

**Unconfirmed**



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Conference Room,  
Riverside, on **Monday, 05 July 2021 at 2:00 PM**

**Members of the Sub-Committee present:**

Councillor Paul Ashdown, Councillor Janet Craig, Councillor John Fisher, Councillor Tony Goldson

**Other Members present:**

Councillor Mary Rudd

**Officers present:** Sarah Carter (Democratic Services Officer), Martin Clarke (Acting Legal and Licensing Services Manager), Karen Cook (Democratic Services Manager), Leonie Houlton (Licensing Officer), Matt Makin (Democratic Services Officer), Mark Seaman (Environmental Protection Officer)

**Others present:** Thomas Sutton (Applicant)

---

**1 Apologies for Absence**

There were no apologies for absence.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Declarations of Lobbying and Responses to Lobbying**

There were no declarations of lobbying.

**4 Election of a Chairman**

Councillor Goldson was nominated by Councillor Craig to be Chairman of this Meeting of the Sub-Committee. The nomination was seconded by Councillor Fisher. There were no other nominations. Councillor Goldson was duly elected as Chairman.

**5 New Premises Licence - YouDrink, 14 Ports Close, Carlton Colville, Lowestoft, NR33 8TY**

The Chairman invited all those present to introduce themselves and all parties confirmed they had received the formal report.

The Chairman asked the Licensing Officer if there had been any additional documentary evidence. The Licensing Officer confirmed that all information provided by the applicant was included with the report.

The Sub-Committee received report ES/0822 of the Acting Legal and Licensing Services Manager. The Chairman invited the Licensing Officer to summarise the report.

The Licensing Officer stated that an application had been made for a new premises licence for YouDrink, 14 Portsch Close, Carlton Colville, Lowestoft, NR33 8TY.

The reason for this hearing, she advised, was that three relevant representations were made within the required 28-day statutory period. These representations were against the application. The applicant was provided with a copy of the representations.

During discussions between the applicant and the objectors, the Licensing Officer stated, the applicant suggested amendments to the proposed times and conditions on the application. These proposed amendments were attached as Appendix C to the report. These amendments had been applied to the application and this satisfied one of the objectors and therefore, their representation was withdrawn leaving two relevant representations. The two remaining representations were attached as Appendix B to the report. As these representations were not withdrawn, this hearing was still required.

The report identified a number of other points for the Sub-Committee to consider. These were the guidance issued under Section 182 of the Licensing Act 2003; the Council's current Statement of Licensing Policy; and the Human Rights Act 1998.

If the Sub-Committee had reason to depart from these it was asked to give full reasons for doing so.

The Sub-Committee was asked to determine this application by either granting the application subject to any mandatory conditions and to those consistent with the application; granting the application subject to the same conditions but modified to such extent as the Sub-Committee considered appropriate for the promotion of the licensing objectives; or by rejecting the application.

Depending on the decision of the Sub-Committee, the Licensing Officer advised, both the applicant and the other parties that had made representations had rights of appeal to the Magistrates Court. When announcing its decision, the Sub-Committee was asked to state its reasons.

The Chairman invited questions to the Licensing Officer from the Sub-Committee.

There being no questions from the Sub-Committee, the Chairman invited questions from the applicant.

There being no questions from the applicant, the Chairman invited questions from those making representation.

There being no questions from those making a representation, the Chairman invited questions from the Legal Advisor; again there were none.

At the invitation of the Chairman, the applicant outlined his case, he reported that his business idea was to set up a real ale and craft beer delivery service, to showcase what East Anglia had to offer in this area. Mr S reported that his wish was to use the garage at the premises for off-site sales only; after receiving a few objections to his original plans and gaining an understanding of the licensing requirements he had taken those on board and had changed the hours of working. Referring to local breweries being involved, Mr S advised that the amount of traffic would be minimal and he added that he would be happy to only receive five deliveries per week. He added that having spoken with most of the suppliers they used small vans for deliveries, not lorries. Referring to the hours of deliveries, between 9am and 5pm, Mr S advised that he would only be looking to leave the premises once per day for deliveries which would mean that he would not be adding significantly to traffic congestion. Mr S also reported that he would not allow collections from the site. Referring to noise from the garage related to picking and packing, Mr S referred to the hours of work not allowing any noise after 5pm in the evening.

The Chairman invited questions from the Sub-Committee to the applicant.

A member of the Sub-Committee referred to noise from opening and closing the garage doors, and van doors, and asked if the goods would be placed in the vehicle prior to 5pm. Mr S, in response, advised that it was his belief that his vehicle would need to be loaded and he would have to leave the premises by 5pm. The Licensing Officer provided clarification in that packing would need to be complete by 5pm, but deliveries from the premises could take place after 5.00 pm.

In response to a further question regarding the types of vehicles that would arrive at the site, Mr S believed that they would be no different from an Amazon, supermarket delivery etc, ie small vans.

