

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Conference Room, Riverside, Lowestoft on **Monday, 7 November 2022** at **2.00pm**

Members of the Sub-Committee present:

Councillor Linda Coulam, Councillor Andree Gee, Councillor Keith Patience, Councillor Keith Robinson

Officers present: Ben Bix (Democratic Services Officer), Martin Clarke (Legal Advisor), Leonie Houlton (Licensing Officer), Jemima Shaw (Trainee Solicitor), Alli Stone (Democratic Services Officer)

Others present: The Applicant

1 Election of a Chairman

On the proposition of Councillor Gee, seconded by Councillor Patience it was

RESOLVED

That Councillor Linda Coulam be elected as Chairman of the Licensing Sub-Committee for the meeting.

2 Apologies for Absence

There were no apologies for absence.

3 Declarations of Interest

No declarations of interest were made.

4 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying.

5 Variation of Premises License, White Horse, 47 The Street, Corton, NR32 5HP

The Sub-Committee received report **ES/1331** of the Licensing Officer, which related to an application for a variation of premises licence for the White Horse public house, Corton. The report was presented by the Licensing Officer, who advised that the

hearing had been required as one representation against the application had been received from an 'other person' which had not been withdrawn. Members had been furnished with the written submission in objection, and it was noted that the Objector had chosen not to attend the hearing.

The Chairman invited questions of the Licensing Officer. In response to Councillor Coulam, the Licensing Officer advised that the applicant had applied for 4 temporary event notices during 2022 on 30 July, 24 September, 15 October and 24 October. The Legal Advisor sought clarification of the timings and locations where music would be permitted. The Licensing Officer explained that live and recorded music between 8am and 11pm on any day was not a licensable activity, as the premises (which included the garden) was already licenced for the 'on sales' of alcohol.

There being no further questions, the Chairman invited the applicant to address the Sub-Committee.

The applicant, Ms N explained that the reason for the application for variation was primarily administrative and to better satisfy customer demand. Recent birthday parties, a wedding and Halloween events had required the applicant apply on each occasion for a Temporary Event Notice for which there was a fee and a deadline. Customers using the Waterside Park and Hotel had requested that the breakfast menu be enhanced to offer a celebratory alcoholic drink. Ms N emphasised that the summer events that had been held had all concluded by 6pm and the application was not intended to change the purpose or emphasis of the pub.

At the invitation of the Chairman, the applicant responded to two questions from Councillor Coulam and clarified firstly that the Sunday 00.30 closing time was intended to better facilitate parties leaving the premises. Secondly, holiday makers using the nearby facilities would come to the pub for breakfast, and customers had requested celebratory drinks, hence the variation sought to enable that. The Legal Advisor asked whether the premises also offered accommodation and Ms N responded that it did not.

The Sub-Committee were furnished with the Objector's written representation. The Sub-Committee noted that the representation set out that the premises was in a quiet village setting, and that any extension to the current licensable activities would have an impact on local neighbouring properties. The pub had never been a live music venue. The objection was principally concerned with the prevention of public nuisance due to the hours of operation, noise emanating from the premises and increased litter. The Objector wrote that the owner had demonstrated a disregard for the local residents by already hosting live music which had been housed outside rather than inside the pub, allowing the noise to travel which had compromised the surrounding area and had impacted on the Objector's wellbeing. It was the Objector's view that if the live music was housed inside the pub, it would lessen the impact of the noise. In summary, the Objector wrote that any activity involving increased numbers of people, vehicles, music and alcohol was not appropriate for a residential area and it would increase the possibility of becoming a public nuisance and significantly raise the risk of criminal and disorderly behaviour.

The Sub-Committee acknowledged the representation and noted that no other representations had been received.

The Chairman asked those present to sum-up. The Licensing Officer had no further comment to make. The applicant asked the Sub-Committee to note that the overall capacity of the premises was 44, which was comparatively small, and re-emphasised that the application for variation was not intended to change the purpose or increase the capacity of the premises.

The Sub-Committee adjourned, with the Legal Advisor and the Democratic Services Officer, to make its decision.

