

East Suffolk Shadow Authority

SHADOW LICENSING SUB-COMMITTEE (SOUTH)

APPLICATION FOR A NEW CLUB PREMISES CERTIFICATE: HMS VALE, MELTON (REP 40(SH))

Name of Applicant(s):	Deben Bar
Address of Applicant(s):	22 Mill View Close, Woodbridge IP12 4HR
Type of applicant (Premises Only)	Club
Name of Premises:	HMS Vale
Address of premises:	Melton Boatyard, Dock Lane, Melton, Woodbridge IP12 1PE
Description of Premises:	An ex navy warship which currently has a café on deck.

EXECUTIVE SUMMARY:

This is an application for a new Club Premises Certificate.

The application seeks the sale of alcohol.

Is the report Open or Exempt?	Open
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Wards Affected:	Melton
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Cabinet Member:	Cllr. S Gallant, Cabinet Member with responsibility for Community Health
Supporting Officer:	Teresa Bailey Senior Licensing Officer 01394 444364 teresa.bailey@eastsoffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol

Mon - Sat 11:00 to 23:00

Sun 12:00 to 22:30

Non standard timings - New Year's Eve until 01:00.

2. PROPOSED OPENING HOURS

Mon - Sat 11:00 to 23:00

Sun 12:00 to 22:30

Non standard timings - New Year's Eve until 01:00.

3. OPERATING SCHEDULE

3.1 The following steps have been proposed in order to promote the 4 licensing objectives. These are proposals offered by the Applicant and in their own words. Some submissions will 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

- A responsible person on site at all times (either one of the owners or trusted members of the Deben Bar committee)
- Keep good order and the premises clean and well maintained.
- Have high standards of behaviour and conduct expectations.

The prevention of crime and disorder

- CCTV inside and outside the premises.
- Locks on significant doors to prevent access to alcohol.
- Maintain a disciplined approach to floor management.

Public Safety

- Premises contained within ship.
- Follow health and safety guidelines.
- Keep records of regular fire equipment maintenance.
- Ensure all escape routes are kept clear.
- Have a practised fire evacuation procedure including regular testing.
- Ensure health and hygiene standards are applied.
- Adequate public safety notices.
- Adequate lighting.

The prevention of public nuisance

- Inform public on expectations from visitors/members.
- Observations of customer behaviours and noise levels and stop concerning behaviour early.
- Have a positive approach to maintaining the peace and tranquillity of the area.

- Manage club membership closely.

The protection of children from harm

- The areas for the serving of alcohol may be used for multiple purposes but when alcohol is being served in these areas a strict over 18's rule will be applied.
- Adequate notices will inform all those entering the licensed areas that children are not permitted. This will be enforced by owners, licences, committee members.
- Alcohol will be stored in such a way that a shutter can be pulled down to hide and secure all alcohol from view should a group involving under 18's use the multi-purpose area.

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

4. REASON FOR A HEARING

4.1 Five representations have been received. The Council's Head of Legal and Democratic Services has examined the representations made about this application and has determined that the relevant representations have been made within the statutory 28 day period by the following:

Responsible Authorities: None

Other persons objecting to the application: Five

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

4.3 Summary of grounds for representations:

The representations received against the application highlight concerns that the grant of the licence will cause public nuisance and crime and disorder. There is concern that there will be increased parking in Riverview, Melton with noise and litter, and that late night revellers will cause a nuisance to residents by shouting, swearing, fights and general intimidation.

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 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 interested parties and they have until 27 March 2019 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 interested parties before the hearing in order to achieve agreement. The Applicant has invited persons making a representation on board the vessel; some attended some did not. 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 premises.
Appendix B	Representations.

BACKGROUND PAPERS	
Application Form	Available from licensing@eastsoffolk.gov.uk