

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, on **Wednesday, 14 August 2019** at **10:00 AM**

Members of the Sub-Committee present:

Councillor Colin Hedgley, Councillor Mark Newton, Councillor Keith Robinson

Other Members present:

Officers present:

Teresa Bailey (Senior Licensing Officer), Karen Cook (Democratic Services Manager), Kerry Woollett (Litigation Lawyer)

Others present:

Mr A, Ms F, Mr G, Ms K, Ms L, Mr P, Mr Ri, Mr Ru, Mr T, Ms V,

1 Election of a Chairman

On the proposition of Councillor Hedgley, seconded by Councillor Robinson, it was

RESOLVED

That Councillor Newton be elected Chairman for the meeting.

2 Apologies for Absence

There were no apologies for absence.

3 Declarations of Interest

There were no declarations of interest.

4 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying.

5 Application for a new premises licence: Honey and Harvey, Melton

The Chairman asked the members of the Sub-Committee and the Officers present to introduce themselves. The Chairman also invited the applicant, Mr Harvey Allen, and

the representatives of the interested parties, to also introduce themselves. All parties confirmed that they had received the meeting papers; Mr Allen confirmed that he did not wish to withdraw the application, and the interested parties confirmed that they did not wish to withdraw their representations. The Senior Licensing Officer confirmed that there had been no requests for the attendance of any witnesses and no further documentary information would be presented.

The Sub-Committee received report **ES/0073**, which was presented by the Senior Licensing Officer, who stated that a hearing was required as 14 representations had been received against the application within the statutory 28 day period.

The Senior Licensing Officer referred the Sub-Committee to the main points for consideration as identified within the report, including having regard to guidance issued under Section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy and the Human Rights Act 1998.

There being no questions to the Senior Licensing Officer, the Chairman invited Mr Allen to present Gentian Harvey's Deli Limited's application for a Premises Licence. Mr Allen began by stating that, in hindsight, the application would have been approached in a different way. Mr Allen explained that there were two reasons for the submission of the application, the first was to enable the sale of alcohol during the current opening hours of 7.00 am to 5.00 pm, primarily the sale of wine to persons having lunch. There was no intention to extend these opening hours. The second reason for the application was that the applicant had had five or six private events on the premises, for example birthdays and weddings. Each of these events required a temporary event notice. The purpose of the application was so the premises could be licensed which would enable these events to take place without the need for a temporary event notice.

Mr Allen informed the Sub-Committee that, to the best of his knowledge, the applicant had not received any complaints in relation to any of the events that had taken place by way of a temporary event notice.

The Chairman invited questions to Mr Allen.

Following a question by the Sub-Committee regarding the capacity of the premises, Mr Allen confirmed that there were approximately 50 covers downstairs and recently, due to demand, there were now a few covers upstairs. In addition to this there was seating outside for approximately 25 customers. During events the tables were moved to the edges of the premises to create a dance area. This created room for approximately 120 customers. Mr Allen stated that the staff ensured that customers left the premises quietly. During events there was no music outside and the staff ensured that the doors were always closed.

Following a further question by the Sub-Committee regarding the application for an off-licence, Mr Allen confirmed that it was not the applicant's intention to become an off-licence and it would not be promoted as such. The purpose of the application was to allow persons that had eaten a meal and enjoyed wine, to purchase wine and take it away with them.

The Sub-Committee asked Mr Allen if it was the intention that the licence would be applicable to both floors of the premises; Mr Allen confirmed that it was just the ground floor.

Finally, the Sub-Committee asked Mr Allen if he would be content if a licence was granted for less hours than he had applied for. Mr Allen responded by stating that he would be happy to compromise, what he really wanted was to be able to serve alcohol at lunch times and throughout the day. He would, he stated, be happy to reduce Friday and Saturday nights to, say, midnight. Ultimately he stated that his wish was to avoid the necessity to apply for temporary event notices.

Following a question by the Legal Advisor, it was confirmed by the Senior Licensing Officer that no complaints had been made to the Licensing Team in respect of the events that had been held from the temporary event notices.

Following a further question by the Legal Advisor, to Mr Allen in respect of the application to display films, Mr Allen confirmed that this was to enable the applicant to participate in an event called Film Feast. During this event the applicant would display a film and provide meals and alcohol. The intention was not to display films on a regular basis, it was simply to cover this event.

Mr P commented that, having heard the comments made by Mr Allen, he was now more satisfied than before; he asked the Legal Advisor if a licence could be issued subject to reduced hours and subject to the off-licence being removed. It was confirmed that the Sub-Committee could, if it was minded to, do this.

Mr T commented that his main concern related to increased noise and the extended hours, into the mornings. Mr Allen, in response, commented that he thought the temporary event notices that had been issued in the past had been to varying times; however he did recall one event that ran until 2.30 am in the morning and he said the music had been loud; 2.30 am was, he said, an exception. Mr Allen asked Mr T if he had ever been disturbed by these events and Mr T commented that he had not. Mr Allen commented that the applicant would not be playing loud music at 7.00 am; only background music would be played at this time. Mr Allen commented that he would be very happy to remove the sale of alcohol from the application.

