



LICENSING SUB-COMMITTEE

Monday 24 August 2020

Application for a new Premises Licence

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	Fishers Gin Limited
Address of Applicant(s):	Beach Lodge, Brudenell Street, Aldeburgh, IP15 5DD
Type of applicant (Premises Only)	Company
Name of Premises:	Beach Lodge
Address of premises:	Beach Lodge, Brudenell Street, Aldeburgh, IP15 5DD
Description of Premises:	Gin distillery that will provide private tours only.

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Sale of alcohol on and off the premises.

Is the report Open or Exempt?	Open
Wards Affected:	Aldeburgh & Leiston

Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer:	Teresa Bailey Senior Licensing Officer 01394 444364 teresa.bailey@eastsuffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – both on and off sales

Monday to Sunday 11:00 to 18:00

2. PROPOSED OPENING HOURS

Monday to Sunday 11:00 to 18:00

The premises is not open to the general public, but tours can be booked between these times.

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.

Prevention of Crime and Disorder

Visitors will be invited or have pre booked, which will require them to provide personal details. Groups will be up to 14 people and under the direct supervision of appropriately trained staff.

Public Safety

The premises will not be open to the general public.

Prevention of Public Nuisance

The premises will not be open to the general public.

Protection of Children from Harm

The premises will not be open to the general public.

A challenge 25 policy will be in place with appropriate staff training.

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

4. REASON FOR HEARING

- 4.1 Three representation against the application have been received from other persons.
- 4.2 One representation was given in support of the application however, this was dependant on conditions being placed on the premises licence.
- 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 only.

4.4 Summary of grounds for representation:

Increased noise and disturbance because of people visiting the site and due to visitors consuming alcohol.

The possibility that they could have live and recorded music if the licence were granted which would cause a noise disturbance.

The number of tours to be allowed, concerns of how many people would be visiting the site. Would it be limited to 2 tours and can this be enforced.

The possibility that this could increase crime not only at the premises but also to nearby residences.

There were also concerns over children being allowed on the premises. That it was inappropriate for anyone under the age of 18 years to be allowed access.

The representation in support of the application was conditional on extra conditions being added to the licence to limit concerns. These included a limit to the number of people allowed on site each day, that no children were allowed on the premises and that other measures such as doors/windows would be kept closed, no live/recorded music would be played during the tours and other sounding proofing measures would be adopted.

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 17 August 2020 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 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	Plan of the premises and Application Form (redacted)
Appendix B	Representations

BACKGROUND PAPERS	
	None