

Licensing and Regulatory Sub-Committee

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Wednesday 22 November 2023** at **2.30pm** in **Conference Chamber West, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present

Councillors

Roger Dicker

Charlie Lynch

Ian Houlder

In attendance

Councillor Marilyn Sayer – observer

54. **Election of Chair**

It was proposed, seconded and with the vote being unanimous

RESOLVED:

That Councillor Ian Houlder be elected Chair for this Sub-Committee meeting.

55. **Apologies for absence**

There were no apologies for absence.

56. **Substitutes**

There were no substitutes present.

57. **Declarations of interest**

There were no declarations of interest made.

58. **Application for the Grant of a Premises Licence - St Peter's Church Institute, Victoria Avenue, Brandon (Report No: LSC/WS/23/006)**

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 – The Reverend Dennis Coburn

(b) Accompanying applicant – Susan Meader

(c) Interested Party – Councillor Jools Savage (District Councillor for Brandon Central Ward)

(d) Interested Party – Councillor Phil Wittam (District Councillor for Brandon East Ward)

The Licensing Officer presented the report which explained that an application had been received for a new premises licence in respect of St Peter's Church Institute, Brandon. A copy of the application was attached at Appendix A to Report No LSC/WS/23/006 together with a plan at Appendix B.

Five representations had been made objecting to the application, three from local residents and two from Brandon District Councillors, 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, The Reverend Dennis Coburn explained that the rationale behind applying for a premises licence was to remove the necessity for the Church Institute to apply for Temporary Event Notices (TENs) when seeking to host family, charity and social functions. As such, the nature and frequency of events was unlikely to change as a result of achieving a premises licence.

The Reverend stated that he was very mindful of the licensing objectives and despite not having received any complaints directly from residents, he had taken it upon himself to take sound recording measurements of events which had taken place at the premises. He concluded by reading out a letter of support from the Church Institute's closest neighbour.

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

In responding on behalf of the applicant, Susan Meader stated that she had never witnessed parking issues with any of the many events which had been held at the Church Institute.

The Interested Parties present were then each given opportunity to speak on their representations made in response to the application.

Councillor Phil Wittam referenced social media posts made by The Reverend and the Business Partner (Litigation/Licensing) interjected and reminded Councillor Wittam to focus on the content of his representation.

Councillor Wittam explained that he had been contacted by approximately 18 residents in response to the licence application. Concerns were raised particularly in relation to music taking place in the outside garden space. Reference was also made to the nuisance caused by the car parking for events overflowing into the neighbouring roads.

Lastly, Councillor Wittam highlighted the fact that a development of residential properties had been granted planning permission in close proximity to the premises, the future residents of which could face disturbance.

Councillor Jools Savage explained that she had not personally been contacted by any residents with concerns, however, as Ward Member for the application she felt that those residents who had contacted Councillor Wittam had to be represented.

Accordingly, mindful of the fact that she had only been elected to the District Council in May 2023, she had sought guidance from Councillor Wittam who helped her in producing her representation, however, she admitted that some of the content was not her own words.

Councillor Savage concluded by stating that she personally did not have any objection to the application and welcomed the fact that a premises licence would offer more control/supervision in respect of events.

In relation to comments made by the applicant and both Interested Parties in relation to representations they had received in connection with the application, the Business Partner (Litigation/Licensing) reminded the Sub-Committee that those individuals had not made formal representation to the Council and therefore weight should only be afforded to those representations included as part of the agenda papers.

The applicant was then given the opportunity to sum up.

In conclusion, and to offer some reassurance to Councillor Wittam, the Chair drew attention to Appendix D of the report which outlined the proposed conditions to be appended to the licence, if granted. He highlighted that condition No 8 specified that no live or recorded music would be permitted outside of the Church Institute building.

Following which the applicant and their consort, the Interested Parties 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 (as set out in Appendix D of the report) was sufficient to mitigate any risk to 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 3.28pm

Signed by:

Chair
