

**LICENSING SUB-COMMITTEE**

**Thursday, 26 April 2018**

**PREMISES LICENCE VARIATION APPLICATION**

<b>Applicant's Name</b>	Pleasurewood Hills Ltd		
<b>Premises Name</b>	Pleasurewood Hills		
<b>Premises Address</b>	Leisure Way Lowestoft NR32 5DZ		
<b>Date Application Received</b>	2 March 2018	<b>Determination by</b>	30 April 2018

**SUMMARY OF APPLICATION**

- This report sets out an application for a variation of a premises licence for **Pleasurewood Hills**. (attached as Appendix A).
- The application was made to increase the hours for the sale by retail of alcohol both on and off the premises and regulated entertainment indoors and outdoors. After the receipt of several objections the applicant amended the application to remove the outdoor element for regulated entertainment.
- During the consultation period 13 objections have been received from members of the public (attached as Appendix B). An additional six objections were received from members of the public but were withdrawn. No objections were received from any of the Responsible Authorities.

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	Gunton and Corton
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<b>Cabinet Member:</b>	Councillor Mary Rudd Cabinet Member for Community Health & Safety
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**Supporting Officer:**

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## 1. THE APPLICATION

1.1 The variation application originally sought to extend the hours for:

### **The Sale by retail of alcohol both on and off the premises**

From: Monday to Sunday 10:00 to 18:00

To: Monday to Sunday 09.00 to 22.00

### **Regulated entertainment (Recorded music, Films, Performances of Dance and anything of a similar nature) – both Indoors and Outdoors and Live Music – Indoors only.**

From: Monday to Sunday 10:00 to 18:00

To: Monday to Sunday 09.00 to 22.00

### **Opening Hours**

From: Monday to Sunday 10:00 to 18:30

To: Monday to Sunday 09.00 to 22.00

1.2 As part of the operating schedule attached to the application, the applicant has set out a number of steps they propose to take in order to address the licensing objectives (see appendix A).

## 2 REPRESENTATIONS IN OBJECTION

2.1 Representations from Other Parties

NAME	ADDRESS	STATUS
Ms B Baleur	8 The Shires, Corton	Member of the public
Mr and Mrs Boakes	76 Corton Long Lane, Lowestoft	MOP
Mr M Dalrymple	10 The Woodlands, Lowestoft	MOP
Ms A Downey	Four Oaks, Private Road, Corton Long Lane, Lowestoft	MOP
Mr and Mrs Drury	14 The Woodlands, Lowestoft	MOP
Mr R Kirkham	130 Corton Long Lane, Lowestoft	MOP
Mr and Mrs Jenner	26 The Woodlands, Lowestoft	MOP
Mr P Johnson	20 The Woodlands, Lowestoft	MOP
Mrs G Mahoney	134 Corton Long Lane, Lowestoft	MOP
Mr and Mrs Munnings	22 The Woodlands, Lowestoft	MOP
Mrs P Seabourne	98 Corton Long Lane, Lowestoft	MOP
Mrs S Smith	28 The Woodlands, Lowestoft	MOP
Mr S Watson	35 The Woodlands, Lowestoft	MOP

## 2.2 Summary of objections

Thirteen letters of objection have been received from residents who have grave concerns that the quality of life for nearby residents and the locality would be adversely affected by the grant of this licence.

### 3. POINTS FOR CONSIDERATION

- 3.1 During the consultation period the Licensing Team contacted the objectors in order to make it clear to them that the application did not relate to the 'rides' at the park and that a separate Planning Application would have to be made should Pleasurewood Hills Ltd. want to extend the hours of operation for those attractions.
- 3.2 This did go some way to reassure residents who were, quite reasonably, unfamiliar with the different legislative procedures.
- 3.3 Pleasurewood Hill Ltd also withdrew the 'outside' element of their request during the consultation period in the hope of reassuring the objectors. The result of this change is that the alcohol sales and regulated entertainment between 09:00 and 10:00 and 18:00 and 22:00, if granted, would only relate to indoor sales and entertainment.
- 3.4 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.
- 3.2 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.

Article 1 of the First Protocol deals with the protection of property, in this context a licence, if granted. This article states that no-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law.

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.

- 3.3 The relevant notices about this hearing have been served on the applicant and interested parties and they have until 19 April 2018 to confirm that they intend to attend (or not) as the case may be and give notice that they wish to call witnesses.
- 3.4 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.

**RECOMMENDATION**

The Sub-Committee will be asked to determine this application by:

- 1. 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.
- 2. 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.
- 3. Rejecting the application.

Depending on the decision of the Sub-Committee, the applicant and the objectors have rights of appeal to the Magistrates Court.

When announcing its decision, the Sub-Committee is asked to state its reasons.

**APPENDICES**

<b>Appendix A</b>	Application
<b>Appendix B</b>	Representations from members of the public in objection to the application
<b>BACKGROUND PAPERS</b>	None