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# Licensing Act Sub-Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing Act Sub-Committee** held on  
**Wednesday 3 June 2015** at **10.00 am** at the **Conference Chamber, West  
Suffolk House**, Western Way, Bury St Edmunds

Present: **Councillors:**

**Chairman** Ian Houlder

Tony Brown  
Frank Warby

**Substitute attending:**  
Sara Mildmay-White

**Other Person:**  
David Nettleton (representing Kate Leybourne)

1. **Election of Chairman**

It was proposed, seconded and

RESOLVED:

That Councillor Ian Houlder be elected Chairman for this  
Licensing Act Sub-Committee meeting.

2. **Substitute**

No substitutions were declared.

3. **Apologies for Absence**

No apologies for absence were received.

4. **The Hearing Procedure (previously circulated) was adopted in  
considering the under-mentioned item**

5. **Application for new Premises' Licence - Club Brazilia,, Station Hill, Bury St. Edmunds**

(a) **Pre-Hearing**

- (1) it was announced that Stephen Smith, representing the applicant, and Councillor David Nettleton , representing Kate Leybourne, an 'Other Person' who had submitted written representations, were in attendance;
- (2) both parties confirmed that they had received a copy of the Officers' written report (LAS/SE/15/003);
- (3) the applicant confirmed that he did not wish to amend or withdraw the application;
- (4) the Licensing Officer reported that the applicant had submitted additional information in the form of two letters, dated 29 May and 1 June 2015, in support of the application. These letters had been circulated to the Sub-Committee after the agenda and papers for the meeting had been distributed;
- (5) the Licensing Officer reported that there had been no requests for witnesses to appear ;
- (6) the Chairman asked the applicant the amount of time he required to present his case. The applicant responded by stating that he was relying on the written material before the Sub-Committee to support his case although he would respond to any questions raised ; and
- (7) at this point the Sub-Committee determined that the Substitute Member was not required for this hearing and Councillor Sara Mildmay-White left the meeting.

(b) **Hearing**

The Licensing Officer presented Report LAS/SE/15/003 in connection with the application for a new Premises' Licence for Club Brazilia, Station Hill, Bury St Edmunds.

The following were attached as Appendices :

Appendix 1 - a copy of the application;

Appendix 2 - a plan showing the location of the premises;

Appendix 3 - an accepted representation submitted by Kate Leybourne as an 'Other Person'; and

Appendix 4 - a list of additional conditions relating to the Licensing Objectives of the Prevention of Crime and Disorder &

the Protection of Children from Harm which had been submitted by the Police, as the responsible authority. On the basis of the acceptance of these conditions by the applicant the Police had withdrawn their previously submitted representations in respect of the application.

After being invited to address the Sub-Committee regarding his application Mr Smith stated that he had nothing further to add beyond what was contained in his written submissions. A Member asked whether the premises were in a fit state for re-opening as a night club venue in view of the length of time they had been vacant. Mr Smith responded by advising that the building had been empty for 3 years and that refurbishment work needed to be done. Works had not been put in hand yet because a decision on the application was needed first. If the licence was granted he estimated that refurbishment work would take 6 weeks to bring the premises up to the required standard for opening. He was liaising with the Fire Service regarding its requirements and Fire Officers were content to inspect the premises when they were ready for opening.

In response to another question from a Member he indicated that he had agreed to accept the additional conditions now proposed and that he was fully prepared to comply with all the conditions. He would ensure that all checks were carried out, logs were kept and staff training attended to.

Mr Smith advised that there would be no admissions after 2 am and that a 'Quiet Time' would be operated in the lead up to closing time to facilitate gradual dispersal of customers. He advised that the capacity of the Club Brazilia premises was 650 although this number was rarely reached. Reference was made to the prospective re-development of land behind the Vision Night Club premises. Mr Smith whilst acknowledging the existence of the plans advised that the purpose of the proposal to re-open the Brazilia Night Club was to transfer the business from the Vision Night Club. He mentioned that once the re-opening had taken place the Vision Night Club premises would be closed and the existing Premises' Licence would be surrendered. The Sub-Committee accepted the advice of Officers that the land ownership and re-development issues were not relevant to the consideration of the application before it.

Councillor David Nettleton referred to the letter of representations from Mrs Leybourne and assured the Sub-Committee that the concerns expressed by her were genuine. In previous years there had been problems of vandalism and anti-social behaviour along Station Hill to St Andrew's Street North as young persons moved between Club premises in Station Hill to other such establishments in the Town Centre. These had lessened in recent years but there were suspicions that these problems would start up again if Club Brazilia re-opened. Councillor Nettleton asked what could be done to curtail these types of incidents. His own suggestion had been for residents in the locality concerned to park their vehicles over Saturday night in the St Andrew's Long Stay Car Park to avoid vandalism. The drawback to this was that the residents would have to collect their vehicles before 10 am on Sunday before car parking charges were operative.

Each of the parties summed up their respective cases.

*(At this point the Sub-Committee retired to give consideration to the merits of the application and the applicant, the representative of the 'Other Person' and the Licensing Officer withdrew from the meeting room and the Legal Advisor and Committee Administrator remained present. In considering the application the Sub-Committee had regard to the Licensing Act 2003, the Guidance on the Act and the Council's Statement of Licensing Policy. The principal concern of the Sub-Committee were the Licensing Objectives of The Prevention of Crime and Disorder and the Prevention of Nuisance. Regard was taken of the representations made by the Applicant and the Other Person. The Sub-Committee reconvened and announced the following decision)*

### Decision

(1) The application for a Premises' Licence in respect of Club Brazilia, Station Hill, Bury St Edmunds be granted as follows :

(a) **Live Music – Indoors only**

Friday 21.00 to 03.00  
Saturday 21.00 to 03.30

(b) **Recorded Music – Indoors only**

Friday 21.00 to 03.00  
Saturday 21.00 to 03.30

(c) **Performance of dance – Indoors only**

Friday 21.00 to 03.00  
Saturday 21.00 to 03.30

(d) **Retail sale of Alcohol on the premises**

Friday 21.00 to 03.00  
Saturday 21.00 to 03.30

(2) **Conditions**

Consistent with the applicant's Operating Schedule accompanying the application and additionally those contained in Appendix 4 to Report LAS/SE/15/003 and furthermore subject to any conditions which must under Sections 19, 19a, 20 or 21 of the Act to be included in the Licence.

(3) **Reasons**

The Sub-Committee considered that the grant of the Premises' Licence with the added conditions agreed to by the applicant would not have an adverse impact on the Licensing Objectives.

Note: With regard to the complaints of vandalism and anti-social behaviour referred to by the Other Person, the Sub-Committee had regard to the current guidance on the Licensing Act 2003 issued by the Home Office which in paragraph 2.24 states in relation to Noise Nuisances: 'Beyond the immediate surrounding of the premises these are matters for the persons' responsibility under the Law'. Therefore it was unable to impose a condition intended to control any potential nuisance taking place outside the premises as delineated in the application for the licence.

The meeting concluded at 10.40 am.

**Signed by:**

**Chairman**

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