At this point, the opportunity was taken by the Senior Licensing Officer to clarify that the application before the Sub-Committee related to the ground floor of the premises only. However, consumption of alcohol was not licensable. This provided clarification that if the application was granted the sale of alcohol could only take place on the ground floor of the premises; however consumption could take place upstairs as well.

The Senior Licensing Officer also clarified that the Police and the Council's Environmental Services Team were always consulted in respect of temporary event notices. In respect of the Honey and Harvey applications there had been no objections raised.

Finally, the Senior Licensing Officer clarified that, in respect of the off-licence sales, it was quite normal for restaurants to have these in order that customers could have a

bottle of wine and, if not fully consumed, the remainder could be taken away. The Sub-Committee could, if it so wished, impose conditions to stop somebody coming in from the street and purchasing alcohol.

Mr Allen stated that it was not the applicant's intention to become an off-licence; there was a McColl's store at the end of the street where people could go to purchase beer and cider. The purpose of the application was to allow persons who had enjoyed wine with their meal to purchase a bottle of wine and take it with them. Mr Allen stated that the applicant would be unlikely to sell alcohol to persons off the street. Mr Allen also said that he would be happy to compromise and for a condition to be included on the licence that off-licence sales be only to persons who had previously had a meal.

Mr G representing Melton Parish Council, stated that the Parish Council was always supportive of local businesses, including Honey and Harvey. Mr G commented that it was appreciated that the completion of temporary event notices could be considered bureaucratic and time-consuming. The Parish Council, Mr G commented, had no issue with the proposed activities, it was the Friday and Saturday proposed opening until 1.00 am that was of concern. The Parish Council had to be mindful of residents and their enjoyment of local amenities, and their quiet enjoyment of their homes. Mr G stated that many residents of St Andrews Place were elderly and disabled. After 7.00 pm, Mr G stated, Riduna Park was totally silent and residents were genuinely concerned regarding late night activities. There was also a concern that the venue was not large and activities may spill outside.

Mr G commented that the Parish Council suggested that, in respect of Fridays and Saturdays, opening should cease at 11.00 pm, with the occasional temporary event notice being given. In conclusion, if the application was granted, it should contain appropriate conditions.

Mr P commented that he endorsed the comments by Melton Parish Council. It was, he said, a residential area and, as a resident, he was aware that, during the last few years there had been an increase in traffic and footfall. There was also, now, anti social behaviour taking place. It was felt inevitable that, if the application was granted, this would increase traffic and footfall even further. It was further commented that the applicant's comments were noted and if he was willing to keep the hours from 7.00 am until 5.00 pm this would address initial concerns. It was felt that, in respect of Fridays and Saturdays, closing at 10.00 pm would be far more acceptable. Off sales, again, would be acceptable, if just to people who had enjoyed a meal. In conclusion, it was felt that if the licence was granted subject to these conditions Mr P would be relatively happy.

A member of the Panel stated that he noted the concerns but it was a signposted route; he added that there used to be a public house, there was a church and a fish and chip shop so, it was he said, a relatively busy area.

In response to these comments, Mr P added that Suffolk County Council was currently putting in traffic calming measures.

Mr Allen, referring to events that had taken place in the past, and events that were likely to occur in the future, stated that they were very specific in nature, eg a birthday party or similar, and attendees would generally either leave by taxi or be picked up.

Mr T confirmed that he did not wish to add anything to his earlier comments.

Mr Allen, in summing up, stated that he noted and appreciated all of the concerns that had been raised; he stressed that he wished to work closely with the community. Mr Allen confirmed that if the licence was granted it was the intention to only serve alcohol with meals; his hope was to avoid, as far as possible, the completion temporary event notices.

The Sub-Committee retired to make its decision, together with the Legal Advisor and the Democratic Services Manager.

On its return the following Decision Notice was read by the Chairman:

“Gentian Harvey’s Deli Ltd. had applied for a premises licence at Honey and Harveys, Unit 1, Riduna Park, Station Road, Melton, Woodbridge.

The Sub-Committee was convened as 14 representations had been received against the application. The application sought permission for the sale of alcohol on and off the premises between the hours of 7am and 10pm Monday to Thursday, 7am and 1am Friday and Saturday, and 8am to 10pm on Sunday and until 2am on New Year’s Eve (day).

The application also sought permission for the display of films, live and recorded music and anything similar to live and recorded music.

The representations related to increased noise from music late at night and an increase in anti-social behaviour.

Mr A, the applicant, explained that there were two reasons for the application, the first was to enable the sale of alcohol during the current opening hours of 7am and 5pm, primarily the sale of wine to persons having lunch. There was no intention to extend these opening hours.

