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LICENSING ACT 2003 **NOTICE OF HEARING**

LICENSING ACT 2003 SUB-COMMITTEE

LOCATION OF HEARING:

**King Edmund Chamber, Endeavour House,
8 Russell Road, IPSWICH IP1 2BX**

DATE AND TIME OF HEARING:

Friday 7 December 2018 at 2.00pm

In accordance with Regulation 6(1) of the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Authority of Babergh District Council hereby gives notice that a hearing of a sub-committee of the Authority's Regulatory Committee has been arranged as set out above in order to determine the following application:

Application for GRANT of NEW premises licence (section 17)

Application date: 18 October 2018

Application reference: 022358

Applicant: Jonathan Mark Webb

Premises: Sailing Barge Melissa, usually moored at Pin Mill, Ipswich IP9 1JW

Please ensure that the attached 'Attendance at Hearing Notice' is completed and returned – see Page 3.

Sub-Committee Members

1. Sue Carpendale
2. Nick Ridley
3. Ray Smith

Reserve Members

1. Richard Kemp
- 2.

A G E N D A

ITEM

BUSINESS

PART 1

- 1 **ELECTION OF CHAIRMAN FOR HEARING**
- 2 **APOLOGIES FOR ABSENCE**
- 3 **DECLARATION OF INTERESTS BY COUNCILLORS**
- 4 **B/LASUB/18/1 LICENSING ACT 2003 – HEARING TO DETERMINE AN APPLICATION MADE FOR THE GRANT OF A NEW PREMISES LICENCE – SAILING BARGE MELISSA, USUALLY MOORED AT PIN MILL, IPSWICH, IP9 1JW**

Report from the Licensing Officer attached.

Right of attendance, assistance and representation

Subject to regulations 14(2) - concerning exclusion of the public from all or part of a hearing where the Licensing Authority considers doing so to be in the greater public interest, and regulation 25 - concerning the exclusion of any person attending the hearing who is behaving in a disruptive manner:

- A party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

At the hearing a party shall be entitled to:

- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representation or notice (as applicable),
- (b) if given permission by the authority, question any other party; and
- (c) address the authority.

Failure of parties to attend hearing

- (1) If a party has informed the Authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may –
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
- (3) Where the Authority holds the hearing in the absence of the party, the Authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the Authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Any points the Authority considers that it will want clarification on (if any):

If any party is withdrawing their application based on the Applicant's voluntary reductions or modifications since the application was submitted then please contact us at LicensingTeam@babberghmidsuffolk.gov.uk without delay.

If any party is to rely on documentary/video or other material to support their representation or submission please provide it as soon as possible in a legible/useable format (with any redactions having been made where appropriate). Late or on the day documentation/media production may not be admissible, in accordance with relevant regulations.

APPLICANT – RESPONSIBLE AUTHORITIES – INTERESTED PARTIES

Please ensure that you complete and return the attached 'Attendance at Hearing Notice' NO LATER than 5 (five) working days before the date of the hearing.

A party who wishes to withdraw any representations they have made should do so as soon as possible.

If you consider that the hearing is not necessary, the Licensing Authority may dispense with a hearing providing all parties subject to the hearing agree that a hearing is not necessary. If you consider this to be the case, then you should give notice to the authority as soon as possible.

Procedure to be followed at the hearing

The Procedure is attached.

For further information on any of the Part 1 items listed above, please contact Committee Services on (01473) 296373 or via email at committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

Domestic Arrangements:

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

Agenda Item 4

BABERGH DISTRICT COUNCIL

To: Licensing Act 2003 Sub-Committee	Report Number: B/LASub/18/1
Officer: David Price, Licensing Officer and Lee Carvell, Corporate Manager – Open for Business	Date of meeting: 7 December 2018

LICENSING ACT 2003 – HEARING TO DETERMINE AN APPLICATION MADE FOR THE GRANT OF A NEW PREMISES LICENCE – SAILING BARGE MELISSA, USUALLY MOORED AT PIN MILL, IPSWICH, IP9 1JW

1. Purpose of Report

- 1.1 To report information to the Sub-Committee to enable the determination of an application made for the GRANT of a NEW premises licence by Jonathan Mark Webb in relation to the above vessel (a 'premises' for the purposes of the Licensing Act 2003 functions).

2. Recommendations

- 2.1 The Sub-Committee must, having regard to the representations made, take such of the steps below (if any) as it considers appropriate for the promotion of the licensing objectives:

- to GRANT the licence subject to conditions which are consistent with the operating schedule accompanying the application - modified to such extent as the authority considers appropriate for promotion of the licensing objectives - and subject to any mandatory condition(s) which must be included in the licence;
- to EXCLUDE from the scope of the licence any of the licensable activities to which the application relates;
- to REFUSE to specify a person in the licence as premises supervisor; or
- to REJECT the application.

For these purposes conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

The Sub-Committee determines this application at the hearing

3. Financial/Legal Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

5. Consultations

- 5.1 The application made has been subject to the statutory consultation period as prescribed by regulation. The notices advertising the application have been on display at the premises and published (East Anglian Daily Times - 23 October 2018 edition).

6. Equality Analysis

- 6.1 There are no equality impacts arising directly from the matters contained within this report.

7. Key Information

- 7.1 A vessel which is not permanently moored or berthed is treated under the 2003 Act (section 189 refers) as if it were a premises situated in a place where it is usually moored or berthed.

- 7.2 The hearing is to determine an application for the GRANT of a NEW premises licence made under section 17 of the Licensing Act 2003. A copy of the application including plans of the premises (a vessel) was received on 18 October 2018. These are attached as Appendix A.

- 7.3 The application has been submitted by:

Mr Jonathan Mark Webb

For the proposed licensed premises:

Sailing Barge Melissa, usually moored at Pin Mill, Ipswich IP9 1JW

The designated premises supervisor DPS is:

Jonathan Mark Webb (a personal licence holder with Babergh District Council)

- 7.4 The information provided with the application outlines that the sale and supply of alcohol (for consumption ON the premises only), live and recorded music (indoors and outdoors), performance of dance (indoors), late night refreshment (indoors and outdoors) is proposed as part of a sailing barge undertaking sailing trips and using planned and safe/suitable mooring sites.
- 7.5 Generally, the application seeks to authorise sale and supply of alcohol for consumption ON the premises only, live & recorded music (indoors and outdoors), performance of dance (indoors), late night refreshment (indoors and outdoors) between 11:00hrs and 00:00hrs Monday to Sunday and until 02:00hrs on New Year's Eve, Christmas Eve, Public Holidays and Friday, Saturday and Sunday proceeding a public holiday (late night refreshment as a regulated activity will start at 23:00hrs). The full activities and proposed timings are contained within the application form attached as Appendix A.
- 7.6 The operating schedule contains steps proposed by the applicant to promote the licensing objectives and these are listed at Part M of the application form, attached as Appendix A.

