

Application for the Grant of a Premises Licence – Moriarty’s, 3 Whiting Street, Bury St Edmunds

Report No:	LSC/WS/19/003	
Report to and date/s:	Licensing & Regulatory Sub-Committee	17 October 2019
Cabinet Member:	Councillor Andy Drummond Portfolio Holder for Planning & Regulatory Services Tel: 01638 751411 Email: andy.drummond@westsuffolk.gov.uk	
Lead officer:	Jamie Livermore Licensing Officer Tel: 01284 757026 Email: Jamie.livermore@westsuffolk.gov.uk	

Wards impacted: **Abbeygate**



Recommendation: It is recommended that, in determining the application with a view to promoting the licensing objectives in the overall interests of the local community, Members give appropriate weight to, the steps that are appropriate to promote the licensing objectives; West Suffolk Council's Statement of Licensing Policy; Guidance issued under Section 182 of the Licensing Act 2003; the representations attached to this report, and any further relevant information presented to the Sub-Committee on the day of the Hearing.

The steps may be:

- (a) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Authority considers necessary for the promotion of the licencing objectives, OR
- (b) Exclude from the scope of the licence any of the licensable activities to which the application relates, OR
- (c) Reject the application

1. Background / Context

- 1.1 An application for the Grant of a Premises Licence, made under the Licensing Act 2003, was received and accepted by the Licensing Authority on 28 August 2019. The application form and associated plan are attached as **Appendix 1** and **Appendix 2** respectively.
- 1.2 The application, made by Moriarty's Restaurants Limited, proposes an espresso and cocktail bar set over two levels. The licensable activities proposed under the authorisation of a Premises Licence are as follows;
 - Supply of Alcohol (On sales only)
Monday – Wednesday, Sunday 11:00-21:30
Thursday 11:00-22:30
Friday-Saturday 11:00-23:30
 - Provision of Recorded Music (Indoors only)
Monday – Wednesday, Sunday 08:00-21:30
Thursday 08:00-22:30
Friday – Saturday 08:00-23:30
 - Late Night Refreshment (Indoors only)
Friday – Saturday 23:00-23:30
- 1.3 The Licensing objectives which must be actively promoted by the applicant/holder of any Premises Licence issued under the Licensing Act 2003 are as follows;



- The Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

1.4 A statutory 28 day consultation period started on 29 August 2019 and ended on 26 September 2019. This enabled Responsible Authorities and 'Other Persons' to make representations towards the application. 'Other Persons' includes any individual, body or business whether or not they live in the vicinity.

1.5 The details of the application were published in the local newspaper, displayed on the exterior of the premises, and advertised on the Council's website during the consultation period, as per the regulations.

1.6 Comments were received by Suffolk Constabulary and West Suffolk Council's Public Health and Housing department, both of whom are Responsible Authorities. Both Authorities requested additional conditions to be added to the Operating Schedule in order to conform to the positive promotion of the four Licensing objectives. The applicant has consented in writing to these additional conditions, therefore representations were not necessary and they would automatically be applied to the licence if it were to be granted. The comments are attached as **Appendix 3**.

1.7 A total of 7 representations were received by the Licensing Authority from 'Other Persons' within the statutory time frame, resulting in the necessitation of this hearing. The details of the representations are attached as **Appendix 4**.

2. Proposals

2.1 Members should seek to focus the hearing on the steps considered appropriate to promote the particular licence objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas.

2.2 Members should strongly consider the adopted Cumulative Impact Assessment held within the Council's Statement of Licensing Policy.

3. Legal Compliance

3.1 The Sub-Committee may take any of the steps set out below, provided they are proportionate and appropriate for the promotion of the licensing objectives:

- (a) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Authority considers necessary for the promotion of the licencing objectives
- (b) Exclude from the scope of the licence any of the licensable activities to which the application relates, or



(c) Reject the application

A condition is modified where it is altered or omitted or any new condition is added.

3.2 Each application should be considered on its own merits, having regard to the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.

3.3 The decision may be appealed, by the applicant or any other party to the hearing, within 21 days of written notification of the determination made by the Sub-Committee. The Sub-Committee should state in reaching its determination those matters which it considered relevant, those matters which it did not consider as they were irrelevant, and its reasons for the decision.

4. Appendices

4.1 Appendix 1 – Application

Appendix 2 – Plan of Premises (A & B)

Appendix 3 – Comments made by Responsible Authorities (A & B)

Appendix 4 – Relevant Representations (A, B, C, D, E, F & G)

5. Background documents

5.1 Licensing Act 2003 -

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

Guidance issued under S.18 of the Licensing Act 2003 -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

West Suffolk Council Statement of Licensing Policy -

https://www.westsuffolk.gov.uk/Council/Policies_Strategies_and_Plans/More_plans_and_policies/upload/WSCStatementofLicensingandCIAPolicy.pdf