In response to a further question regarding frequency, and also frequency if the business grew in size, Mr S reported that it would only be a maximum of five per week.

In response to a further question regarding how often Mr S would make deliveries, he confirmed that it would only be twice per week.

The Chairman invited questions to the applicant from the Legal Advisor, who firstly asked for an assurance that HGV vehicles would not be used. Mr S again referred to conversations with the suppliers, who had confirmed that they did not use HGVs. He

referred to one supplier, who did have an HGV, but he advised that this supplier had been advised that he would not be able to use the HGV to make deliveries.

The Legal Advisor referred to the local area and asked Mr S if he had made enquiries as to what percentage of properties were occupied by families with young children. Mr S advised that he could not answer that question although he was aware that one of the objectors did have a young family.

The Chairman invited questions to the applicant from Mr Seaman, the Environmental Health Officer, who asked for clarification in respect of the business model; he referred to the business having licensing hours from 9am to 5pm seven days a week, 365 days a year, and those licensing hours covering pick and pack only. He then referred to there being no customers visiting the site for off-sales, and this was confirmed by Mr S.

Mr Seaman then referred to emails between himself and Mr S relating to orders being taken to the bay and loading the van once to make those deliveries and asked if that was still the case; Mr S confirmed that it was his intention to leave the premises once per day. Mr Seaman referred to what he perceived as contradictions relating to the number of deliveries, once per day / twice per week. Mr S confirmed that if the business was to grow it would entail leaving the site once per day; at the moment, it would be limited to twice per week.

The Chairman invited the Licensing Officer to sum up; she confirmed that she had nothing further to add.

The Chairman invited the applicant to sum up. Mr S stated that he understood the concerns raised by Mr Seaman but he gave an assurance that he would comply with the licensing requirements; he also advised that should the business grow as he hoped, it was his intention to move the business to a different location.

At this point the Sub-Committee adjourned, with the Legal Advisor and the Democratic Services Manager, to make its decision; on its return, the Chairman read out the Sub-Committee's decision.

#### DECISION NOTICE

-  
"Mr T Sutton, of You Drink, has applied for a premises licence at 14 Portsch Close, Carlton Colville.

This Sub-Committee meeting has been held as two representations were received against the application (one from a Councillor and one from the Council's Environmental Protection Team), which is a statutory consultee.

In arriving at this decision, the Licensing Sub-Committee has considered the Licensing Officer's report, and oral representations, from the applicant and the Environmental Protection Officer.

The Sub-Committee first heard from the Licensing Officer, who summarised her report.

The Sub-Committee then heard from the applicant, who indicated that following the representations that had been made he had agreed to a limit on the time of the licensable activities (sale of alcohol off-sales) from 9.00 am to 5.00 pm Monday to Sunday. He had also made enquiries with his suppliers who assured him that no heavy goods vehicles would be used to make deliveries and that he proposes to limit deliveries from suppliers to five per week and that he himself would only be making deliveries once per day, and that he will currently be using a motor car to carry out his deliveries. He acknowledged that he did not know the exact number of young families and children living on the cul-de-sac. He also indicated that members of the public would not be able to visit the site to make purchase and the business would be delivery only.

The interested party indicated that they did not consider the site to be suitable as this was a quiet residential area which was densely populated and not suitable for a business of this kind, especially if business went well; however, if the Licensing Sub-Committee was minded to grant the application he would request strict controls over the type of vehicles operating to and from the site.

The Licensing Sub-Committee also considered the Licensing Act 2003, the need to promote the four licensing objectives, the Secretary of State's Section 182 Guidance on the Licensing Act 2003, and East Suffolk Council's Statement of Licensing Policy.

The Sub-Committee's decision

After considering the application, and the representations, both written and oral, and having considered the need to promote the four Licensing objectives, and the Secretary of State's Guidance, and East Suffolk Council's Statement of Licensing Policy, the Sub-Committee has decided to grant the premises licence, subject to the following conditions:-

1. No heavy goods vehicles or vehicles weighing more than 3.5 tonnes are to be used in connection with any licensable activities.
2. No more than five deliveries to the premises per week to take place in connection with the licensable activities, and no deliveries in connection with licensable activities is to take place except between 9.00 am and 5.00 pm Monday to Friday.
3. No alcohol is to leave the premises in connection with the licensable activities, except between 9.00 am and 7.00 pm Monday to Sunday, and limited to once per day.
4. Such other conditions as stated within the Premises License Application (as varied).

Any person aggrieved by the granting of this licence may, within 21 days of the date of this Notice, appeal to the Magistrates' Court. Any person can make an application to the licensing authority for a review of the premises licence if they believe the licensing objectives have been compromised by the applicant at any time.

The granting of this premises licence does not in any way pre-determine any planning application and does not over-ride any planning legislation, and the applicant is reminded that any planning permission must be adhered to, unless and until it is amended to reflect the conditions attached to this licence.

5 July 2021"

The meeting concluded at 3.45 pm

.....  
Chairman