- 7.7 A hearing is necessary to determine the application following receipt of representations which have not been withdrawn. The Sub-Committee will be aware that its consideration is confined to promotion of the four licensing objectives and the 'need', or commercial demand, for licensed premises are not considerations for the Licensing Authority when discharging its licensing functions (as outlined by the Secretary of State at paragraph 14.19 of the Guidance issued under section 182 of the Licensing Act 2003).
- 7.8 Members of the Sub-Committee will be aware that the Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certification or authorisation concerned. Nonetheless, the Licensing Act 2003 contributes towards a holistic approach to management of the evening and night-time economy in town and city centres (as outlined by the Secretary of State at paragraph 14.13 of the Guidance issued under section 182 of the Licensing Act 2003 and Babergh District Council's Statement of Licensing Policy at 1.9).
- 7.9 The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm
- 7.10 In carrying out its licensing functions, the Licensing Authority must have regard to its 'Statement of Licensing Policy' published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182.
- 7.11 Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance and its own Statement of Licensing Policy.
- 7.12 The Sub-Committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 for the applicant and Articles 8 and 1 of Protocol 1 for those raising representations - when determining applications for the grant of a new licence.
- 8. Maritime Coastguard Agency/Thames Barge Exemption Certificate**
- 8.1 When a Licensing Authority receives an application in respect of a premises licence in relation to a vessel the Maritime Coastguard Agency ('MCA') becomes a Responsible Authority consultee under the 2003 Act.
- 8.2 The Licensing Authority in its consideration of the promotion of the licensing objectives should not focus on matters relating to safe navigation or operation of the vessel, the general safety of passengers, or emergency provision; all of which are subject to regulations which must be met before the vessel is issued with its Passenger Certificate and Safety Management Certificate.

- 8.3 Where the MCA is satisfied that the vessel complies with Merchant Shipping standards for a passenger ship, the premises should normally be accepted as meeting the public safety objective.
- 8.4 Where a vessel, which is not permanently moored and carries no more than 12 passengers, goes to sea, it will be subject to the Code of Practice for the Safety of Small Commercial Sailing Vessels. This code (which is called a Thames Barge exemption certificate and must be applied for) sets the standards for construction, safety equipment and manning for these vessels.
- 8.5 Currently the Thames Barge exemption certificate has been under consideration and the MCA has directed their certifying authority on 16 November 2018 to revoke the Thames sailing barge certificate issued to the Sailing Barge Melissa. As such the vessel will no longer hold an MCA administered exemption certificate.
- 8.6 Comments received from the MCA form part of a representation received from an 'other person'. These comments together with the exemption certificate removal are attached to this report in Appendix C.

9. Representations

- 9.1 The Licensing Authority has received no representations from any Responsible Authority under the Licensing Act 2003; however the Police and Environmental Health as Responsible Authorities under the Act have undertaken mediation on their areas of concern and the outcome of their mediation is attached as Appendix B to this report.
- 9.2 There have been 2 representations received made by 'other persons' (which includes local residents and businesses). These are attached as Appendix C to this report.

10. Appendices

Title	Location
(a) Application for GRANT of NEW premises licence and accompanying documents/premises plans	Attached
(b) Mediation undertaken by Suffolk Constabulary and Environmental Health	Attached
(c) Representations received from 'Other Persons'	Attached
(d) Site plan of the location of the premises	Attached

11. Background Documents

- 11.1 The Licensing Act 2003
- 11.2 Guidance issued under Section 182 of the Licensing Act 2003
- 11.3 Babergh District Council's Statement of Licensing Policy 2016-2021

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Mr Jonathan Mark Webb

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Sailing Barge Melissa, usually moored at Pin Mill, Ipswich IP9 1JW			
Post town	Ipswich	Postcode	IP9 1JW

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ None

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Webb			First names Jonathan Mark		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality British					
Current residential address if different from premises address		Webbs Boat Yard Pin Mill Ipswich Suffolk IP9 1JN			
Post town	Ipswich			Postcode	IP9 1JN
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth over		I am 18 years old or	<input type="checkbox"/> Please tick yes
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)
A sailing barge to be used for functions with licensable activity away from its usual mooring at Pin Mill. The model of operation will be to offer licensable activities from planned, safe and suitable mooring sites as well as sailing trips (the trips are subject to authorisation by the Maritime & Coastguard Agency – MCA).

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

✓

Supply of alcohol (if ticking yes, fill in box J)

✓

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Mostly weekends and during the summer months		
Mon	11:00	24:00			
Tue	11:00	24:00			
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed	11:00	24:00			
Thur	11:00	24:00			
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) 11:00- 02:00hrs for Christmas Eve, New Years Eve, Public holidays and the Friday, Saturday and Sunday preceding a public holiday.		
Fri	11:00	24:00			
Sat	11:00	24:00			
Sun	11:00	24:00			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Mostly weekends and during the summer months		
Mon	11:00	24:00			
Tue	11:00	24:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed	11:00	24:00			
Thur	11:00	24:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) 11:00- 02:00hrs for Christmas Eve, New Years Eve, Public holidays and the Friday, Saturday and Sunday proceeding a public holiday.		
Fri	11:00	24:00			
Sat	11:00	24:00			
Sun	11:00	24:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	24:00	<u>Please give further details here</u> (please read guidance note 4) Mostly weekends and during the summer months		
Tue	11:00	24:00			
Wed	11:00	24:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	11:00	24:00			
Fri	11:00	24:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6) 11:00- 02:00hrs for Christmas Eve, New Years Eve, Public holidays and the Friday, Saturday and Sunday proceeding a public holiday.		
Sat	11:00	24:00			
Sun	11:00	24:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

