

# Licensing and Regulatory Sub-Committee

**Minutes** of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Wednesday 11 November 2020** at **4.00 pm** via Microsoft Teams

Present            **Councillors**

Patrick Chung  
Roger Dicker  
Pat Hanlon

## 25. **Welcome**

The Democratic Services Officer producing the meeting formally commenced the meeting and jointly welcomed all present and those externally viewing the Licensing & Regulatory Sub-Committee.

A number of housekeeping matters and remote meeting guidance were highlighted to all.

## 26. **Apologies for absence**

No apologies for absence were received.

The Democratic Services Officer advised the meeting that Councillor Karen Soons had withdrawn from sitting on the Sub-Committee after having become aware that she was a close acquaintance with the family of one of the members of the public who had made representations.

Accordingly, Councillor Roger Dicker had been appointed in her place.

## 27. **Substitutes**

No substitutions were declared.

The Democratic Services Officer verbally outlined all Members of the Committee who were present together with the names of the Officers supporting the meeting.

## 28. **Election of Chair**

It was unanimously

### **RESOLVED:**

That Councillor Pat Hanlon be elected as Chair.

29. **Declarations of interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

30. **Application for the Variation of a Premises Licence - The Northgate, 13-14 Northgate Street, Bury St Edmunds (Report No: LSC/WS/20/003)**

*(Councillor Patrick Chung declared a non-pecuniary interest in this item, in that he had been acquainted with one of the members of the public who had made representation over 12 years ago, when the individual in question acted as a Conservative Party agent in Bury St Edmunds. Councillor Chung had had no contact with the individual since this time and would therefore take part in the determination of this item.*

*Councillor Roger Dicker also declared a non-pecuniary interest in this item, in that he was acquainted with an employee of Chestnut Inns Ltd (the applicant) purely by way of the individual being a patron at the shop/Post Office he operated in Kennett. He would continue to take part in the determination of the item.)*

The Chair welcomed all present to the Hearing and introductions to the Panel were made.

The following parties were present at the Hearing:

(a) Applicant

- (i) Henry Fairbanks, Chief Operating Officer, Chestnut Inns Ltd
- (ii) James Daley, Group Operations Manager, Chestnut Inns Ltd

The Licensing Officer presented the report which explained that an application had been received for the Variation of a Premises Licence in respect of The Northgate, 13-14 Northgate Street, Bury St Edmunds. A copy of the application was attached at Appendix 1 to Report No LSC/WS/20/003 together with plans at Appendix 2.

The application, made by Chestnut Inns Ltd, sought to amend the following conditions imposed on the current licence, namely:

Annex 3 - Conditions attached after a hearing by the licensing authority

1. The outside areas are to be vacated by 9.00pm every evening. Approval was sought to amend this to 10.00pm every evening
2. No tents or marquees are to be erected in the outside area. Approval was sought to remove this condition

In addition, the variation also sought a further additional hour of operation:

- Into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend;
- Into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend;

- Into the morning every Christmas Eve;
- Into the morning following every Boxing Day; and
- From the end of prescribed hours New Year's Eve to the start of prescribed hours New Year's Day.

The Officer advised that the application had been served on all Responsible Authorities. The Council's Planning Authority had made representation which was set out at Appendix 3.

Four representations from local residents had also been made objecting to the application and these were also attached to the report as Appendix 3.

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 was advised that since publication of the agenda the applicant had sought to mediate with all parties that had made representations.

Accordingly, amendments had been made to the variation application in that the additional hour of operation (for all days and weekends specified above) had been removed.

Furthermore, the request to amend the condition for the outside areas to be vacated by 10.00pm every evening (as opposed to 9.00pm) was now only being applied for a 9 month period, up to 31 August 2021, in view of the current circumstances in relation to the COVID-19 pandemic and the restrictions it placed on operation.

Henceforth, two of the four neighbouring objectors had submitted further representations stating that they were now in support of the variation application in view of the extension of the use of the outside areas only being for 9 months. These representations were displayed to the virtual meeting.

Lastly, Members were advised that the Planning Authority had also submitted a further representation to clarify that their earlier submission had been for information only and they had no objection to the variation which was to be determined by the Sub-Committee. This representation was again displayed to the meeting.

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

In addressing the meeting as applicants, Henry Fairbanks and James Daley opened by stating that they had only received notice of the Sub-Committee date the day prior to the meeting and sought agreement to postpone the Hearing for a month, in order to allow them additional time in which to work with neighbours and to produce a Noise Management Plan to support the operation of the premises' outside areas.

The Business Partner (Litigation/Licensing) sought clarification from the Licensing Officer as to when notification was issued to all third parties.

The Democratic Services Officer confirmed that in line with the requirements of the Local Government Act 1972 the agenda for the meeting had been published on the Council's website and was available for inspection by members of the public five clear days before the meeting date.

The Business Partner (Litigation/Licensing) confirmed to the applicants that in line with the Licensing Act 2003 the Licensing Authority was duty bound to determine an application in a prescribed timeframe. He further advised on the Right of Appeal against the determination of the Authority.

The deadline in respect of the application in question was 15 November 2020; meaning that the Sub-Committee needed to consider the matter before them unless the application was withdrawn.

The applicants confirmed that they did not wish to withdraw the application and, therefore, presented their case and reiterated the changes they had made since submission of the original variation application. They also responded to questions posed by the Sub-Committee.

Both parties were then given the opportunity to sum up their representation.

Following which the three Members of the Sub-Committee, the Business Partner (Litigation/Licensing) and the Democratic Services Officer withdrew from the public meeting and joined a private meeting to allow the Sub-Committee to give further consideration to the matter.

Following all parties' return to the public meeting the Business Partner (Litigation/Licensing) 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 for the variation application to be **GRANTED** as follows:

Amendment to conditions

The condition prohibiting the use of tents or marquees in the outdoor area of the licensed premises be removed.

The condition restricting the use of the outdoor area of the licensed premises up to 9.00pm be amended so that use can continue to 10.00pm until 31 August 2021 (use of the outdoor area will be restricted to 9.00pm from 1 September 2021).

The applicant will not allow use of the outdoor area beyond 9.00pm until a Noise Management Plan for the outdoor area of the licensed premises has been prepared and submitted to the Licensing Authority for approval.

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 5.15pm

**Signed by:**

**Chair**

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