
Licensing and Regulatory Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on
Tuesday 23 August 2016 at **10.00 am** in **Room GFR12 , West Suffolk**
House, Western Way, Bury St Edmunds.

Present: **Councillors**

Chairman Frank Warby

Tony Brown

Ian Houlder

Substitute attending:

Margaret Marks

By Invitation:

Susan Glossop

35. **Election of Chairman**

It was proposed, seconded and

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

36. **Substitutes**

No substitutions were declared.

37. **Apologies for Absence**

No apologies for absence were received.

38. **Hearing Procedure**

The Hearing Procedure (previously circulated) was adopted for consideration
of item 39 below.

39. **Application for variation of Premises' Licence - Guat's Up, 7 Guildhall Street, Bury St. Edmunds**

(a) Pre- Hearing

- (1) it was announced that Nick Armitage, on behalf of the applicants was present. Neither of the two Other Persons who had submitted written representations were present at the hearing;
- (2) Mr Armitage on behalf of the applicants confirmed that he had received a copy of the Officers' written report (Reference LSC/SE/16/005);
- (3) Mr Armitage confirmed that the applicants did not wish to amend or withdraw the application. He pointed out that the application had been amended from that originally submitted by the removal of the proposal for live music to be performed since this was not a licensable activity when it took place between the hours of 8.00am and 11.00pm. He advised that the intention of the applicants was to only have live music within these prescribed times;
- (4) the Licensing Officer reported that none of the parties had submitted additional information;
- (5) the Licensing Officer reported that there had been no requests for witnesses to appear;
- (6) the Chairman asked Mr Armitage the amount of time he required to present the applicants' case. As a result the Sub-Committee determined that the maximum time allowed for him to present the case would be 5 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 Margaret Marks remained present as an observer.

(b) Hearing

The Licensing Officer presented Report LSC/SE/16/005 (previously circulated) in connection with an application received to vary the Premises' Licence in respect of Guat's Up, 7 Guildhall Street, Bury St Edmunds. A copy of the application was attached as Appendix 1 of the report. The Licensing Officer reported that the applicants had withdrawn from the application the proposal relating to the performance of live music. This activity was not licensable when it was carried out between 8.00am and 11.00pm and the music was not amplified. The applicants had confirmed that music played at the premises would be within these parameters and therefore Officers had advised that a variation of the licence was not required for this aspect of the proposals. The variations to the licence for the playing of recorded music, the supply of alcohol and opening hours still required determination by the Sub-Committee. 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 three accepted representations had been received. Of these, the objection submitted by Environmental Health (Public Health and Housing) had been withdrawn as the concern expressed about the effect of the playing of live amplified music on the residents who lived above the premises was no longer relevant following the amendment of the application. The Sub-Committee noted that the objections from the Police had also been withdrawn since the points raised by them in their written submission would be covered by amended or additional conditions attached to any variation of the licence and that the applicants had agreed to accept such conditions. The remaining two written representations putting forward objections from private individuals had not been withdrawn and remained for consideration by the Sub-Committee.

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.

Mr Armitage, on behalf of the applicants, gave information in support of the application as amended. He stated that it was the intention to provide live entertainment at the premises once or twice a month and this would take the form of acoustic/non-amplified music or the spoken word. He did not envisage that this would create any noise problems for residents in the locality. With regard to the proposed extension of hours in respect of closing time he explained that there was no intention to have the premises open throughout the year for these hours but to have them available for hiring for private functions on an occasional basis. He referred to the situation that trade in the town was usually quiet on Sunday and Monday evenings and to have the premises available for private hire on such evenings would generate extra income. The applicants wished to compete with similar businesses in the town, e.g. Oakes Barn and Wetherspools, who already had the opening hours

being sought although the applicants' business would cater for a different type of clientele which tended to be an older and more affluent one. The applicants had operated the premises with a closing time of midnight for the past 15 weeks and this had been without complaints from any source. Customers would be asked to use the rear garden for smoking or telephoning. The premises would operate as a coffee bar during the day and the aspiration of the applicants was to provide something for everybody. Mr Armitage stated that the applicants had taken account of all the advice given by Environmental Health and the Police. In response to a Member's question he advised that smoking by customers in the rear garden had not given rise to complaints from the occupiers of the upstairs accommodation adjoining. He summed up by stating that in his view the proposals as amended would not give rise to any problems.

(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 Licensing Objectives, the representations made by the applicants and the written representations from two Other Persons. The Sub-Committee re-convened and announced the following decision.)

Decision

That:

(1) the application, as amended, for the variation of the Premises' Licence in respect of Guat's Up, 7 Guildhall Street, Bury St. Edmunds be granted as follows :

Recorded Music

Monday 18.00 hours to 22.00 hours
Friday and Saturday 23.00 hours to midnight
Sunday 16.00 hours to 22.00 hours

Supply of Alcohol

Monday 18.00 hours to 22.00 hours
Friday and Saturday 23.00 hours to midnight
Sunday 16.00 hours to 22.00 hours

Opening Hours

Monday 18.00 hours to 22.00 hours
Friday and Saturday 23.00 hours to midnight
Sunday 16.00 hours to 22.00 hours;

(2) Conditions

Consistent with the Operating Schedule, as contained in the application form attached as Appendix 1 to Report LSC/SE/16/005, subject to the following amended/additional conditions as recommended by the Suffolk Constabulary in a letter dated 21 July 2016 :

(i) Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display and at the point of sale;

(ii) An incident log will be kept on the premises and be made available on request to an authorised officer of the Licensing Authority or Police. The incident log will record the following:

- Any complaints received
- Any incidents of crime or disorder
- Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service;

(iii) The Designated Premises' Supervisor shall make arrangements to ensure that, so far as is reasonably practicable, no customers shall be permitted to move from the premises any open bottles, glasses or foodstuffs for consumption or disposal outside the premises;

(iv) The Designated Premises' Supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid the accumulation of glassware;

(v) Customers will not be permitted to drink outside of the premises;

(vi) The Designated Premises' Supervisor shall ensure that at all times when the public is present, that there is one competent person able to administer First Aid equipment and that an adequate and appropriate supply of First Aid equipment and materials are available on the premises. Adequate records to be maintained in relation to the supply of any First Aid treatment; and

(vii) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.

(It was also announced that the applicants 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 meeting concluded at 10.17am

Signed by:

Chairman