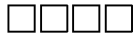
Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Mostly weekends and during the summer months	
Mon	11:00	24:00		
Tue	11:00	24:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)	
Wed	11:00	24:00		
Thur	11:00	24:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) 11:00- 02:00hrs for Christmas Eve, New Years Eve, Public holidays and the Friday, Saturday and Sunday proceeding a public holiday.	
Fri	11:00	24:00		
Sat	11:00	24:00		
Sun	11:00	24:00		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) Mostly weekends in the summer months		
Mon	11:00	24:00			
Tue	11:00	24:00			
Wed	11:00	24:00			
Thur	11:00	24:00			
Fri	11:00	24:00			
Sat	11:00	24:00			
Sun	11:00	24:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) 11:00- 02:00hrs for Christmas Eve, New Years Eve, Public holidays and the Friday, Saturday and Sunday proceeding a public holiday.		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Jonathan Mark Webb	
Date of birth	
Address Webbs Boat Yard Pin Mill Ipswich	
Postcode	IP9 1JN
Personal licence number (if known) BPAO996	
Issuing licensing authority (if known) Babergh District Council	



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

No activities will be permitted on the premises to give rise to concern for children

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) Events mostly at weekends in the summer months
Day	Start	Finish	
Mon	11:00	24:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) 11:00- 02:00hrs for Christmas Eve, New Years Eve, Public holidays and the Friday, Saturday and Sunday proceeding a public holiday.
Tue	11:00	24:00	
Wed	11:00	24:00	
Thur	11:00	24:00	
Fri	11:00	24:00	
Sat	11:00	24:00	
Sun	11:00	24:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

It is my intention to operate my business in such a fashion that the Licensing Objectives will not be undermined.

I have had to apply for the Premises Licence at my home berth at Pin Mill as this is where I am normally moored to comply with Section 189 (1) of the Licensing Act 2003. However, I accept that this is not a suitable site for providing licensable activities so I undertake that NO LICENSABLE ACTIVITIES will be carried on at my home mooring site.

Instead my model of operation will be to offer licensable activities from planned, safe and suitable mooring sites as well as sailing trips (the trips are subject to authorisation by the Maritime & Coastguard Agency – MCA).

b) The prevention of crime and disorder

Behaviour of customers will be closely monitored by staff and crew.

All events are pre-booked and customer numbers & requirements will be known with crew make-up amended accordingly.

c) Public safety

Whilst ‘Melissa’ is Moored

All sites at which ‘Melissa’ will be moored to offer licensable activities will be subject to a preliminary inspection and assessment to ensure they offer safe access and egress to customers.

Crew and staff will be trained in passenger management in compliance with MCA guidelines

Additional passenger guard rails will be in place when passengers are on board the Melissa for licensable activities.

Whilst ‘Melissa’ is Carrying Passengers

Full compliance with authorisation from MCA.

Full passenger safety briefing before every voyage.

When sailing my maximum number of passengers will be 12.

The vessel has it’s own mobile phone and VHF radio to contact emergency authorities

All lifesaving equipment & appliances as well as fire extinguishers and exits are routinely checked to MCA requirements.

d) The prevention of public nuisance

All sites at which 'Melissa' will be moored and offer licensable activities will be subject to a preliminary inspection and assessment to ensure regulated entertainment would not cause nuisance to residents.

Crew will ensure passengers leave the vessel in an orderly manner and avoid behaviour that could disturb nearby residents (e.g. shouting, car horns, excessive engine revving etc.).

All waste generated by licensable activities will be disposed of using a commercial waste contractor.

e) The protection of children from harm

No children under 16 years of age will be allowed on board without being accompanied by a responsible adult.

Bar staff will check identification in line with Challenge 25 policy.

There will be no gaming machines on board.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ✓
- I have enclosed the plan of the premises. ✓
- I have sent copies of this application and the plan to responsible authorities and others where applicable. *(I have sent electronically so assume Licensing Authority will circulate to RAs? Please advise me ASAP if this is NOT the case - JMW)* X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ✓
- I understand that I must now advertise my application. ✓
- I understand that if I do not comply with the above requirements my application will be rejected. ✓
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE

LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	18/10/2018
Capacity	Owner

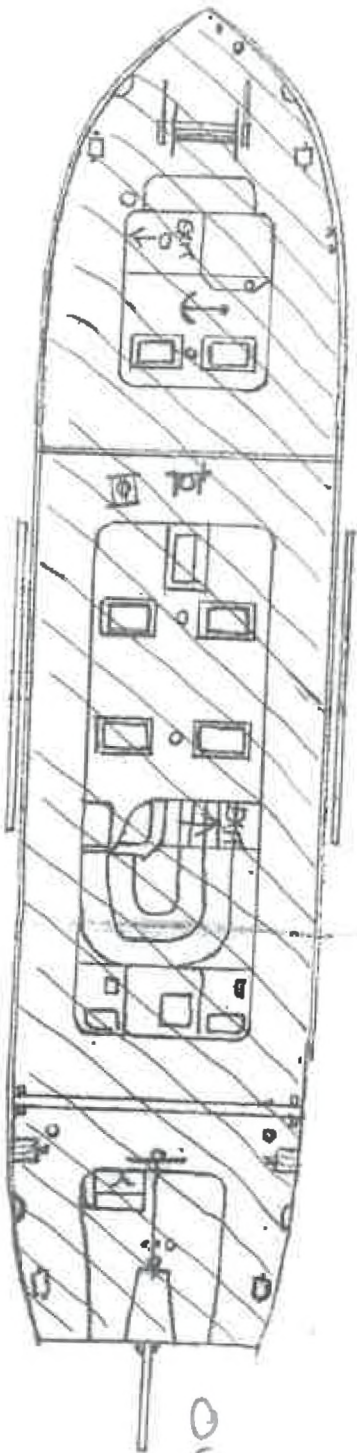
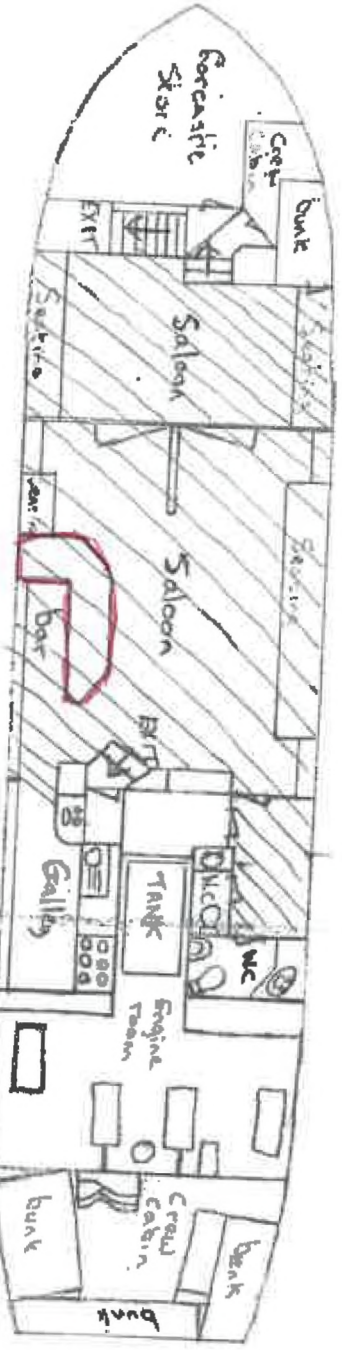
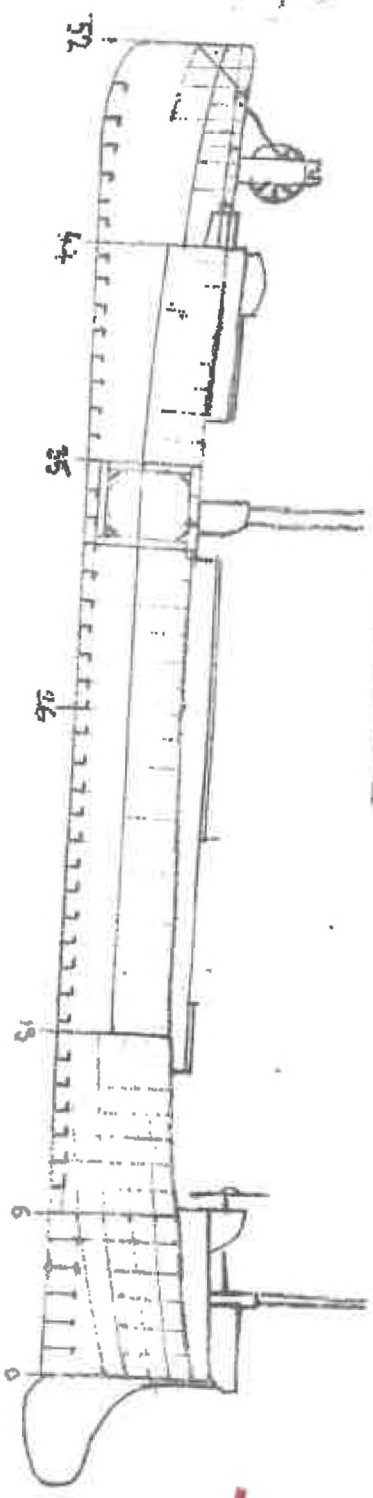
For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Sailing barge

