

Licensing and Regulatory Sub-Committee



Forest Heath
District Council

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on
Wednesday 14 March 2018 at **2.00 pm** at the **Council Chamber, District
Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Brian Harvey
John Bloodworth Nigel Roman

53. **Apologies for Absence**

There were no apologies for absence.

54. **Substitutes**

There were no substitutes at the meeting.

55. **Election of Chairman**

It was unanimously

RESOLVED:

That Councillor Brian Harvey be elected as Chairman.

56. **Application for the Grant of a Premises Licence in respect of Regent
Place, 122 High Street, Newmarket (Report No: LSC/FH/18/003)**

The Chairman welcomed all present to the Hearing, reported that no declarations of interest had been received and introductions to the Panel were made.

The following parties were present at the Hearing:

(a) Applicant

(i) Mr Jack Shorney (applicant)

(ii) Mr Adrian Smith (supporter and former employer of applicant)

(b) Responsible Authorities

(i) Mr Mike Bacon (Licensing Officer, Suffolk Constabulary)

(ii) Ms Karen Cattle (Senior Public Health and Housing Officer, West Suffolk Councils)

(c) Interested Parties

- (i) Mr John Johnstone (Keylocks, Newmarket resident)
- (ii) Mrs Cathy Whitaker (Newmarket Town Council)

The Licensing Team Leader presented the report which explained that an application had been received for the grant of a new premises licence in respect of Regent Place, 122 High Street, Newmarket. A copy of the application was attached at Appendix 1, which also included a plan of the premises.

The application was for a restaurant and bar. The licensable activities applied for were for recorded music and the sale of alcohol for consumption on and off the premises.

The operating hours originally requested were Monday to Sunday 09:00 to 01:30. However, after consultation with the Responsible Authorities these had been amended to:

<u>Standard Operating Hours</u>	<u>Licensable Activity Hours (Sale of Alcohol by Retail)</u>	<u>Provision of Late Night Refreshment</u>
Mon – Thu: 09:00 to 00:30	Mon – Thu: 09:00 to 00:00	Mon – Sat: 23:00 to 00:00
Fri – Sat: 09:00 to 01:30	Fri – Sat: 09:00 to 01:00	
Sun: 09:00 to 23:30	Sun: 09:00 to 23:00	

Live music as a licensable activity had also been removed, but could be played between 09:00 to 23:00 as it was now deregulated.

Lastly, extra hours (up to 02:00) had been requested for up to 35 occasions per calendar year for pre-booked events. However, after consultation with the Responsible Authorities this too had been removed from the application.

The Officer advised that the application had been served on all Responsible Authorities and representations had been received from Public Health and Housing, the Police and the Licensing Authority. These were attached at Appendices 3, 4 and 5 of the report.

Furthermore, four representations from interested parties, objecting to the application had also been received and these were attached as Appendices 6, 7, 8 and 9.

The Licensing Team Leader advised that as a result of the amendments that had been made to the application the Licensing Authority had now withdrawn their objection to the application.

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 could to prevent crime and disorder in its area.

If the Licensing Authority decided that this application should be refused it would need to show that the grant of the licence would:

1. Undermine the promotion of the licensing objectives; and
2. That appropriate conditions would be ineffective in preventing the problems involved.

If the Licensing Authority could not show the above, then the application should be granted.

In making their decision, Members were also advised to consider the Licensing Act 2003, the Guidance on the Act and the Council's Statement of Licensing Policy.

The Sub-Committee then heard the individual submissions from each of the parties present.

In presenting the case for the applicant, Mr Shorney explained that he believed his application had, to some degree, been misconstrued. He stressed that the application was for a restaurant not a nightclub or vertical drinking establishment. The amendments made to the original application, as outlined by the Licensing Team Leader, emphasised the purpose of the application; as did the removal of the outside seating and smoking area.

Mr Shorney explained that the inclusion of off sales within the application was purely to enable customers to remove unfinished alcoholic products from the premises in sealed containers.

