
Licensing and Regulatory Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on
Monday 11 July 2016 at **10.00 am** in **Room GFR12 , West Suffolk House,**
Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Frank Warby

Bob Cockle
Margaret Marks

Substitute attending:
David Nettleton

By Invitation:
Susan Glossop

30. **Election of Chairman**

It was proposed, seconded and

RESOLVED - That Councillor Frank Warby be elected
Chairman for this Licensing & Regulatory
Sub-Committee meeting.

31. **Substitutes**

No substitutions were declared but it been necessary to change the
membership of the Sub-Committee from that printed on the agenda as
follows :

Councillor Margaret Marks had replaced Councillor Tony Brown and
Councillor David Nettleton had replaced Councillor Patsy Warby as the
nominated substitute.

32. **Apologies for Absence**

An apology for absence had been received from Councillor Chris Barker
(Forest Heath DC) who had been invited to attend the meeting as an observer
for training purposes.

33. **Hearing Procedure**

The Hearing Procedure (previously circulated) was adopted for the consideration of item 34 below.

34. **Application for Premises' Licence - The Northgate, 13-14 Northgate Street, Bury St. Edmunds**

(a) Pre-Hearing

- (1) it was announced that David Minchin of Chestnut Inns, the applicants, was present. He was accompanied by Gemma Dudley, solicitor;
- (2) the applicants and the Other Persons present at the hearing who had submitted written representations confirmed that they had received a copy of the Officers' written report (reference LSC/SE/16/004);
- (3) the applicants and the Other Persons confirmed that they did not wish to amend or withdraw their application/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 parties the amount of time they required to present their cases. 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 Nettleton remained present as an observer.

(b) Hearing

The Licensing Officer presented Report LSC/SE/16/004 (previously circulated) in connection with an application received for a new Premises' Licence in respect of The Northgate, 13-14 Northgate Street, Bury St. Edmunds. A copy of the application was attached as Appendix 1 of the report. The application sought the provision of films, live music, recorded music, any similar activity, late night refreshment and the supply of alcohol for consumption on and off the premises for the days and during the times set out in the report. The Licensing Officer advised that subsequent to the receipt of the application and after discussions with the occupiers of neighbouring properties the applicants had withdrawn the proposal for the provision of live music indoors. The applicants had also indicated that there would be no music played on the terrace at any time and that non-residents would be asked to vacate the premises at 9.00pm or around that time. A basic location plan was attached as Appendix 2. The report advised that any representations submitted in respect of the application for consideration had to relate to one or more of the Licensing Objectives and that six accepted representations had been received.

These were attached as Appendix 3. Whilst the Other Persons were aware of the change to the application and the assurances being given by the applicants none of the written representations received had been withdrawn. Environmental Health Officers had requested an additional condition be attached to any licence granted. This related to windows being kept closed whilst live music was being performed but it no longer had relevance now that the applicants had withdrawn this activity from the application.

The report advised the Sub-Committee that Section 17 of the Crime & Disorder Act 1988 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:

- (a) Grant the licence applied for; or
- (b) 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
- (c) Reject the whole or part of the application.

A question was raised by one of the Other Persons present which related to the statement within the application that where activities were proposed to take place indoors this could include a tent. Clarification was requested whether there was any proposal for any licensable activities in this case to take place in a marquee. The applicant responded by stating that there was no intention to hold wedding receptions or private parties at the premises and therefore there would be no marquees erected. He was prepared to accept a condition prohibiting the use of marquees.

Gemma Dudley, on behalf of the applicant presented the case in support of the application. The premises were currently being renovated with the intention of providing a high quality destination for visitors along with a fine dining restaurant which would use local food suppliers. It was envisaged that the facilities would attract a more sophisticated clientele. The applicant had a proven track record in relation to operating this type of facility having managed the Packhorse Inn at Moulton near Newmarket successfully for a number of years. The renovation of the premises also involved landscaping of the rear area and the provision of a lower terrace.

Internal changes would result in a better configuration and would reflect an emphasis on food sales rather than the drinks side of the business. The intention was that the premises would be an asset to the community and one which would target local customers to provide them with a social hub. It was hoped that the concerns of local residents about detrimental impact had been allayed by the withdrawal of the proposal for live music. The recorded music to be played would be low key and intended to provide background but not to the level where it would interrupt conversation or the hotel guests in their rooms. It would not be audible from outside the premises. No food would be served on the terrace after 9pm. Non-residents would be asked to leave the premises quietly and a dedicated smoking area would be provided. The hotel's website, signage at the premises and staff would direct customers to the nearby public car parks. Bollards would be erected at the entrance to the hotel's car park to prevent them being used after 11pm. A bonded surface had been laid to the access road to reduce noise from vehicles. The proposed landscaping would also provide screening and sound attenuation. The acoustic assessment commissioned had indicated that disturbance from noise would not be significant. Properties along Northgate Street were a mix of business and residential and the road was busy which created a certain amount of noise from traffic. The Council's Development Control Committee had accepted the principle of a restaurant on the site as the type of business to be encouraged for the furtherance of the social/economic wellbeing of the town.