MELISSA " SCALE 1:100



▨ areas of licensed events

- 1. Sale or Supply of alcohol
 - 2. Consumption of alcohol
 - 3. Performance of a play
 - 4. Exhibition of a film (inside only)
 - 5. Performance of live music
 - 6. Playing of recorded music
 - 7. Late night refreshment.
- Red - Sale Alcohol

inside

outside





OFF No 1100078





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From: McKessar, Malcolm <Malcolm.McKessar@suffolk.pnn.police.uk>
Sent: 06 November 2018 14:05
To:
Cc: BMSDC Licensing Team; Bacon, Michael
Subject: FW: Barge Melissa - New Premises Licence - Police - Mediated Conditions
Attachments: Melissa - Conditions via mediation with Police - 06112018.pdf
Categories: Yellow Category

Dear Mr Webb,

Thank you for now providing your correct email address. I have also cc'ed to Babergh Licensing so they are aware that the email address listed on your application is incorrect. You will find the email I was trying to send you below.

Regards
Malcolm McKessar

From: McKessar, Malcolm
Sent: 06 November 2018 13:55
To:
Cc: 'licensingteam@baberghmidsuffolk.gov.uk'; Bacon, Michael
Subject: Barge Melissa - New Premises Licence - Police - Mediated Conditions -

Mr Webb,

Thank you very much for your time today in showing me around your vessel and in explaining your intended operation.

Please find attached the suggested conditions as per discussion. Note that, upon further consideration, I have removed the CCTV condition completely. I have done this because from your operations so far, I see no pressing need that has emerged that would currently require CCTV. I leave it to you to consider at a future date whether you might install it. Police would only require it in the future if a pressing need emerged under one of the licensing objectives.

If you are happy with the other suggested conditions, (I am presuming you should be, considering they were conditions agreed on your recently surrendered licence with Ipswich B.C.), would you please contact Babergh Licensing and advise them that you agree to have these added?

I have cc'ed this email to Babergh for their awareness, so that they may expect a communication from you on the matter.

Any questions, please do not hesitate to contact me, or my colleague, Licensing Officer Mike Bacon, using contact details below.

Regards

Malcolm McKessar
Licensing Officer

Licensing Team
Suffolk Constabulary
Sudbury Police Station

Suggested conditions for inclusion in Premises Licence – Barge Melissa – 06/11/2018

- A Challenge 25 policy must be implemented whereby all customers who appear to be under 25 must produce photographic identification in the form of a passport, driving licence or proof of age scheme (PASS) approved identification before alcohol can be supplied or sold to them. All staff will be instructed, through training, that alcohol cannot be supplied or sold unless this evidence is produced by those who appear to be aged under 25.
- The premises licence holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that a 'Challenge 25' scheme operates in the premises.
- All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or equivalent, (which includes relevant in house training) within three months of commencing employment at the premises. All staff are to be given refresher training on a quarterly basis. Given the inherent dangers of disorder and intoxication in proximity to waterways, staff refresher training must emphasise their personal liabilities and responsibilities in respect of the offences of :
 - ***Sec 140 Licensing Act 2003 – Allowing disorderly conduct on licensed premises***
 - ***Sec 141 Licensing Act 2003 – Sale or supply, or allowing sale of supply of alcohol to a person who is drunk***
- Fully auditable training records should be maintained for all staff in respect of the sale of alcohol. These will be made available for inspection upon request to the Police and all other relevant authorities.
- An incident log will be maintained and be kept for a minimum of 12 months from the date of each entry and will be provided to the Police and all other Responsible Authorities on request.
- A register of refusals will be maintained and kept for a minimum of 12 months from the date of each entry and will be provided to the Police and all other Responsible Authorities on request.

