



## LICENSING SUB-COMMITTEE

Monday 27 June 2022

### APPLICATION DETAILS

<b>Type:</b>	New – Premises Licence
<b>Name of Applicant(s):</b>	SWT Trading Ltd (subsidiary of Suffolk Wildlife Trust)
<b>Address of Applicant(s):</b>	Brooke House, The Green, Ashbocking, Ipswich, IP6 9JY
<b>Type of applicant (Premises Only):</b>	Limited company
<b>Name of Premises:</b>	Carlton Marshes Visitor Centre
<b>Address of premises:</b>	Burnt Hill Lane, Carlton Colville, Lowestoft, NR33 8HU
<b>Description of Premises:</b>	Nature reserve and visitor centre

### 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.

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

## 1. PROPOSED LICENSABLE ACTIVITIES

### Sale of alcohol – on and off sales

Monday to Sunday	09:30 to 17:00
Morning Events	05:00 to 09:00
Evening Events	17:30 to 23:00

## 2. PROPOSED OPENING HOURS

Monday to Sunday	09:30 to 17:00
Morning Events	05:00 to 09:00
Evening Events	17:30 to 23:00

There will be no more than 4 morning and 4 evening special events per calendar month.

## 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

Review associated risks and add as part of existing Visitor Centre Risk Assessments concerning the sale, serving and consumption of alcohol.

Implement Challenge 25 scheme and train staff on its implementation

Signage to be put up at till points and upon entrance to premises

Staff training and records kept on the sale and consumption of alcohol.

External CCTV camera footage used to monitor visitor behaviour.

### Prevention of crime and disorder

Nothing beyond existing health and safety and safeguarding requirements

### Public safety

Nothing beyond existing safeguarding and health and safety/fire safety requirements

### Prevention of public nuisance

Nothing beyond existing health and safety and safeguarding requirements

### Protection of children from harm

Nothing beyond existing safeguarding and health and safety requirements

The plan of the premises is attached as **Appendix A**.

## 4. REASON FOR HEARING

- 4.1 Three 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:

Off sales of alcohol may lead to anti-social behaviour and additional litter as well as noise. It could also lead to an increase in crime in this quiet area.

Noise from the car park, picnic area and visitor centre is already noticeable therefore the early and late times could lead to further problems especially if alcohol was also sold on site. Concerns also raised about the narrow road and with road user safety.

That misuse of alcohol would have the potential to adversely affect wildlife. Granting the licence would essentially turn the visitor centre into a pub and encouraging alcohol consumption does not fit in with promoting a healthy lifestyle. This may not be monitored effectively and as there is already an issue with vandalism and anti-social behaviour by some who use the car park; the sale of alcohol would likely exacerbate these issues.

Increase in noise from vehicles, as well as visitors who have been drinking. If people have been drinking it could lead to accidents at the site as there is a narrow road, railway line and surrounding large areas of marshland and open water.

### 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 20 June 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>	Plan of the premises
<b>Appendix B</b>	Representations (private document for the Sub-Committee only)

<b>BACKGROUND PAPERS</b>
<b>None</b>