
Licensing and Regulatory Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on
Wednesday 30 January 2019 at 10.00 am in **Ground Floor Room 13 West**
Suffolk House, Western Way, Bury St Edmunds, IP33 3YU

Present: **Councillors**

Chairman John Burns
Mike Chester Susan Glossop

102. **Election of Chairman**

It was unanimously

RESOLVED:

That Councillor John Burns be elected as Chairman

103. **Substitutes**

There were no substitutes at the meeting.

104. **Apologies for Absence**

There were no apologies for absence.

105. **Application for Variation of a Premises Licence - MRH Great Barton,
The Street, Great Barton (Report No: LSC/SE/19/001)**

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:

Applicant

- (i) Simon Field, Area Manager, Malthurst Petroleum Limited
(applicant)
- (ii) Robert Botkai, Winkworth Sherwood LLP (agent)

The Business Partner (Litigation/Licensing) verbally advised the meeting that an email had been received from Mr and Mrs Streatfield, who had submitted the representation attached at Appendix 3 to the report, confirming that they would not be attending the Hearing.

In their email they drew attention to their representation, as attached, and also made additional reference to other matters which the Officer explained were not relevant to the Licensing Objectives.

The Licensing Officer presented the report which explained that an application had been received for the variation of a premises licence in respect of MRH Great Barton, The Street, Great Barton.

A copy of the application was attached at Appendix 1 to Report No LSC/SE/19/001 together with a plan at Appendix 2. Prior to the meeting Officers had issued a supplementary paper to the agenda which provided the Sub-Committee with a copy of the existing premises license.

In response to questions from Members the Licensing Officer confirmed that there had been no representations received from any Responsible Authorities.

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 the 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 applicant's submission from the parties present.

In presenting the case for the applicant, Mr Botkai explained that Malthurst Petroleum Limited was a national company who operated a large number of service stations throughout the country.

The aim of the variation application was to maximise the asset at Great Barton and to enable the service station to provide the entire offer during operating hours.

Mr Botkai reminded the Sub-Committee that no objections had been received from Responsible Authorities and no evidence had been submitted to show that the variation would undermine the licensing objectives.

Councillor Mike Chester posed questions with regard to light and noise pollution. In response, Mr Botkai stated that there was a separate planning process that would need to be undertaken by the applicant and that these matters would be addressed as part of that process.

Councillor Susan Glossop asked the applicant if they were aware of any other premises in Great Barton that sold alcohol. The Business Partner (Litigation/Licensing) reminded the Sub-Committee that availability of alcohol in other establishments was not relevant to the consideration of the application.

Discussion then ensued with regard to the entrance doors to the application premises being closed overnight and service being provided via a night payment window; Members wished to condition this element of operation.

Mr Botkai stated that the applicant would be willing to include this as a condition and proposed the following wording, which was welcomed by the Sub-Committee:

"The entrance door to the shop will be closed between 00.00 and 05.00 every day and all sales shall be through the 'night pay window'".

The applicant was then given the opportunity to sum up their representation.

After hearing the submissions and asking questions of the applicant, the Sub-Committee then asked all parties present, with the exception of the Business Partner (Litigation/Licensing) and Democratic Services Officer, to retire from the room in order to allow Members to give further consideration to the application.

Following which, all parties were invited to re-join the meeting and 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 National Guidance and the Council's Statement of Licensing Policy, the Sub-Committee was satisfied that the applicant had shown there would be no adverse impact on the Licensing Objectives and **THE VARIATION APPLICATION WAS GRANTED** subject to the following additional condition:

Prevention of Public Nuisance

"The entrance door to the shop will be closed between 00.00 and 05.00 every day and all sales shall be through the 'night pay window'".

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

106. **Exclusion of Press and Public**

With the vote being unanimous, it was

RESOLVED:

That, under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as prescribed in Part 1 Section 12A of the Local Government Act 1972 and indicated against each item.

107. **Review of a Private Hire/Hackney Carriage Driver's Licence (Exempt: Paras 1 & 2) (Report No: LSC/SE/19/002)**

The Chairman outlined the procedure for the conduct of the Hearing as attached to the agenda.

The Licensing Team Leader presented the report which explained that Members were requested to review a combined Hackney Carriage/Private Hire Driver's Licence under the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

Members needed to be satisfied that that the driver was a fit and proper person to hold a licence issued by the Council.

The Officer drew attention to the evidence submitted at Appendices 1 and 2 of Report No LSC/SE/19/002 and outlined the steps available to Members in reaching their determination of the case before them.

With the vote being unanimous, it was

RESOLVED:

That, having taken into account all representations received, considered alongside the Licensing Authority's duty to protect the public, the Sub-Committee was satisfied that a zero tolerance position should be taken. Accordingly, **THE DRIVER'S HACKNEY/PRIVATE HIRE LICENCE WAS REVOKED WITH IMMEDIATE EFFECT.**

The meeting concluded at 10.57am

Signed by:

Chairman