From: Chris Cornish
Sent: 14 November 2018 16:31
To: David Price; BMSDC Licensing Team
Cc:
Subject: Responsible Authority Comments - Environmental Protection - Premises License Application -

LICENSING ACT 2003: Environmental Protection Comments (Our REF: WK/000250485)

Reference/Type: Section 17 New Premises Licence
Premises: Sailing Barge Melissa, usually moored at Pin Mill, Ipswich
IP9 1JW
Applicant:
Contact:

Consultation received/ends: (Starts) 19 October 2018 (ends) **15 November 2018**
Representations to: <mailto:LicensingTeam@baberghmidsuffolk.gov.uk>
Detail: Application is for a Sailing Barge, Live & Recorded Music, Dane, Late night Refreshment and Sale of Alcohol between the hours of 11:00 to Midnight Monday to Sunday and 11:00- 02:00hrs for Christmas Eve, New Year's Eve, Public holidays and the Friday, Saturday and Sunday proceeding a public holiday

With regards to the above application for a premises license for the sailing barge Melissa. The application, as applied for, will allow live and recorded music above (outside) and below decks while moored near to noise sensitive premises. I understand however, that the number of customers allowed on the vessel is restricted to 12 by the MCA license and events will therefore be small scale.

The use of amplified sound poses a risk of public nuisance when near to residential dwellings on shore and houseboats at moorings.

The conditions and statements provided with the operating schedule are not satisfactory to ensure that the licensing objective 'prevention of public nuisance' will be met.

A visit was carried out to the home mooring site on the 14th November 2018 at 10:45am and the premises was viewed and music played at very high levels below decks where the bar and sound system is located. I requested the volume be increased above those that the applicant (and most premises) would deem normal. I then left the premises and considered that there is a low potential for neighbouring houseboats and potentially land based premises to be caused nuisance if moored in a location such as Ipswich Marina.

I understand that Pin Mill is only to be used as the home mooring site due to the limited access and tides. Customers will embark and disembark from more suitable locations such as Ipswich Marina Quayside which have a large number of residential premises in closer proximity.

The applicant has verbally agreed to additional conditions to the operating schedule under the section 'Prevention of Public Nuisance'. The conditions are as follows.

- No amplified sound will be used above decks (outside) at any time when the premises is located at moorings in close proximity to residential dwellings or other noise sensitive premises including house boats
- A list of mooring sites will be provided to the Licensing Authority in writing BEFORE they are used for licensable activities. The list shall be updated in writing when new mooring sites are identified.

With the above conditions (or similarly worded conditions to the same effect agreed with the licensing authority) on the operating schedule I am satisfied that the licensing objective 'Prevention of Public Nuisance' can be met. As stated previously this has been agreed verbally. If the applicant provides written acceptance of these conditions I have no objection as a Responsible Authority (concerned with the prevention of public nuisance as defined) to the licensing being granted.

If the applicant does not add the above conditions to the operating schedule as agreed, I will have to make representation against the granting of the license.

Kind Regards

Chris Cornish MCIEH

Senior Environmental Protection Officer

Babergh and Mid Suffolk District Council - Working Together

From:
Sent: 15 November 2018 15:21
To: BMSDC Licensing Team
Subject: Sailing Barge Melissa - Premises Licence

Categories: Yellow Category

Dear Sirs,

I wish to confirm that I agree with the suggested conditions for inclusion in the Premises Licence.

Yours faithfully

Mr Jonathan Webb

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David T Fisk
Grimwade Close, Brantham, Suffolk CO11 1QY.

LicensingTeam@baberghmidsuffolk.gov.uk Date 7th November 2018

Reference/Type: Section 17 – New Premises Licence

Premises: Sailing Barge Melissa, usually moored at Pin Mill, Ipswich IP9 1JW

Applicant: Mr J Webb

Public Consultation during which relevant representations can be received by the Licensing Authority ends on: **15 November 2018**

Application Detail: This application is for a Sailing Barge called Melissa. The proposal licensable activities are: Live & Recorded Music, Dane, Late night Refreshment and Sale of Alcohol between the hours of 11:00 to Midnight Monday to Sunday and 11:00- 02:00hrs for Christmas Eve, New Year's Eve, Public holidays and the Friday, Saturday and Sunday proceeding a public holiday.

Please find herewith my representations and strong objections to the afore mentioned application for a new premises licence by Mr Jonathon Webb.

My objections to this application are in the first instance relative to the failure of the applicant to conform to the legislation as set out within the Licensing Act 2003 Regulations 25 and 26 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

The second part relates to Public safety issues that are relevant to this application and in particular to the use of a sailing vessel in tidal waters.

Section 1: The lawfulness of the vessel and the application

First I wish to bring the following extract from the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 to your attention:- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden.

In this application which is unique as it refers to a vessel unlawfully moored within the Port of Ipswich and as such is subject to Riverian laws as set out herewith which as stated, cannot be overruled by the requirements of the Licensing act 2003.

This vessel is subject to statutory laws and byelaws agreed by the Secretary of State namely The Ipswich Dock Acts of 1950 and 1971 and the Port of Ipswich Byelaws which relate to vessels and do not apply to other premises that maybe licensed to sell alcohol.

Byelaw 94 states:- Unauthorised Trading Prohibited; No person shall engage by way of trade, in buying or selling any goods, services or property on the harbour premises/dock

estate without the written consent of the Authority. Mr Webb has no permission as required by law.

The Melissa is currently moored on an extended jetty built by Mr Webb without the permission of the Ipswich Harbour Master, the owners of the river Ipswich CBC, the Marine Management Organisation (M.M.O.) and without Planning permission from Babergh DC.

“moored” when used in relation to a vessel means a vessel secured: (a) to a mooring chain or mooring buoy either ahead or astern or both, or (b) alongside any vessel so secured, or (c) both ahead and astern by anchors, or d) alongside any quay.

“quay” shall mean any quay, pier, jetty, wharf, dolphin, landing stage or stairs, shore or other place at which vessels load or unload goods, embark or disembark passengers or other structure used for berthing or mooring vessels including any roll-on/roll-off facility or bridge.

All moorings within the Port and harbour require a licence from the Ipswich Harbour Master (ABP). The conditions of the mooring licence preclude the use of the mooring by a houseboat.

“houseboat” includes any pleasure boat which is not a launch and which is decked or otherwise structurally covered in and which is, or capable of, being used as a floating habitation (whether by day and night or one or the other) **or as a place of for accommodating or receiving persons for the purpose of shelter, recreation, entertainment or refreshment**, or of witnessing regattas or other events, or a club premises or as offices or as a kitchen, pantry or store place.

The Melissa should it be licensed as premises for the sale of alcohol will be by definition a houseboat and therefore subject to the Ipswich Dock Act 1950 Section 12 which states as follows:-

"It shall not be lawful without the written consent of the Commission to moor, place, keep or maintain in the port any houseboat, whether or not the same shall have been so placed or moored before the passing of this Act."

