

Licensing and Regulatory Sub-Committee

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Thursday 8 December 2022** at **9.30am** in **Conference Chamber, Mildenhall Hub**, Sheldrick Way, Mildenhall, IP28 7JX

Present

Councillors

Brian Harvey
Robert Nobbs

Don Waldron

33. **Election of Chair**

It was unanimously

RESOLVED:

That Councillor Brian Harvey be elected as Chair.

34. **Apologies for absence**

Apologies for absence were received from Councillor Patrick Chung.

35. **Substitutes**

The following substitution was declared:

Councillor Brian Harvey substituting for Councillor Patrick Chung.

36. **Declarations of interest**

There were no declarations of interest made.

37. **Temporary Event Notices - 56 High Street, Haverhill, CB9 8AR (Report No: LSC/WS/22/015)**

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) Premises User - Andrei-Octavian Neculaita
- (b) Relevant Person – Julie Roberts (West Suffolk Council
Private Sector Housing and Environmental Health)

The Licensing Officer presented the report which explained that two Temporary Event Notices, made under the Licensing Act 2003, were received and accepted by the Licensing Authority on 23 November 2022. A copy of the Notices were attached as Appendices A and B of Report No LSC/WS/22/015.

The first Temporary Event Notice requested the authorisation of the following licensable activities:

The sale by retail of alcohol, the provision of regulated entertainment, the provision of late-night refreshment

24 December 2022 01:30 – 04:00

25 December 2022 01:30 – 04:00

25 December 2022 23:00 – 23:59

26 December 2022 00:00 – 04:00

And, the second Temporary Event Notice requested the authorisation of the following licensable activities:

The sale by retail of alcohol, the provision of regulated entertainment, the provision of late-night refreshment

31 December 2022 01:30 – 03:30

1 January 2023 01:30 – 04:00

The Officer advised that the Temporary Event Notices were circulated on 24 November 2022 to the responsible authorities, Suffolk Constabulary and West Suffolk Council's Private Sector Housing and Environmental Health team.

Two representations, one for each Notice, were received by the Licensing Authority within the statutory time frame, on 25 November 2022, from West Suffolk Council's Private Sector Housing and Environmental Health team, resulting in the necessitation of this Hearing. The details of the representations were provided to the applicant and were attached as Appendix D to the report. No representations were received from Suffolk Constabulary.

The Sub-Committee was advised that each Notice should be considered on its own merits, having regard to the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003. Members were asked to disregard the reference to the adopted Cumulative Impact Assessment which had been mistakenly referenced in Paragraph 2.2 of the report and was not relevant to the matter before the Panel.

The Sub-Committee then heard the submission from the Premises User, following which they were given the opportunity to ask questions of the Premises User.

The Relevant Person was then given opportunity to speak on their representations made on each of the Notices, on conclusion the Sub-Committee was able to ask questions of the Relevant Person.

Following which the Premises User, Relevant Person and the Licensing Officers retired to another room to allow the Sub-Committee to give further consideration to the matter.

Following all parties' return to the meeting room the Business Partner (Litigation/Licensing) advised on the Sub-Committee's decision.

With the vote being unanimous, it was

RESOLVED:

That **COUNTER-NOTICES BE ISSUED** in respect of both Temporary Event Notices due to the following reasons:

1. Having heard the oral submissions of the Premises User and the Relevant Person, the Sub-Committee was satisfied the temporary events would result in an unreasonable and unacceptable noise nuisance to neighbouring dwellings; and
2. The Premises User has not offered any acceptable means of mitigation to reduce any noise emanating from the premises; and
3. Application of any conditions from the existing premises licence would be insufficient to mitigate or reduce any noise emanating from the premises.

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 10.34am

Signed by:

Chair