In response to the applicant's statement clarification was sought about the proposal to show films from 8am. The applicant advised that this related to televisions in the hotel guest rooms and it was not a main feature of the licence being sought. References were made to the proposed parking provision and in relation to this the concerns being expressed by local residents about perceived noise and disturbance in the late evening and also the proximity of the premises to two care homes which might be similarly affected by vehicular movements. The applicant advised that of the 13 car parking spaces at the premises 9 of these were intended for hotel guests and measures were in place to guide visitors to the nearby public car parks. Hotel guests tended to arrive in the late afternoon/early evening and therefore parking was not seen as a problem. There would be no access to the rear car park after 9pm until 7.30am the following day. There would be no vehicular movements at the premises after 11.30pm. A low level external lighting scheme had been agreed. The high density landscaping scheme would reduce noise. As a consequence it was not anticipated there would be any problems. The immediate neighbours had not raised any objections after these additional measures had been mentioned to them.

Judith Apichella, one of the Other Persons present, raised a question about whether discotheques were proposed. The applicant advised it was of paramount importance that paying hotel guests were assured a good night's sleep and therefore there was no intention to hold this type of event as such persons would be the most affected by the noise created. He would be happy to accept a noise limitation if one was imposed. Another question was raised about whether the licence if granted was transferable if the premises were ever sold. Officers advised that the benefit of the licence related to the premises and this would pass to the new owner. However, the same activities licensed and the conditions applying would be relevant and if any variations were required an application in respect of these would have to be made. The

situation was also that if there were any issues arising out of the operation of the current licence the Council could review such matters. One of the Other Persons present referred to the planning application in respect of the premises and suggested that the bar envisaged at that time appeared to be private but under the licensing proposal it looked to be more like a 'nice pub' and this was in excess of that expected by local residents. It would be preferable if the bar was closed earlier to the public as generally the area along Northgate Street was quiet at night. In relation to this concern the applicant gave an assurance that the bar would operate as an ancillary facility to the restaurant. He suggested also that the prices to be charged at the bar were likely to be prohibitive for any general public use to be established.

A Member referred to the situation that the premises had previously operated as a hotel when it had been operated by Simon Potts and during that time there had been no complaints. In response the Other Persons suggested that this previous use had been on a smaller scale with only 3 or 4 cars parked at the premises and with the bar not open to the public.

A specific question arose about noise associated with the use of the bottle bank at the premises. The applicant advised that he had agreed to a condition that the receptacle would not be used between the hours of 9pm and 9am. He had also agreed to re-site the facility away from the boundary because of a concern about rodent infestation.

The Sub-Committee acknowledged that the applicant had taken steps to ameliorate the concerns of the Other Persons.

Each of the parties summed up their respective cases.

(At this point the Sub-Committee retired accompanied by the Legal Advisor and the Committee Administrator to give consideration to the application. The Sub-Committee had regard to the Licensing Act 2003, the Guidance on the Act, the Council's Statement of Licensing Policy, the Licensing Objectives and the representations made by the applicant and the Other Persons both in person and in writing. The Sub-Committee re-convened and announced the following decision.)

Decision

That:

(1) the application for a new Premises' Licence in respect of The Northgate, 13-14 Northgate Street, Bury St. Edmunds be granted as follows :

Provision of films

Monday to Sunday 08.00 to midnight

Recorded Music

Monday to Thursday and Sunday 07.00 to midnight

Friday and Saturday 07.00 to 01.00

Anything similar to recorded music or performance of dance (indoors)

Monday to Thursday and Sunday	11.00 to midnight
Friday and Saturday	11.00 to 01.00

Late Night Refreshment (Indoors)

Monday to Thursday and Sunday	23.00 to midnight
Friday and Saturday	23.00 to 01.00

Supply of Alcohol (for consumption on and off the premises)

Monday to Thursday and Sunday	11.00 to midnight
Friday and Saturday	11.00 to 01.00

(Extra 30 minutes at Bank Holiday weekends)

Opening Hours

Monday to Sunday 24 hours each day to be closed to non-residents at 23.30
Monday to Thursday and Sunday and at Midnight on Friday and Saturday.

(2) Conditions

Consistent with the applicant's Operating Schedule, as contained in the application form attached as Appendix 1 to Report LSC/SE/16/004 with the following additional conditions:

- (i) no use of the outside terrace after 9.00pm;
 - (ii) no tents or marquees to be erected on the premises in connection with any of the licensable activities; and
 - (iii) no vehicular access to the car park between the hours of 11.30pm and 7.30am.
- (3) those present be advised that the applicant or any other party to the hearing, within 21 days of the written notification of the determination made by the Sub-Committee may lodge an appeal to the Magistrates' Court.
The Other Persons present be also informed that the Sub-Committee had the power to review any licence issued should the circumstances warrant it.

The meeting concluded at 11.00am.

Signed by:

Chairman
