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# Licensing and Regulatory Sub-Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Tuesday 19 April 2016** at **2.00 pm** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds

Present: **Councillors**

**Chairman** Bob Cockle

Sarah Broughton      Richard Rout

**Substitute attending:**

John Burns

13. **Election of Chairman**

It was proposed, seconded and

RERSOLVED – That Councillor Bob Cockle be elected Chairman for this Sub-Committee meeting.

14. **Substitutes**

No substitutions were declared.

15. **Apologies for Absence**

No apologies for absence were received.

16. **The Hearing Procedure (previously circulated) was adopted in considering the under-mentioned item**

The Hearing Procedure (previously circulated) was adopted in considering the under-mentioned item.

17. **Application for a New Premises' Licence: Amigos, 35-36 Brentgovel Street, Bury St Edmunds**

**(a) Pre-Hearing**

The following actions were taken during the pre-hearing part of the meeting:

- (1) it was announced that Karl Hollingsworth and Natrudee Webb, the applicants, were present;
- (2) the applicants and Brian Daniels, one of the Other Persons who had submitted written representations and who was present at the hearing, confirmed that they had received a copy of the Officers' written report (reference LSC/SE/16/001);
- (3) the applicants and the Other Person confirmed that they did not wish to amend or withdraw their application or representations;
- (4) the Licensing Officer reported that none of the parties had submitted additional supporting information;
- (5) the Licensing Officer reported that there had been no requests for witnesses to appear;
- (6) the Chairman asked the applicants the amount of time they required to present their case. As a result, the Sub-Committee determined that the maximum time allowed for each of the parties to present their case would be 10 minutes; and
- (7) the Sub-Committee determined that the Substitute Member was not required for the hearing. At the invitation of the Sub-Committee Councillor Burns remained present as an observer.

**(b) Hearing**

The Licensing Officer presented Report LSC/SE/16/001 (previously circulated) in connection with an application received for a new Premises' Licence in respect of Amigos, 35-36 Brentgovel Street, Bury St. Edmunds. A copy of the application was attached as Appendix 1 to the report. A basic location plan was attached as Appendix 2. Two accepted representations, a response from the applicants and a further e-mail from one of the objectors were attached as Appendix 3.

The four Licensing Objectives of the Licensing Act 2003 were set out as below:

Prevention of Crime and Disorder  
Public Safety  
Prevention of Nuisance  
Protection of Children from Harm.

The report advised the Sub-Committee that section 17 of the Crime & 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 can to prevent crime and disorder in, its area. If the licensing authority decided that an application should be refused it needed to show that to grant the licence would undermine the promotion of the Licensing Objectives and that appropriate conditions would be ineffective in preventing the problems involved. If the licensing authority could not show the above, the application should be granted. In making its decision the Sub-Committee was advised to consider the Licensing Act 2003, the Guidance on the Act and the Council's Statement of Licensing Policy.

The Sub-Committee was further advised that it could take any of the steps set out below, provided they were proportionate and appropriate for the promotion of the Licensing Objectives:

- (i) Grant the licence applied for; or
- (ii) Grant the licence, subject to such conditions as are consistent with the Operating Schedule accompanying the application, modified to such an extent as the authority considers necessary for the promotion of the Licensing Objectives; or
- (iii) Reject the whole or part of the application.

Mr Hollingsworth, in support of the applicants' case, informed the Sub-Committee that they had taken over the first floor of the premises a fortnight previously and were in the process of furnishing it. The renovation of the building would involve them in substantial expenditure with the objective of creating a restaurant with bar which would offer 'a Mexican Experience', one which would encourage customers to have a whole night out at this venue. He was of the view that there was a niche in the market to be filled by offering late night refreshment until 1.00 am on Fridays and Saturdays. He suggested that there was no other restaurant in Bury St. Edmunds where late night drinks were available until this time. With the licence being sought he believed there would be scope for private hire of the restaurant to Americans. His intention by seeking the later times for the sale of alcohol on Fridays and Saturdays was to tap into a regular clientele by offering them an after dining facility for late night drinks. If, however, it became apparent there was no demand for late night drinking the premises would not stay open until 1.00pm. Mr Hollingsworth stated there was no intention to attract customers who were merely seeking late drinks after closing time at other establishments and that a challenge policy would be strictly applied. Last orders for food would be 10.00pm and this would cease to be served after 10.30pm. The reason for seeking later times for the sale of alcohol on Fridays and Saturdays was to provide extra trade as there could not be total reliance on the food side to sustain the business.

