
Licensing and Regulatory Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on
Wednesday 28 September 2016 at **10.00 am** in **GFR-12, West Suffolk**
House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Beccy Hopfensperger

Tony Brown

Frank Warby

Substitutes attending:

Ian Houlder

40. **Election of Chairman**

It was proposed, seconded and

RESOLVED:

That Councillor Beccy Hopfensperger be elected Chairman for this Sub-Committee meeting.

41. **Substitutes**

No substitutions were declared in respect of Agenda Item 5; however Councillor Ian Houlder substituted for Councillor Frank Warby for Agenda Item 7.

42. **Apologies for Absence**

No apologies for absence were received.

43. **Procedure at Licensing Hearings**

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

44. **Application for new Premises' Licence - Nine Jars, 9 High Street, Haverhill**

(a) Pre-Hearing

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

- (1) It was announced that Robin Pilley and Daniel Pilley, the applicants, were present. Scott Jamieson, Manager of Bar Vu, who had submitted a written representation as an Other Person was present, accompanied by Zachariou (Harry) Charalambos, owner of Bar Vu.
- (2) The applicants and all Other Persons confirmed that they had received a copy of the Officer's written report (reference LSC/SE/16/006);
- (3) The applicants and Other Persons 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 this hearing. At the invitation of the Sub-Committee, Councillor Ian Houlder remained present as an observer.

(b) Hearing

The Licensing Officer presented Report No: LSC/SE/16/006 (previously circulated) in connection with an application received for a new Premises' Licence in respect of Nine Jars, 9 High Street, Haverhill. The application had been brought to the Sub-Committee for determination as an objection had been submitted by one 'Other Person' which was attached as Appendix 3 to the report. A copy of the application was attached as Appendix 1.

The application sought operating hours for live music, recorded music, late night refreshment and supply of alcohol for consumption on and off the premises. Opening hours and seasonal variations were also sought, as follows:

Times requested:

Live Music (indoors)

Monday to Thursday and Sunday	12.00 – 23.00
Friday and Saturday	12.00 – 00.00

Recorded Music (indoors)

Monday to Thursday and Sunday	07.00 – 23.00
Friday and Saturday	07.00 – 01.30

Late Night Refreshment (indoors)

Friday and Saturday	23.00 – 01.00
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Supply of Alcohol (for consumption on and off the premises)

Monday to Thursday and Sunday	11.00 – 23.00
Friday and Saturday	11.00 – 01.00

Opening Hours

Monday to Thursday and Sunday	07.00 – 23.00
Friday and Saturday	07.00 – 01.30

Seasonal variations were sought for Sundays before Bank Holidays, Christmas Eve and Boxing Day and New Year's Eve.

A basic location plan was attached as Appendix 2. The representation attached as Appendix 3 outlined an objection to the applicants not planning to supply registered Security Industry Authority (SIA) door supervisors to promote public safety and protection of children from harm whilst preventing crime and disorder, and public nuisance. The Council's Public Health and Housing service had submitted additional conditions, which were attached as Appendix 4. The Police had also submitted additional conditions which were attached as Appendix 5. The Council's Licensing service had re-worded conditions to enable them to be enforceable, and these would form part of the conditions to the licence if the application was granted. These were attached as Appendix 6. The applicants had since accepted all these additional conditions prior to the hearing.

The applicants, Daniel Pilley and Robin Pilley, presented their case to the Sub-Committee and explained that it was their intention to operate their establishment as a Bistro that would seat approximately 80 people but the premises could accommodate up to a maximum of 200. It was not however, intended to be operated as a bar/ night club, and a specific area for dancing would not be provided. In response to the representation submitted by the Other Person, the applicants stated they did not feel it was necessary to supply registered SIA door supervisors as suggested. Other late night venues in Haverhill currently employed door supervisors; however the applicants considered that their targeted clientele would be discouraged from entering the premises if door supervisors were present.

The Sub-Committee asked questions of the applicants to which they duly responded. The applicants stated that, with regards to the type of

live music that would be played, they intended to bring in solo singers or a pianist rather than live bands.

Harry Charalambos, the owner of Bar Vu, agreed with the applicants that there was a niche in the local market for a venue like Nine Jars but was concerned that they were not planning to supply registered SIA door supervisors. He stated that the majority of late night venues in Haverhill provided door supervisors to deter anti-social behaviour from prospective customers. He explained that the playing of recorded music past midnight on a Friday and Saturday could encourage dancing in the bar area and the absence of door supervisors would therefore restrict the amount of control the applicants would have on customers entering the premises. He concluded by stating that he was generally in support of the application, but strongly suggested that the applicants should consider supplying registered SIA door supervisors.

Questions were put forward by members of the Sub-Committee who sought clarification on the type of recorded music that he considered would be played past midnight on Fridays and Saturdays. In response, Mr Charalambos stated in his opinion, the playing of recorded music operated by a DJ should not be provided at these times as this was likely to encourage extensive customer numbers and dancing, which the applicants had stated was not what they were intending to facilitate.

Each of the parties summed up their case. The applicants concluded to say that they would include in their licence, if granted, that playing DJ music would not be permitted past midnight with the view that this would eliminate the need to supply registered SIA door supervisors to control potential anti-social behaviour.