On the return of the Sub-Committee, the Chairman read the decision notice as follows:

An application has been received for a variation to an existing Premises Licence at the White Horse Public House, Corton. The application seeks to extend the licensed times for the following licensable activities:

- *Sale of alcohol on and off the premises,
Monday to Thursday 08:00 to 23:00
Friday to Sunday 08:00 to 00:00
New Year's Eve 08:00 to 00:30*
- *Both live and recorded music (indoors and outdoors)
Monday to Thursday 12:00 to 22:30
Friday to Sunday 12:00 to 00:00
New Year's Eve 08:00 to 00:30*
- *The proposed opening hours
Monday to Thursday 08:00 to 23:00
Friday to Sunday 08:00 to 00:30
New Year's Eve 08:00 to 01:00*

*The existing licensed times for activities are
Sale of alcohol – both on and off sales
Monday to Saturday 11:00 to 23:00
Sunday 12:00 to 22:30*

It was noted that live and recorded music between 8am and 11pm on any day is not a licensable activity, as this premises is already licenced for the 'on sales' of alcohol.

The Sub-Committee has been held as one representation against the application was received from other persons. The summary grounds for representation were:

- *That the premises is in a quiet village setting and any extension to the current licence would have an impact on neighbouring properties.*
- *There are concerns that the new hours would cause a nuisance with the level of noise at the premises and that the sound of the music would travel and disturb local residents.*

The Sub-Committee heard from the Licensing Officer, the Applicant, and considered the written representation in objection. The Objector did not attend the hearing.

The Applicant stated that the application was administrative in nature and was not to change the emphasis of the pub, as for each event they have had to submit a Temporary Event Notice for which there was a fee and there were deadlines to comply with. The Sub-Committee were content with the proposed Monday to Saturday hours, Sunday morning and New Years Eve hours.

However, the Sub-Committee were concerned about the Sunday evening hours, and instead cautioned that the closing time should be limited to 23:00 with last sale of alcohol at 22:30.

The Objector's written representation emphasised that due to the White Horse being in a quiet village setting, any extension to the current licensable activities would have an impact on local neighbouring properties. The pub had never been a 'Live music' venue. The objection had been raised for the prevention of public nuisance due to the hours of operation, noise emanating from the premises and increased litter. The Objector said in his representation that the owner had demonstrated a disregard for the local residents by already hosting live music which had been housed outside and not in the pub, allowing the noise to travel which had compromised the surrounding area and impacts on the Objector's wellbeing. It was the Objector's view that if the live music was housed in the pub this would lessen the impact of the noise.

In summary, the Objector stated that any activity involving increased numbers of people, vehicles, music and alcohol was not appropriate for a residential area and it increases the possibility of becoming a public nuisance and significantly raises the risk of criminal and disorderly behaviour.

The Decision of the Sub Committee

The Sub-Committee's decision is to grant the application, subject to the variation of Sunday evening hours: being limited to the following:

- *Closing time 23:00 with*
- *Last sale of alcohol at 22:30.*

In arriving at this decision, the Sub-Committee has taken into consideration the representations from the applicant, the objector and the Licensing Officer's report, which drew the Sub-Committees attention to its obligations under the Human Rights Act 1998.

The Sub-Committee also considered the licensing objectives and the Council's own guidance and statement of licensing policy as well as the Statutory Section 182 guidance.

The reason for the decision

The Sub-Committee noted the Objector's concerns; however, they were reassured by the applicant's evidence that they were capable of promoting the licensing objectives, in particular the applicant indicated that there was limited space and the intention was to cater for occasional events, rather than frequent significant live music events. In relation to the mornings, the Sub-Committee accepts that the extension is to facilitate the premises serving breakfasts.

In relation to Sunday evenings the Sub-Committee was concerned that unlike Friday and Saturday evenings, the following morning is a working morning and therefore the hours should not be the same as the weekend evenings.

The Sub-Committee also noted paragraph 9.12 of the statutory guidance which requires Sub-Committees to consider representations from responsible bodies carefully, in this case, no responsible bodies had made a representation.

The Sub-Committee also noted paragraph 6.1 of the Council's statement of licensing policy that the trading hours of any particular premises should not be restricted, unless it is considered appropriate to promote one or more of the licensing objectives. In this case is felt that the licensing objectives can be promoted save for the amendment to Sunday evening hours.

The Sub-Committee notes that if necessary, any license can be reviewed if it is felt that licensing objectives are not being promoted.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

Date: 7 November 2022

The meeting concluded at 3.05pm

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Chairman