In response to Members' questions the applicants responded as follows :

- (a) the capacity of the restaurant was 90 with 60 to 70 persons being seated;
- (b) the applicants were of the view that the venue was a restaurant with a bar for after dinner drinks rather than a bar also providing food;
- (c) the supply of alcohol would be principally by table service but customers could seek to be served at the bar;
- (d) the premises would be covered by CCTV with footage being stored for 40 days and a reception desk would be situated at the first floor entrance to the restaurant where customers would be met and greeted. If the premises were busy and for private hirings a door supervisor would be stationed on the ground floor at the foot of the stairs.
- (e) no children would be admitted after 9.30pm;
- (f) a sign would be displayed inside the restaurant asking customers to leave the premises safely and quietly. It was not anticipated that customers would leave all at once at 1.00am when the premises closed as it was likely they would disperse gradually. If in the case of a private hiring it was likely that persons using the premises would be leaving together then their departure would be overseen by the door supervisor;
- (g) 17 two seater tables were being supplied. Dependent on the amount of space which would be left the possibility of installing some larger farmhouse type tables was being considered;
- (h) the bar could accommodate 10 persons standing with a service area space being maintained for waiters/waitresses to collect drinks;
- (i) both of the applicants had experience in management within restaurant/catering/hotel businesses;
- (j) no noise attenuation measures were proposed for the premises. It was acknowledged that the live band to be engaged once a month would be noisy but it would perform between set times of 9.00pm to 11.00 pm. Recorded music would be played to provide a low key background ambience for diners. There were no near residential properties and therefore Mr Hollingsworth considered that activities at the venue would not cause disturbance. In his view there were other licenced premises nearby which were noisier.

Mr Brian Daniels, an Other Person who had submitted written representations, expressed his concerns about the application. He referred to the situation that he and other residents of Merchants Place had had to contend with noise nuisance and anti-social behaviour from licensed premises nearby. These matters had been investigated by

Environmental Health Officers and the situation had improved. Nonetheless, he was concerned about the proposed hours of business and pointed out that most other restaurants in the town closed at midnight. A closing time of 1.00am was of concern to residents in view of the potential for noise and disturbance at that time.

Each of the parties summed up their case.

*(At this point the Sub-Committee retired accompanied by the Legal Advisor and Committee Administrator to give consideration to the merits of the application. In considering the application the Sub-Committee had regard to the Licensing Objective of the Prevention of Nuisance and the representations made by the applicants and the Other Person. The Sub-Committee re-convened and announced the following decision)*

Decision:

That:

- (1) the application for a new Premises' Licence in respect of Amigos, 35-36 Brentgovell Street, Bury St. Edmunds be granted with modifications as follows:

Live Music

Thursdays	19.00 to 23.00
Fridays and Saturdays	20.00 to 23.00
New Year's Eve	until Midnight

Recorded Music

Mondays to Wednesdays	10.00 to 22.00
Thursdays	10.00 to 23.00
Fridays and Saturdays	10.00 to 00.30*
Sundays	10.00 to 18.00
New Year's Eve	until 02.00 if on a weekday

Late Night Refreshment (Indoors)

Fridays and Saturdays	23.00 to 0030*
New Year's Eve	until 02.00

Supply of Alcohol

Mondays to Thursdays	11.00 to 23.00
Fridays and Saturdays	11.00 to 00.30*
Sundays	11.00 to 18.00
New Year's Eve	until 02.00

Opening Hours

Mondays to Thursdays	10.00 to 23.00
Fridays and Saturdays	11.00 to 01.00
Sundays	10.00 to 18.00
New Year's Eve	until 02.00

\* modified times

- (2) Conditions  
Consistent with the applicants' Operating Schedule, as contained in Part 3 of Appendix 1 of Report LSC/SE/16/001 with the following additional conditions :
- (a) for private functions on a Friday or Saturday and on New Year's Eve a minimum of one qualified Door Supervisor shall be employed;
  - (b) on a Friday or a Saturday no person shall be admitted to the premises after midnight; and
  - (c) alcohol to be supplied to customers by table service only.

The meeting concluded at 3.15pm

**Signed by:**

**Chairman**

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