Mr Bacon then addressed the Hearing in respect of the Police's representation. He explained that their primary concern was that the bar area of the premises would become the main focus of the business which was a relevant consideration under the Council's Cumulative Impact Policy. Suffolk Constabulary would prefer for the vertical drinking area to be removed or for the premises to provide registered SIA door staff.

The applicant was invited to respond to the representation and Mr Shorney explained that the bar area of the premises was extremely small and that there were absolutely no plans to increase this as the majority of furniture in the dining area was fixed.

Mr Shorney did not feel that employing registered SIA door staff was reasonable or required for a restaurant business. He drew attention to the various conditions in place (Appendix 10) which supported the licensing objectives such as; Challenge 25 and no admittance to those under 21 years without a booked table on Friday/Saturday.

Ms Cattle then addressed the Hearing in respect of Public Health and Housing's representation. As a result of the amendments that had been made to the application a number of Public Health and Housing's concerns had been addressed.

In response to a question from the Chairman, the Senior Public Health and Housing Officer advised the Hearing of the separate planning process that the premises was still subject to.

Mrs Whitaker then addressed the Hearing in respect of Newmarket Town Council's representation. Similarly, as a result of the amendments that had been made to the application the Town Council's concerns had been addressed as these principally concerned the outside seating/smoking areas which had been removed.

Lastly, Mr Johnston addressed the Hearing in respect of his representation. Whilst some of his concerns had, again, been addressed by the amendments that had been made; he still had some unease as to patrons congregating/smoking in the New Cut area which would cause disturbance to the nearby residents.

Mr Shorney was again invited to respond to the representations and he stressed that the exit onto the New Cut was purely a fire escape and would only be used in this way. Furthermore, a CCTV system was to be installed in accordance with the recommendations of Suffolk Police and the Licensing Authority.

All parties were then given the opportunity to sum up their individual representations.

After hearing the submission and asking questions of the parties present, the Sub-Committee then retired to another room to give further consideration to the application.

On returning to the Council Chamber the Business Partner (Litigation/Licensing) advised all on the Sub-Committee's decision.

With the vote being unanimous, it was

RESOLVED:

That, having taken into account all representations received both in writing and orally, considered alongside the Council's Licensing Policy, the Sub-Committee was satisfied that the premises would be operated as a restaurant which was not subject to the Cumulative Impact Policy. Accordingly, **THE APPLICATION FOR A NEW PREMISES LICENCE WAS GRANTED** in accordance with the following hours of operation and the conditions set out in Appendix 10 (of Report No LSC/FH/18/003) subject to the amendments/additions as identified below:

<u>Standard Operating Hours</u>	<u>Licensable Activity Hours (Sale of Alcohol by Retail)</u>	<u>Provision of Late Night Refreshment</u>
Mon – Thu: 09:00 to 00:30	Mon – Thu: 09:00 to 00:00	Mon – Sat: 23:00 to 00:00
Fri – Sat: 09:00 to 01:30	Fri – Sat: 09:00 to 01:00	
Sun: 09:00 to 23:30	Sun: 09:00 to 23:00	

Amendments to Conditions:

Condition 12 – Alcohol will not be allowed to be taken from the premises in open bottles or containers and no alcohol or hot food shall be taken from the premises after 23:00.

Condition 34 – Deleted

Non Standard Timings – Deleted

Additional Conditions Imposed by the Sub-Committee:

- Customers shall not be allowed access to the stage area in the premises.
- The rear door to the premises shall remain closed during the standard operating hours and an internal sign shall be displayed indicating the rear door is for emergency use only.
- A member of staff will greet customers upon entry to the premises at all times during licensable activity hours.
- No new access to the premises by non-dining customers after 23:00.

The Business Partner (Litigation/Licensing) also advised on the Right of Appeal against the determination of the Authority.

On conclusion, the Chairman reminded the applicant that if the premises was not operated in compliance of the licence then a Responsible Authority could request a review hearing.

The meeting concluded at 3.27pm

Signed by:

Chairman