Byelaw 80 states: - Houseboats. No vessel moored in the Authority's area (other than a vessel bona fide used for navigation) shall be used for the purposes of residence unless it is berthed alongside a frontage where there is direct access from the shore by agreement with the owner of the frontage.

The Melissa is not moored alongside the shore it is as stated moored against an unlawful jetty.

The Melissa is by capacity a regulated vessel by virtue of the fact the capacity is greater than 50 tons. The master of a regulated vessel it is required to comply with the instructions of the Harbour Master before mooring in the Port of Ipswich. The Port of Ipswich extends from Stoke Bridge to Shotley Point.

“regulated vessel” means every vessel having a gross tonnage of more than 50 tonnes and every vessel licensed to carry passengers. “

As a regulated vessel the master of the vessel must comply at all times with instructions from the Harbour Master.

I now turn to the issues of non-compliance with the licensing laws and the Home Office guidance which relate to the granting of this application.

The address given in the application and in the advertisement in the newspaper is imprecise and fails to describe the exact location of the premises to be licensed. The law and HO guidelines 8.80 require sufficient description to enable the location to be identified by the public.

The plan of the premises submitted with the application does not include the jetty against which the vessel is berthed.

The Licensing Act and regulations require a brief summary of the application on A4 or larger notice in a prescribed format to be displayed **immediately on or outside the premises** in a prominent position where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than 50 metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway. The notice(s) must be in such a position that they can be viewed by the public for at least 28 consecutive days starting on the day after the submission of the application.

The Melissa is located about 150 metres from the shore at the far end of an extended jetty to which the public have no access or knowledge and therefore they cannot have sight of any prescribed notice that may be displayed. This jetty cannot be accessed on foot or by vehicle for 1 to 2 hours (can be more on spring tides) before high tide and a similar time after the tide because the tidal water covers the foreshore over which access is gained at other times. High tide occurs twice daily.

On the morning of the 6th November 2018 at high tide the Melissa was lying against the posts on the east of the Hard, when it was visited by an officer of Suffolk Constabulary who is thought to be the licensing officer. He was collected from Harry King's pontoon by boat. If it was the licensing officer he did not see the vessel in situ at the jetty where it is normally berthed. It could be the visit was arranged by the applicant to co-incide with the high tide in order to avoid inspection of the jetty. The spring tide prevented access to the jetty by foot.

The vessel remained in the same position and was there at the High tide today when I photographed the starboard side of the vessel at 11.31am (as attached) No notices are displayed on the premises/vessel as required by law. The applicant Mr Webb is in breach of the requirements of the legislation and non-compliant with the law.

The required conditions have not been complied with. The application is flawed and therefore invalid.

The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, state:-

Notice to responsible authority

Section 27. In the case of an application for a premises licence under section 17, the person making the application shall give notice of his application to each responsible authority by giving to each authority a copy of the application together with its accompanying documents, if any, **on the same day as the day on which the application is given to the relevant licensing authority.**

I understand that this mandatory requirement was not in this application adhered to, if I have been informed correctly by the licensing officer a copy of the application is to be sent to Planning and was not served on planning by the applicant as required at the time of the submission of the application. This means the application is flawed and invalid.

Revised Guidance issued under section 182 of the Licensing Act 2003, states:-

Responsible authorities 8.7, For all premises, responsible authorities include: • the relevant licensing authority and any other licensing authority in whose area part of the premises is situated; The Chief officer of police; • the local fire and rescue authority; • the relevant enforcing authority under the Health and Safety at Work etc Act 1974; • the local authority with responsibility for environmental health; • **the local planning authority;** •

8.5, In relation to vessels, authorised persons also include an inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995. These would normally be officers acting on behalf of the Maritime and Coastguard Agency.

8.9 In relation to a vessel, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed, (In this case ABP) **or any waters** where it is proposed to be navigated when being used for licensable activities. This therefore must also include the Harwich Harbour Board as the navigating authority the vessel will have to navigate through to gain access to the sea. **In addition all navigating authorities on the east coast he may wish to operate in** as he has done in the past, the most recent was the Woodbridge Maritime festival where he advertised and operated as a floating pub. (Without a lawful licence).

8.10 The MCA is the lead responsible authority for public safety, including fire safety, affecting passenger ships small commercial vessels (carrying no more than 12 passengers) which go to sea. The safety regime for passenger ships is enforced under the Merchant Shipping Acts by the MCA which operates certification schemes for these vessels. Fire and rescue authorities, the Health and Safety Executive and local authority health and safety inspectors should normally be able to make “nil” returns in relation to such vessels and rely on the MCA to make any appropriate representations in respect of this licensing objective.

In this case the Melissa is classed as a small commercial ship licensed to carry no more than 12 passengers and 3 crew. The navigation authority is the Ipswich Harbour Master acting for and on behalf of Associated British Ports (ABP).

Only ABP can authorise the mooring of the Melissa in the River Orwell, only ABP can authorise the vessel to operate in the river as a floating Pub. Whilst in the Port and Harbour of Ipswich the master of the vessel is at all times required to comply with the Harbours Masters instructions.

I when viewing the application, was advised that the Planning Authority would be copied the application but ABP would not be.

It appears the applicant did not comply with Section 27 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 and failed to deliver copy to the Planning authority and ABP at the same time as he submitted the application. I doubt he served any notice on any navigation authority as is required. (8.9above)

This application is flawed and therefore invalid.

8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for a Premises Licence.

I submit that this application is far more complex than those for existing buildings. In this case I suggest the Parish Council and the Pin Mill Bay Management Company who on behalf of Babergh DC manage the Pin Mill Hard and the land either side. Access to the Melissa will be over land which the PC and the PMBMC are responsible for.

In addition this vessel is within a conservation area, an Area of Outstanding Natural Beauty, a Site of Special Scientific Interest and a RAMSAR site. The Environment Agency and Natural England should be consulted as they are for planning applications. All these bodies should have the opportunity to comment on the application before it comes before the Licensing Committee.

I note the Babergh Planning website shows no application from the applicant for planning permission without which, the use of this vessel as licensed premises at Pin Mill is illegal.

Section 2 Safety requirements: I now turn to the most important subject which is that of Public Safety.

Public safety on water has been since the Marchioness disaster of paramount importance with many issues to be taken into consideration. The first of which is the maximum capacity of the vessel and the fixing of limits of the numbers of persons permitted on the vessel whilst moored in tidal waters as the Melissa is, at Pin Mill.

When I viewed the application at Endeavour House I did not see any risk assessment submitted by the applicant as is suggested in Revised Guidance issued under section 182 of the Licensing Act 2003 para 2.13 and no suggested limit of capacity.