The second reason for the application was that the applicant had had five or six private events on the premises, for example for birthdays and weddings. Each of these events required a temporary event notice. The purpose of the application was so the premises could be licenced which would then enable these events to take place without the need for a temporary event notice.

Mr A told the Sub-Committee that, to the best of his knowledge, the applicant had not received any complaints in relation to any of the events that had taken place by way of a temporary event notice. The Senior Licensing Officer confirmed that the Licensing Team does receive complaints about events that take place by way of a temporary event notice and no complaints had been received in relation to any events put on by the applicant. However, the Senior Licensing Officer also confirmed that some of these complaints may go to Environmental Health rather than Licensing. However, Environmental Health is able to object to a temporary event notice and to date had not

objected to any of the temporary event notices provided by the applicant.

Mr A said that he would be happy to compromise, for example he would be happy for the off-licence sales to be removed from the licence.

Mr A also confirmed that in relation to the display of films this was to enable the applicant to participate in an event called Film Feast which was part of the Aldeburgh Food and Drink Festival. During this event the applicant would display a film and provide meals and alcohol. The intention was not to display films on a regular basis, it was simply to cover this event.

Of the 14 persons that had made representation, three persons wished to speak during the hearing. Mr T was concerned about loud music being played at 7am. Mr A confirmed that of the events that had taken place the latest had gone to 2:30am though usually they went to midnight or 1am. Mr A also said that one of the events had, in his view, been very loud. Mr A asked Mr T if he had ever been disturbed by these events and Mr T indicated that he had not. Mr A said that the applicant would not be playing loud music at 7am; they would play background music at this time.

Mr G addressed the Sub-Committee on behalf of Melton Parish Council. The Parish Council was concerned about increased noise late at night and suggested that it would be more appropriate for the licensable activities to cease at 11pm.

Mr P also addressed the Sub-Committee. Mr P's concerns were also that there would be noise nuisance from the premises and suggested licensable activities cease at 5pm on weekdays and 10pm on Friday and Saturday. Mr P was also concerned that there would be an increase in anti-social behaviour and about off-licence sales. Mr P would prefer that any off-licence sales be limited to those persons that had already had a meal in the premises, rather than allowing sales to anyone walking in off the street.

Mr A said that it was not the applicant's intention to become an off- licence; there was a McColl's at the end of the street where people could go to get beer and cider. The purpose of the application was to allow persons that had eaten a meal and enjoyed a bottle of wine, to purchase a bottle of wine and take it with them. Mr A said that the applicant would be unlikely to sell alcohol to persons off the street. Mr A said that he would be happy to compromise for a condition to be included on the licence that off-licence sales be only to persons that had previously had a meal.

In relation to the hours on the licence, Mr A said that to compromise to 10pm would defeat the purpose of the application because most persons that wished to have private parties wanted these to go to midnight or 1am in which case, the applicant would still need to apply for temporary event notice for these events.

The Senior Licensing Officer made clear that if the licence was limited to 10pm, the applicant would be entitled to submit a temporary event notice for the hours from 10pm to midnight, 1am or 2am and the events would continue to be able to take place.

The Sub-Committee listened to the representations made during the hearing. The Sub-Committee also had regard to the written representations provided with the officer's report, as well as its statement of licensing policy and the statutory guidance.

The Sub-Committee had regard to the lack of representations from any Responsible Authorities. The lack of representations from the police indicated that it had no concerns that the application would undermine the crime and disorder objective. Equally the lack of representation from Environmental Health indicated that Environmental Health had no concerns that the application would undermine the public nuisance objective by way of noise nuisance.

The Sub-Committee also gave significant weight to the fact that the applicant had already put on five or six events, one of which had gone to 2:30am and one of which, Mr A admitted, was very loud, though the applicant and the Licensing Team had not received any complaints in relation to the events.

The Sub-Committee had regard to the concerns of the local residents in relation to the hours the licensable activities could take place and to Mr A's indication that most events went to midnight.

The Sub-Committee was also mindful that there were a number of residential premises in the vicinity of the premises. In light of this, the Sub-Committee considered that it would not be appropriate for the licensable activities to continue to 1am and instead thought midnight to be more appropriate save for New Year's Eve (day) on which the hours could extend to 1am.

In relation to off-licence sales, the Sub-Committee was satisfied that the applicant was a responsible business and accepted Mr A's contention that sales would only be to persons that had enjoyed a meal. As such the Sub-Committee was of the view that it was not necessary to include a condition on off-licence sales.

The Sub-Committee therefore determined to grant the licence subject to the licensable activities being limited to midnight on Fridays and Saturdays and 1am on New Year's Eve (day).

The Sub-Committee was mindful that should any issues arise in the future any Responsible Authority or indeed any member of the public could bring a review of the premises licence.

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

Date: 14 August 2019"

The meeting concluded at 12.15 pm.

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Chairman