

Licensing and Regulatory Sub-Committee

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Thursday 17 October 2019** at **10.00 am** in **Room GFR-12, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Carol Bull
Don Waldron

Roger Dicker

7. **Apologies for Absence**

No apologies for absence were received.

8. **Substitutes**

There were no substitutes present at the meeting.

9. **Election of Chair**

It was unanimously

RESOLVED:

That Councillor Roger Dicker be elected as Chair.

10. **Application for the Grant of a Premises Licence - Moriarty's, 3 Whiting Street, Bury St Edmunds (Report No: LSC/WS/19/003)**

The Business Partner (Litigation/Licensing) 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) Catherine Moriarty, applicant
- (ii) Paul Romaine JP, accompanying the applicant

(b) Interested Parties

- (i) Helen Ellis, neighbouring resident (and speaking on representation made in objection to the application)
- (ii) Katherine Whitchurch, neighbouring resident (and speaking on representation made in objection to the application)
- (iii) Louise Foster, neighbouring resident (and speaking on representation made in objection to the application)

- (iv) Bob Tyrrell, local resident (observing)
- (v) Estelle Watson, local resident (observing)
- (vi) Michael Watson, local resident (observing)

The Licensing Officer presented the report which explained that an application had been received for a new premises licence in respect of Moriarty's, 3 Whiting Street, Bury St Edmunds. A copy of the application was attached at Appendix 1 to Report No LSC/WS/19/003 together with plans at Appendix 2.

The Officer advised that the application had been served on all Responsible Authorities. The Council's Public Health and Housing department and Suffolk Constabulary had both requested additional conditions to be added to the Operating Schedule. The applicant had consented to the additional conditions, as set out in Appendix 3.

Seven representations from local residents had been made objecting to the application and these were attached to the report as Appendix 4.

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, with particular reference to the adopted Cumulative Impact Assessment within the Council's Policy.

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

In presenting her case as applicant, Catherine Moriarty explained that her intention was to provide a relaxed, sophisticated venue where patrons could enjoy a drink prior to moving on to an evening meal elsewhere, or after having visited the cinema/theatre etc.

She stressed that she did not envisage patrons spending all evening at her establishment, only light bites would be served in terms of the food offer and the music was to be in the form of background music only.

Catherine advised the Hearing that she planned to open in the day as well as the evening in order to offer coffee and hot beverages, with the emphasis being on plant-based/vegan products.

In response to the representation comments that had been made with regard to smoking, Catherine confirmed that patrons would not have access to the rear of the building and any cigarette butts left on the pavement outside the premises would be swept clean each day.

The Sub-Committee were informed that the premises would be part of the local PubWatch scheme and all staff would be appropriately trained, with a formal record being taken of the training.

Helen Ellis then addressed the meeting in respect of her representation (Appendix 4B), she opened her remarks by stating that she had not received formal notification from the Council with regard to the premises' change of use planning application. The Business Partner (Litigation/Licensing) interjected and advised that this was not a licensing matter and the complaint would have to be pursued outside of the meeting with the planning department.

Helen stressed that residents of Whiting Street were already subjected to late night anti-social behaviour from patrons of nearby licenced premises and were regularly disturbed at weekends; which she considered would be further exacerbated by the cumulative effect of an additional establishment, as applied for.

Katherine Whitchurch also addressed the meeting in respect of her representation (Appendix 4F), she too made reference to the anti-social behaviour she regularly experienced at weekends and advised the Sub-Committee that her property had been deliberately damaged by individuals under the influence of alcohol.

Katherine highlighted that Whiting Street was within a Conservation Area and, as such, residential properties were restricted with soundproofing solutions such as double-glazing. Meaning that residents were likely to be disturbed by patrons smoking outside the establishment and vehicles, such as taxis, picking up or dropping off. In light of which she asked Members to consider restricting operation to an earlier time than applied for.

Lastly, Louise Foster addressed the meeting in respect of her representation (Appendix 4E). Whilst she welcomed a new premises to Whiting Street she had concerns over the late night element of the application and asked that this be reconsidered in view of the number of residential properties in the immediate vicinity.

Louise also explained that she had similarly suffered deliberate damage to her property and made reference to the lack of police presence/resource available to help combat crimes of that nature.

The Business Partner (Litigation/Licensing) again interjected and explained that the Licensing Authority did not have a duty to consider the level of resources of other Responsible Authorities when determining an application.

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

Following which the applicant, their consort, both Licensing Officers and all interested parties retired to another room to allow the Sub-Committee to give further consideration to the matter.

Prior to their withdrawal, the Business Partner (Litigation/Licensing) sought consent from the applicant to allow the Lawyer (Litigation/Licensing) to remain in the meeting to observe proceedings for training purposes.

Following all parties' return to the meeting room the Chair advised 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, the Sub-Committee was satisfied that the proposed licenced premises would not contribute to any additional Anti-Social Behaviour or Public Nuisance in the vicinity.

The application was therefore **GRANTED** as applied for with the additional conditions requested by Suffolk Constabulary and the Council's Environmental Health Service.

The Business Partner (Litigation/Licensing) concluded the Hearing by advising on the Right of Appeal against the determination of the Authority.

The meeting concluded at 1.14pm

Signed by:

Chair