The stability of the vessel v numbers on board in all weathers has to be taken into account as at Pin Mill the Melissa is subject to wind and tide, waves and wash, storm and tempest.

Vessels at Pin Mill are in particular, vulnerable to northerly winds and waves often exceed 2 feet high and in gale force winds they exceed 3 feet. If the barge is floating then it moves, up and down with the waves or wash, and if the tide is still low the vessel will bounce on the ground beneath. Given the strength of the wind and tide the vessel will at times pitch, toss and roll therefore in bad weather the vessel will not provide a stable platform for relaxation, drinking and enjoyment of alcohol. In fact for many it will cause sickness and vomiting.

Emergency exit from the vessel is limited to the side next to the jetty and is difficult in bad weather because any gangway would be restricted in width. It is well known that persons on vessels often panic and in panic will leap into the water, although they cannot swim, therefore increasing the danger to life

Access to and from the vessel from or to the pontoon will, in windy conditions, be difficult if not impossible for the old, infirm, disabled and wheel chair users to embark or disembark and can in fact be dangerous. Worse still is the fact that to get to the vessel or to leave it will mean using the pontoon which has no suitable safety barriers and no suitable lighting that would meet the safety standards required within health and safety legislation.

There are no facilities on the vessel for disabled users as required by law for licensed premises.

Access to the jetty and the Melissa is via the foreshore behind the Butt and Oyster Public house which is not possible at high tide as this part of the foreshore is covered by the tide for up to 2 hours either side of the time of high tide. Spring tides (higher tides) occur 14 days in 28. When the tides are at their highest, the longer the foreshore is not usable for access. High winds can also increase the time the foreshore remains covered. Those wishing to visit the vessel or leave the area will have wait until the tide has receded unless they wish to wade or swim through the water blocking the way. (Not recommended).

It is clear that applicant Mr Webb will if granted the licence wish to use his vessel as a floating pub at other harbours which could mean the problems of safety are much worse. For instance if moored at Halfpenny Pier, Harwich the vessel will lie in very powerful tides in much deeper water and subject to greater waves and wash in a position giving much greater exposure to weather. If there was a man over board situation the chances of survival would not be good in such waters, as opposed to Pin Mill, where there is greater chance of reaching the shore.

Within the application it is stated that the vessel will have staff on deck to assist any customer that requires help. Mr Webb does not have any staff in his employment so on occasions will have to find staff as and when required. I very much doubt there are any suitable trained persons available to hire as and when he gets a booked event on board his vessel and he will need a guaranteed number of customers to make hiring them as and when required worth the cost. In effect he would require fully trained lifeguards. I very much doubt there are any available in this area at short notice, if at all.

There is a requirement for access by emergency vehicles and personnel which is not possible at Pin Mill other than at high tide when the RNLI lifeboat could attend. Safety includes ensuring there are appropriate waste disposal and toilet facilities. The vessel has limited toilets and limited holding tanks for sewage and waste water which cannot lawfully be discharged into the river and there is no access for vehicles to attend to collect sewage or waste material.

There exists at Pin Mill over 30 vessels that daily discharge sewage onto and into the mud at Pin Mill with the result that all vessels there are surrounded by their own excrement and the excrement of others. The current situation is under investigation by the authorities but as yet there has been no positive action to stop this pollution. Granting a license to the Melissa to operate a floating pub at Pin Mill will add greatly to the existing pollution which is contrary to environment law, Riverian law and the Port of Ipswich byelaws.

I attach with this representation a photograph of an event which took place at Pin Mill in October last year which is worth more than further words from me. The owner of the vehicle in the photograph was so intoxicated he sat and watched the tide come in and the water rise around his vehicle. The photograph highlights some of the problems at Pin Mill I am attempting to describe including the fact that there are few parking areas in Pin Mill.

I ask that this application be refused for all the reasons stated within this representation which amount to a disregard of the law as I have set out within this document,

Yours sincerely

David Fisk

N.B. The Melissa was granted a licence by Ipswich Licensing commencing on the 1st August 2018 it was revoked on the 17th of October 2018 as I complained the licence issued by Ipswich was invalid as the Ipswich wet dock was not the usual berth of the vessel. I also complained that I had been informed that the licence was lawful because the relevant laws had been complied with and the Melissa had been in the wet dock for 28 consecutive days displaying the application which I knew to be completely false as was written statement that the Harbour Master could confirm it as I knew for at least 24 of the days the vessel was banned by the Harbour Master from entering the dock.

An investigation is being conducted to establish why an employee lied when he spoke to me and also lied to his manager.







Babergh District Council
Licensing Team
Endeavour House
8 Russell Road
Ipswich

Please ask for: _____
Our email: _____
Our direct line: _____
Our fax number: _____
Our reference: _____
Your reference: _____

Date: 13th November 2018

Dear Licensing Team,

Re: Representation on the application for the grant of a new premises licence for the Sailing Barge Melissa, Pin Mill, Ipswich

I am part of a multi-agency group that includes Environment Agency, Maritime Coastguard Agency, AB Ports, National Trust, Marine Management Organisation and Pin Mill Bay Management Community Interest Company which manages the 'Hard' at Pin Mill.

As a multi-agency group, we wish to object to the grant of a new premises licence for the above premises due to concerns we have regarding the alleged actions of Jonathan Webb and how that may influence the general management of the vessel Melissa. We feel that the granting of a premises licence will impact on the four licensing objectives for the following reasons:

- Continued unauthorised supply of fuel to houseboats despite warnings from the MCA and the Environment Agency – Jonathan Webb has been warned by the MCA that he needs a licence to sell fuel from a vessel. He arranges for a delivery of fuel to be made into a bowser and then delivers to the houseboats by way of a small vessel. He has been informed he is unauthorised to carry out this practice. He continues to undertake this practice
- He has alleged links to Blacksmith Barge which is moored illegally at Pin Mill and has been the subject of many complaints of anti-social behaviour locally and he continues to provide them with water and electricity
- He has recently Moored his houseboat within the designated houseboat area at Pin Mill without any confirmed authorisation or planning permission after BDC had written to him informing him he would need to apply for permission
- Failed to declare and supply complete and accurate information of all of his moorings to ABP resulting in several being removed. He had allegedly not previously declared or paid for moorings in the River Orwell for a number of years
- No evidence of Food Hygiene Rating or certificate yet has previously been serving food to paying customers
- County Court case pending for non-payment of mooring fees to CIC

- Previously been denied access to Ipswich wet dock for outstanding money owed (Now paid)
- Warning served from EA regarding the burning of contaminated waste
- The vessel in question 'SB Melissa' is moored on an unauthorized jetty now being quoted as the address for the vessel
- Deliveries of supplies may need to be carried out using this jetty
- Discharge of waste from SB Melissa directly into the river
- The Orwell Estuary is an AONB as well as being designated a SSSI, SPA and Ramsar site. The EA is part of a management group that promotes the sustainable use of the Orwell estuary through the management of human activity, in a way which is compatible with the conservation of the estuarine landscape and wildlife. The current arrangements for the SB Melissa is to discharge raw untreated sewage directly onto the mudflats. This activity has the potential to cause harm and deterioration of this highly sensitive site. Before this application can be approved the owners of this vessel must look into an alternative method of disposal that does not impact on ecology.

