be purchased between 8am and 11pm everyday would be inappropriate. Off sales would add to the problems of noise and nuisance for local residents and should therefore, either be restricted or not allowed. Allowing the sale of alcohol would likely lead to antisocial behaviour in the area, such as litter and broken bottles. There were safety concerns raised due to the location of the premises so close to the water.

Concerns were raised that there may be a significant increase in noise especially late in the evening in a residential area, particularly from patrons outside, as well as noise from customers coming and going, parking cars or waiting for takeaways. Concerns were raised about showing films and how the noise from this would disturb residents.

4.4 One representation against the application was received from a Responsible Authority; namely the Environmental Protection Team at East Suffolk Council. However, following

negotiations between the Responsible Authority and the applicant, the times for licensable activities were amended and conditions agreed – **Point 3.2**. Therefore, the objection was withdrawn.

4.5 The amended timings for licensable activities and additional conditions within the operating schedule were forwarded to all those who made valid representations on 3 December 2021. A copy of these changes is attached as **Appendix C**.

4.6 Four further representations have been received from those who had already made a representation as a result of the agreed changes – attached as **Appendix D**.

4.7 Summary of grounds for these further representations:

The main concerns are the film showings and the potential for noise from the films would travel through the building and cause a disturbance.

## **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 7 January 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>Appendix C</b>	Proposed changes to times for licensable activities
<b>Appendix D</b>	Representations in response to the proposed changes (private document for the Sub-Committee only)

<b>BACKGROUND PAPERS</b>	
None	