In considering the application, the Sub-Committee had regard for the legal and policy implications set out in section 2 of the report, to ensure its actions were proportionate and appropriate for the promotion of the licensing objectives set out in section 1.1.3.

(At this point the Sub-Committee retired accompanied by the Legal Advisor, Committee Administrator and Trainee Officers (observers) to give consideration to the merits of the application. In considering the application the Sub-Committee had regard to the four Licensing Objectives and the representations made by the applicants and the Other Person. The Sub-Committee re-convened and announced the following decision)

Decision:

That:

- (1) Having noted that background music is not a licensable activity and may therefore be played during all hours, the application for a new Premises' License in respect of Nine Jars, 9 High Street, Haverhill, be granted with an amended time for recorded music whereby it will only be played until 23:00 on Fridays and Saturdays. The times requested are therefore granted as follows:

Live Music

Mondays to Thursday and Sunday	12.00 – 23.00
Friday and Saturday	12.00 – 00.00

Recorded Music

Monday to Sunday	07.00 – 23.00
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Late Night Refreshments (Indoors)

Friday and Saturday	23.00 – 01.00
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Supply of Alcohol

Monday to Thursday and Sunday	11.00 – 23.00
Friday and Saturday	11.00 – 01.00

Opening Hours

Monday to Thursday and Sunday	07.00 – 23.00
Friday and Saturday	07.00 – 01.30

- (2) Conditions

Consistent with the applicants' Operating Schedule, as contained in Part 3 of Appendix 1 of Report LSC/SE/16/006 with the additional conditions contained in Appendix 6 to Report No: LSC/SE/16/006.

(At this point, the meeting adjourned for a short comfort break. The meeting resumed at 10.45am.)

45. **EXEMPT INFORMATION - EXCLUSION OF PRESS AND PUBLIC - TERMS OF FORMAL RESOLUTION**

It was proposed, seconded and

RESOLVED:

That under section 100 (A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12 (A) of the Act.

With the agreement of the Sub-Committee the applicant remained in the meeting.

(At this point, it was determined that Councillor Ian Houlder was required to substitute for Councillor Frank Warby. Councillor Frank Warby then left the meeting)

46. **Application for a Combined Hackney Carriage/ Private Hire Vehicle Driver's Licence**

(a) Pre-Hearing

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

- (1) It was announced that the applicant was present;
- (2) The applicant confirmed that they had received a copy of the Officer's written Report No: LSC/SE/16/007 and the additional papers (see 4 below);
- (3) The applicant confirmed that they did not wish to amend or withdraw their application;
- (4) The Licensing Officer reported that the applicant had submitted one letter providing a character reference as an additional item of information in support of his application. This had been received after the agenda and papers for the meeting had been distributed. Copies of the letter had been provided for the Sub-Committee during the meeting. Members of the Sub-Committee also received copies of Exempt Appendix 1 as an additional paper, which had been omitted from the agenda pack in error.
- (5) The Licensing officer reported that there had been no request for witnesses to appear;
- (6) The Chairman asked the applicant the amount of time he required to present his case. As a result, the Sub-Committee determined that the maximum time allowed for the applicant to present his case would be 10 minutes; and
- (7) The Sub-Committee determined that the Substitute Member, Councillor Ian Houlder, was required for the hearing, as referred to above.

(b) Hearing

The Licensing Officer presented Exempt Report No: LSC/SE/16/007 (previously circulated) in connection with this application for a Combined Hackney Carriage/ Private Hire Vehicle Driver's Licence. Copies of the application and the applicant's DVLA licence were distributed to Members and Officers during the meeting as Exempt Appendix 1. A summary of the Disclosure and Barring Service (DBS) enhanced disclosure which provided details of numerous convictions for various offences dated from April 1985 to March 2003 was contained as Exempt Appendix 2. Guidelines relating to the relevance of Convictions were attached as Exempt Appendix 3.

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 the licensing authority was required to ensure that an applicant for the grant of a Hackney Carriage, Private Hire Vehicle Driver's licence was a fit and proper person to hold such a licence. The report listed matters which could be taken into account by the Sub-Committee when considering the application. The applicant could also explain any mitigating factors which led to the committing of offences and the Sub-Committee could take these into account in deciding whether he/she was a fit and proper person to hold a licence.

The applicant presented his case and responded to questions raised by Members, including that whilst living abroad, he had not received any convictions and had been granted a personal licence in the Borough, which related to his current employment. The applicant confirmed that he had been offered employment with a local taxi company and would be able to start if successful in obtaining a licence.

The applicant summed up his case.

(At this point the Sub-Committee retired accompanied by the Legal Advisor, the Committee Administrator and Trainee Officers (observers) to give consideration to the merits of the application. In considering the application the Sub-Committee had regard to the Guidelines relating to the Relevance of Convictions and the representations made by the applicant and debated whether they were a fit and proper person to hold a licence. The Sub-Committee reconvened and the applicant and Licensing Officer were re-admitted and the following decision announced)

Decision:

The Sub-Committee has taken into account the evidence before it and considers that the applicant is a fit and proper person to hold a Combined Hackney Carriage/Private Hire Vehicle Driver's Licence and therefore the application is granted.

The meeting concluded at 11.02am

Signed by:

Chairman
