
Licensing Act Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing Act Sub- Committee** held on
Thursday 17 September 2015 at **2.00 pm** in **Room GFR13, West Suffolk**
House, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Frank Warby

Terry Buckle
Bob Cockle

Substitute attending:
John Burns

16. **Election of Chairman**

It was proposed, seconded and

RESOLVED:

That Councillor Frank Warby be elected Chairman for this
Licensing Act Sub-Committee meeting.

17. **Substitute**

No substitutes were declared.

18. **Apologies for Absence**

No apologies for absence were received.

19. **Hearing Procedure**

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

20. **Application for new Premises' Licence - Déjà Vu Sandwich Bar Café
Ltd, 6/8 Queen's Street, Haverhill**

(a) **Pre-Hearing**

The following actions were taken in the pre-hearing part of the meeting:

- (1) it was announced that Mr Charalambos Zachariou, the applicant was present. He was represented by Mr Graham Hopkins and Mrs Linda Potter of GT Licensing Consultants. None of the 'Other Persons' who had submitted written representations were present at the hearing;
- (2) the applicant confirmed that he had received a copy of the Officers' written report (reference LSC/SE/15/006);
- (3) the applicant confirmed that he did not wish to amend or withdraw the application;
- (4) the Licensing Officer reported that none of the parties had submitted additional supporting information;
- (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. As a result, the Sub-Committee determined that the maximum time allowed for the applicant to present his case would be 15 minutes;
- (7) The Sub-Committee determined that the Substitute Member was not required for the hearing. At the invitation of the Sub-Committee Councillor Burns remained present as an observer.

(b) Hearing

The Licensing Officer presented Report LSC/SE/15/006 (previously circulated) in connection with an application received for a new Premises' Licence in respect of Déjà Vu Sandwich Bar Café Ltd, 6/8 Queen's Street, Haverhill. A copy of the application was attached as Appendix 1 to the Report. A basic location plan was attached as Appendix 2. Three accepted representations had been received and these were attached as Appendix 3.

The four Licensing Objectives of the Licensing Act 2003 were as set out below. Any representations for consideration must relate to one or more of these objectives:

Prevention of Crime and Disorder
Public Safety
Prevention of Nuisance
Protection of Children from Harm.

The Report advised the Sub-Committee that Section 17 of the Crime and Disorder Act 1998 imposed a duty on each local authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably

can to prevent crime and disorder in, its area. If the licensing authority decided that an application should be refused it need to show that to grant the licence would:

- (a) undermine the promotion of the Licensing Objectives; and
- (b) that appropriate conditions would be ineffective in preventing the problems involved.

If the licensing authority could not show the above, the application should be granted. In making its decision the Sub-Committee was advised to consider the Licensing Act 2003, the Guidance on the Act and the Council's Statement of Licensing Policy.

The Sub-Committee was further advised that it could take any of the steps set out below, provided they were proportionate and appropriate for the promotion of the Licensing Objectives:

Grant the licence applied for; or

Grant the licence, subject to such conditions as are consistent with the Operating Schedule accompanying the application, modified to such an extent as the authority considers necessary for the promotion of the Licensing Objectives; or

Reject the whole or part of the application.

Mr. Zachariou gave further information in support of his application. Whilst the application was for a new licence in respect of the Déjà Vu Sandwich Bar and Café he already held a Premises' Licence for the Bar Vu Café and Wine Bar in Jubilee Walk, a business which he had operated for 12 years. His proposal was for the premises to continue to operate as a café during the day and to extend opening into the evening with a limited food offer during the hours of 17.00 to 22.30. Alcohol would be available from 10.00 until 23.00 daily. He explained that the object was to provide a venue with a relaxed atmosphere. The intention was for customers to be seated at tables in comfortable chairs or sofas and for there to be waiter/waitress service and thus an interface between staff and customers. Music to be played was to provide background in keeping with the ambience he wished to create. Alcohol to be served would be wine and quality beers/ciders. There would be no strong beers available or beer sales promotions. The pricing structure would be such that a responsible adult clientele would seek to use the venue. The premises would be shut at an early time and there was no interest in catering for the night time economy. Mr Zachariou explained that he had a licence from Suffolk County Council, as the highway authority, to use an area of pavement outside the premises as an eating and drinking area whilst Queen Street operated as a pedestrianised area. This usage ceased at 16.00 when the highway was re-opened to traffic. He referred to a downturn the business had been suffering and mentioned that the day prior to the hearing had been the quietest since 2003. If the licence was to be granted it would have the effect of creating more jobs as he would have to engage more staff. With regard to the representations made

by the Other Persons he mentioned that these were from the owner of the adjoining commercial premises and individuals connected with him. These premises had previously closed as a clothes shop and the owner was proposing to re-open them as a coffee shop. Mr Zachariou suggested that the objections therefore had, perhaps, a basis of concern about competition from his own business. Mr Hopkins explained that the proposal had been discussed fully with the Suffolk Constabulary. CCTV would operate both inside and outside the premises. Staff would be trained and the Challenge 21 scheme would be operated. A phone number would be provided to local residents should they have any concerns arising from the operation of the business.

The Sub-Committee noted the receipt of three letters of written representations from Other Persons and that the licence, if granted, would extend to the area outside the premises currently used under a separate licence from the highway authority. The Sub-Committee was advised that none of the Responsible Authorities had raised objections in respect of the application. It was acknowledged that consumption of alcohol in this area would have to cease at 4.00pm when the area had to be cleared to allow the road to be re-opened. Members expressed concern that there would be glasses in this area whilst it was being used as an eating/drinking area. The applicant explained that the area was sectioned off by means of low barriers. Dependent on the weather and from May to September there were normally 5 tables in the outside area and the maximum which could be accommodated was 8. The tables would be cleared as customers departed. He envisaged that there would be 5 staff at the premises each day except Fridays and Saturdays when this would be increased to 6. There would be signs directing smokers outside and a limited space to accommodate them.

The applicant summed up his case.

(At this point the Sub-Committee retired accompanied by the Legal Advisor and the Committee Administrator to give consideration to the merits of the application. In considering the application the Sub-Committee's principal concern was the Licensing Objective of the Prevention of Crime and Disorder. Regard was taken by the Sub-Committee of the representations made by the Applicant at the hearing and the written representations made by the Other Persons. The Sub-Committee reconvened and announced the following decision)

Decision

That:

(1) the application for a Premises' Licence in respect of Déjà Vu Sandwich Bar Café, 6/8 Queen's Street, Haverhill be granted as follows:

(a) Supply of alcohol

Monday to Sunday 10.00 to 23.00

(b) Opening Hours

Monday to Sunday 07.00 to 23.30

(2) Conditions

Consistent with the Applicants' Operating Schedule as contained in Appendix 1 to Report LSC/SE/15/006

The meeting concluded at 2.40pm

Signed by:

Chairman
