

MID SUFFOLK DISTRICT COUNCIL

From: Licensing Team	Report Number: M/LASub/19/1
To: Licensing Sub-Committee	Date of meeting: 2 March 2020

LICENSING ACT 2003 – HEARING TO DETERMINE AN APPLICATION TO VARY A PREMISES LICENCE – CAFEYE, 14 BROAD STREET, EYE IP23 7AF

1. Purpose of Report

- 1.1 To report information to the Licensing Sub-Committee to enable the determination of an application made to vary premises licence MPL0397 on issue in respect of: Cafeye, 14 Broad Street, Eye IP23 7AF

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 REJECT the whole or part of 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 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 (**in the Diss Express on 17th January 2020**).

6. Equality Analysis

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

7. Key Information

7.1 The hearing is to determine an application to vary an existing premises licence made under section 34 of the Licensing Act 2003. A copy of the application which was received on 9th January 2020, is attached as **Appendix B** to this report.

7.2 The application has been submitted by the premises licence holder:

Cem Cilfaoglu

For licensed premises:

Cafeye, 14 Broad Street, Eye IP23 7AF

The Designated Premises Supervisor (DPS) is:

Turan Cilfaoglu (personal licence holder with South Norfolk 901)

7.3 The variation seeks to alter the existing premises licence:

(a) To amend the hours for sale and supply of alcohol for consumption on the premises to: Monday to Sunday 12:00 to 00:30 and the opening hours of the premise to: 08:00 to 01:00.

7.4 Cafeye has benefitted from a premises licence issued by Mid Suffolk District Council since 10th July 2018.

7.5 A copy of the current premises licence including the plan is attached to this report as **Appendix A**.

7.6 A hearing is necessary to determine the application following receipt of relevant representations which have not been withdrawn. 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

7.7 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.

7.8 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.

7.9 The Sub-Committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 and Articles 8 and 1 of Protocol 1 when determining applications for the variation of an existing licence.

8. Representations

8.1 Representations have not been received from any Responsible Authority under the Licensing Act 2003.

8.2 There have been **two** representations made by 'other persons' (which includes local residents). These submissions are attached as **Appendix C** to this report.

9. Appendices

Title	Location
A. Copy of premises licence including plan MPL0397	Attached
B. Application to vary a premises licence	Attached
C. Representation received from 'other persons'	Attached

10. Background Documents

10.1 The Licensing Act 2003

10.2 Guidance issued under Section 182 of the Licensing Act 2003 (April 2018 edition)

10.3 Mid Suffolk District Council's Statement of Licensing Policy

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