From representatives of the Pin Mill Multi Agency Group
Babergh DC
Association of British Ports
Environment Agency
MCA
National Trust

Maritime & Coastguard Agency Comments

Email dated 18 November 2018

It has been confirmed to us that Mr. Jonathan Webb is not the owner of SB Melissa. I have directed our certifying authority on 16th November 2018 to revoke the Thames sailing barge certificate issued to the SB Melissa.

The vessel currently does not hold MCA administered exemption certificate and MCA has no further interest in the premises licence application at this stage.

Email dated 8 November 2018

Our remit in the process of licence application primarily relates to validating the effectiveness of fire-fighting capability of the premises on the basis of the passenger certification issued by us (or our behalf in this case.)

However please note that our office has recently received conflicting information / document relating to the ownership of the SB Melissa which may directly affect the relevance / validity of the Thames Sailing Barge certificate issued to the vessel by sailing barge association on our behalf.

At this stage we can't confirm the authenticity of the document submitted to us, so we have instructed the Sailing Barge Association to follow up the matter with the owner Jonathan Webb and are awaiting their response on the matter.

In case it is established that Mr. Jonathan Webb is the real owner of the vessel, we will consider to visit the vessel and verify their fire-fighting capability and report back to you.

However, in case if it is confirmed that Mr. Jonathan Webb is not the legal owner of the vessel, then SB Melissa's Thames Sailing Barge Certificate stands null and void and perhaps the licensing application as well.

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Licensing Authority
Babergh District Council
 Endeavour House, 8 Russell Road, IPSWICH
 IP1 2BX
 Tel: **0300 123 4000**
www.babergh.gov.uk
licensingteam@baberghmidsuffolk.gov.uk

ATTENDANCE AT HEARING NOTICE
 (Section 17 Application for GRANT of NEW premises licence)

For completion by Licensing Authority:

Application type:	Section 17 NEW Ref: 022358	Application date:	18 October 2018
Premises:	Sailing Barge Melisa, usually moored at Pin Mill, Ipswich IP9 1JW		
Applicant Address:	Jonathan Mark Webb Webbs Boatyard, Pin Mill, Ipswich, Suffolk, IP9 1JN		

For completion by YOU:

Please tick box to indicate whether you are:

Applicant:	<input type="checkbox"/>
Objector:	<input type="checkbox"/>
Other (please state):	<input type="checkbox"/>

		YES	NO
Q1.	Do you intend to attend the hearing? (Note: If you wish to withdraw your representation, you should notify the Licensing Authority as soon as possible)	<input type="checkbox"/>	<input type="checkbox"/>
Q2.	Will you be bringing someone to speak on your behalf? (If YES to above please specify name and occupation of speaker):	<input type="checkbox"/>	<input type="checkbox"/>
Q3.	Do you consider the hearing to be necessary? (Note: The Licensing Authority may dispense with the hearing if all parties agree)	<input type="checkbox"/>	<input type="checkbox"/>
Q4.	Please give an estimate (in minutes) of how long you believe you will need to make your points concerning this application?	minutes

If you want any other person to attend as a witness to support you (other than the person whom you intend to represent you), complete the box below in order to comply with the hearings procedure:

Describe in the space below the matter(s) on which this person be giving evidence on in relation to this application, representation or notice. Please use continuation sheet/reverse if necessary:	
YOUR NAME:	<input type="text"/>
SIGNATURE:	<input type="text"/> Date: <input type="text"/>

Please complete and return this form not later than
FIVE WORKING DAYS before the hearing date

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NEW OR VARIATION APPLICATION HEARING PROCEDURE (PREMISES OR MEMBER'S CLUB)

NOTE: References to the 'Applicant' may also apply to an existing licence holder if the hearing consideration relates to a licence already on issue (for example a variation)

1. The Council's Licensing Officer will present a report to the Sub-Committee outlining details of the application and reasons for the hearing including representations/objections made. The Licensing Officer may then, through the Chair, be questioned on his report by any party to the hearing.
2. The Applicant (and/or his advocate/representative) will then present their case in support of the application they have made. The Applicant calls any witnesses (if applicable). The Applicant and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
3. Responsible Authorities (and/or his advocate/representative) will then present their case in support of their representations. The Responsible Authorities call any witnesses (if applicable). The Responsible Authorities and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
4. REPEAT STEP 3 FOR EACH RESPONSIBLE AUTHORITY.
5. Other Persons objecting (and/or his advocate/representative) will then present their case in support of their representations. Other Persons call any witnesses (if applicable). Other Persons and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
6. REPEAT STEP 5 FOR EACH OTHER PERSON OBJECTING.
7. The Chairman may then allow additional questioning/ clarification of any of the parties in the order indicated by him.
8. The Council's Licensing Officer gives any closing comments to the Sub-Committee.
9. The Applicant (and/or their advocate) gives any closing address to the Sub-Committee.
10. The Sub-Committee retires to deliberate in private session. All parties will then be called back into the meeting for the announcement of the decision and reasons for the decision will be given by the Chairman or Legal Advisor to the Sub-Committee (in some cases the Sub-Committee may decide to defer making a decision in accordance with any regulatory timeframe). The full written notification of the decision and rights of appeal will follow forthwith.

NOTES:

- (a) The hearing will take the form of an informal discussion led by the Licensing Authority.
- (b) The Sub-Committee Chairman and, with his consent, any Member of the Sub-Committee may at any time question the Applicant, Responsible Authorities, Other Persons, Licensing Officer or any witnesses. The Sub-Committee Chairman may deviate from this procedure as he considers necessary or appropriate, to allow a discussion to flow and to allow all parties fair and equal opportunity to raise all points they may wish to make.
- (c) At all times during proceedings due regard shall be had to The Licensing Act 2003 (Hearings) Regulations 2005.

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