

Licensing and Regulatory Sub-Committee

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Tuesday 11 April 2023** at **10.00 am** in **Room GFR-12, West Suffolk House,** Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Carol Bull
Brian Harvey

Rachel Hood

38. Election of Chair

It was proposed, seconded and with the vote being unanimous

RESOLVED:

That Councillor Rachel Hood be elected Chair for this sub-committee meeting.

39. Apologies for absence

There were no apologies for absence.

40. Substitutes

There were no substitutes present.

41. Declarations of interest

There were no declarations of interest made.

42. Application for the Grant of a Premises Licence - Basement, 3 Charter Square, Bury St Edmunds (Report No: DEV/WS/23/002)

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 – Andrew Woods
- (b) Applicant – Gavin Hughes
- (c) Interested Party – Councillor Tom Murray

The Licensing Officer presented the report which explained that an application had been received for a new premises licence in respect Basement, 3 Charter

Square, Bury St Edmunds. A copy of the application was attached at Appendix A to Report No LSC/WS/23/002 together with plans at Appendix B.

Attention was also drawn to the supplementary late paper that was issued after the agenda was published and which set out supporting promotional literature supplied by the applicant.

Two representations from local residents had been made objecting to the application, copies of which were attached as Appendix C.

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 submissions from the individuals present.

In presenting his case as applicant, Andrew Woods explained that the sale of alcohol only accounted for roughly 10-12% of turnover across the Everyman cinema chain.

He highlighted that no responsible authorities had objected to the application and that Everyman did not experience anti-social behaviour in connection with its existing premises. Attention was drawn to the high price point operated by the chain.

Members were also advised that Everyman had sought to work with local residents and had made amendments to the application in light of some concerns.

The Sub-Committee was then given the opportunity to ask questions of the applicant.

In response to questions regarding live music, it was explained to the Sub-Committee that each of the three screens had a mini stage area where for specific showings a short, related pre-performance of live music would take place prior to the film.

Members were also advised that each of the auditoriums was thoroughly soundproofed and independently acoustically sealed.

Following comments made by Councillors in relation to offsite sales, the Business Partner (Litigation/Licensing) confirmed that the application seeking determination was purely for onsite sales.

The Interested Party was then given opportunity to speak on their representation made in response to the application.

Councillor Tom Murray explained that he actually welcomed the application and the jobs the cinema would bring to the town, however, his concerns primarily related to the late opening hours particularly on a Sunday to Thursday, which he felt would be more appropriate to conclude at 12am, as opposed to 1am as applied for, which is what he understood The Apex (as a neighbouring licensed premises) was restricted to.

Following Councillor Murray's reference to the opening hours of The Apex, the Licensing Officer clarified that The Apex could open until 1am Monday – Thursday, 2am Friday and Saturday, and until 12am on Sunday.

In relation to comments made by the Interested Party in connection with the views of local police, the Business Partner (Litigation/Licensing) interjected and reminded the Sub-Committee that the police had not made representation on the application and therefore the comments had to be disregarded.

The applicant was then given the opportunity to sum up.

Following which the applicants, the Interested Party and the Licensing Officer 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, having taken into account all representations received both in writing and orally, the Sub-Committee was satisfied that the granting of the licence together with the proposed conditions, the method of operation and assurances of the applicant was sufficient to promote the licensing objectives. The application was therefore **GRANTED** as applied for.

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 10.44am

Signed by:

Chair
