

Licensing and Regulatory Sub-Committee

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Wednesday 15 May 2024** at **10.05am** in **Conference Room, Mildenhall Hub** Sheldrick Way, Mildenhall, IP28 7JX

Present

Councillors

Roger Dicker
Ian Houlder

Don Waldron

76. **Election of Chair**

It was proposed, seconded and with the vote being unanimous

RESOLVED:

That Councillor Don Waldron be elected Chair for this Sub-Committee meeting.

77. **Apologies for absence**

There were no apologies for absence.

78. **Substitutes**

There were no substitutes present.

79. **Declarations of interest**

There were no declarations of interest made.

80. **Application for the Grant of a Premises Licence - 128 High Street, Newmarket (Report No: LIC/WS/24/004)**

The Lawyer (Regulatory and Information Governance) welcomed all present to the Hearing, reported that no declarations of interest had been received and introductions to the Panel were made.

The Lawyer highlighted that the applicant's legal representative had not joined the meeting, despite having indicated that that he would do so via virtual link. All steps had been taken to accommodate his attendance, various attempts to contact him had been made and the Chair had delayed the start of the meeting to allow for a late arrival. Accordingly, the Panel were now minded to progress with the Hearing in the absence of the individual.

The following parties were present at the Hearing:

- (a) Interested Party – Dom Stagg, Environmental Health Officer,
West Suffolk Council
- (b) Interested Party – Councillor Sue Perry, Newmarket Town
Council

The Licensing Officer presented the report which explained that an application had been received for a premises licence in respect of 128 High Street, Newmarket. A copy of the application was attached at Appendix A to Report No LSC/WS/24/004 together with a plan at Appendix B.

One representation had been received from a Responsible Authority, namely West Suffolk Council's Private Sector Housing and Environmental Health, in the interest of promoting the Licensing Objective of the Prevention of Public Nuisance. The representation was attached as Appendix C together with supporting documentation and Appendices D and E.

The Panel was also advised that following a meeting with the Police the applicant had agreed to amend the hours of sale of alcohol to finish at 23:00 (as opposed to 01:00) in line with other similar business in the area. The applicant had also agreed to adopt Police preferred wording of conditions in relation to age verification, staff training, refusals/incidents log and CCTV. Documentation setting out the agreed amendment to the hours and conditions was attached as Appendices F, G and H.

The Licensing Officer advised Members that the planning application for the premises was still in progress, however, this did not prevent the Licensing Authority from determining the application before the Sub-Committee.

Three further representations had been made objecting to the application, all from Newmarket Town Council. One of which was rejected as it did not relate to the Licensing Objectives, the remaining two were both attached as Appendix I.

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

Councillor Sue Perry highlighted that the premises in question was in a Conservation Area and confirmed that Newmarket Town Council had not withdrawn their objections in view of the hours of sale having been reduced.

Councillor Perry highlighted the proximity of residential premises nearby and raised concerns that they would be subject to anti-social behaviour as a result of the licence, which compromised the Licensing Objective of the Prevention of Public Nuisance.

Reference was also made to the planning application for the premises and the noise generated by the compressor units to the rear external wall which had been the subject of noise complaints to West Suffolk Council.

The Environmental Health Officer explained that the licensing application had been problematic with delays in communication, resulting in a lack of confidence in the applicant's ability to promote the Licensing Objectives.

The Officer made reference to the noise complaints that the Council had received which were considered to have an adverse impact on neighbouring residents. Accordingly, with the consent of the Chair, conditions were tabled by the Officer which sought to mitigate the noise impact.

Both Interested Parties were then given the opportunity to sum up.

Following which 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, with the exception of Councillor Sue Perry who had left during the private deliberation period, the Lawyer (Regulatory and Information Governance) 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 Police model conditions (as set out in Appendix G of the report) was sufficient to mitigate any risk to the licensing objectives. The application was therefore **GRANTED** as applied for with the exception of the hours of sale of alcohol (Monday – Sunday), which were to finish at 23:00 (as opposed to 01:00).

The Lawyer clarified that the representations in respect of Prevention of Crime and Disorder and Public Nuisance in the vicinity of the premises regarding the provision of Alcohol Sales Off Premises were taken into consideration by the Sub-Committee.

However, representations made regarding an extant application for planning permission and, in particular, noise concerns for a compressor unit to the rear

of the premises were irrelevant to the determination of an application by the Licensing Authority.

The Lawyer (Regulatory and Information Governance) concluded the Hearing by advising on the Right of Appeal against the determination of the Authority.

The meeting concluded at 11.27am

Signed by:

Chair
