

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, Riduna Park, Melton on **Monday, 3 June 2019 at 9:30am**

Members of the Committee present:

Councillor Edward Back, Councillor Colin Hedgley, Councillor Mark Newton, Councillor Keith Robinson

Officers present:

Katherine Abbott (Democratic Services Officer), Teresa Bailey (Senior Licensing Officer), Kerry Woollett (Litigation Lawyer)

1 Election of a Chairman

It was proposed by Councillor Hedgley, seconded by Councillor Newton and unanimously

RESOLVED

That Councillor Robinson be elected as Chairman of this meeting of the Licensing Sub-Committee.

2 Apologies for Absence and Substitutions

There were no apologies for absence or substitutions.

3 Declarations of Interest

There were no Declarations of Interest.

4 Application for a new Premises Licence: The Boathouse, Woodbridge

The Chairman asked the members of the Sub-Committee and the Officers present to introduce themselves. The Chairman also invited the Applicants, Ms Emma Cole and Mr Alex Cole, to also introduce themselves. There were no representatives of the interested parties which had submitted relevant representations present. Ms Cole confirmed that she had received the meeting papers and also that she did not wish to withdraw her application. 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.

Before proceeding with the summary of the report before the Sub-Committee, the Legal Advisor, with reference to and interested party's representation that the Applicant had failed to comply with Regulation 25(a)(i)(bb) of the Licensing Act 2003 (Premises Licences) Regulations 2005 in that the notice displayed had been on white paper rather than the pale blue required by the Regulation, asked the Applicant to confirm if the notice had been on white paper. Ms Cole confirmed this had happened and added that the consultation period (4 April to 2 May 2019) had coincided with the creation of the new Council and she had failed to read this requirement. Ms Cole said she believed the notice to have been legible and that this was evident because several representations had been received. The Legal Advisor stated that the Applicant had failed to comply with the Regulation but referred the Sub-Committee to case law, *Regina (D&D Bar Services Ltd.) v Romford Magistrates' Court and LB Redbridge (2014)* where it had been ruled that an application was not invalidated because of minor procedural errors. The Legal Advisor said that her advice was there had been substantial compliance beyond the notice being on white paper rather than pale blue and that there was no evidence that anyone was prejudiced by the colour of the paper as representations had been submitted on time. It was agreed that the representation on this matter would be waived.

The Senior Licensing Officer summarised report ES/0027.

The Chairman invited the Applicant to present her case.

Ms Cole said that she had met with Mr A (an interested party who had submitted a representation) to discuss the matters he had raised. Ms Cole said that she had felt that meeting had gone well, although Mr A had asked questions which were not related to the licence and that she had subsequently learned that Mr A had previously been unsuccessful in securing The Boathouse. Ms Cole said the business would be family-run and safe working and living conditions would be ensured. Ms Cole referred to the objections raised by Mr A in his representation and said she would like to address each in turn. With regard to Mr A's objection related to the prevention of public nuisance, Ms Cole said she was fully aware and understood the importance of community relationships and for peace and quiet to be preserved; she added that the property's immediate neighbours had raised no objections or concerns in this regard. Ms Cole said the opening hours were reasonable and not late; she said that The Boathouse would close at 11pm and so any customers would have dispersed in good time. With regard to Mr A's objection related to the protection of children from harm, Ms Cole said she had children and so understood the importance of actively maintaining the outside smoking area, which was not substantially enclosed, and customers failing to comply would be asked to leave. Ms Cole said Mr A had referred to the planning permission for The Boathouse which, he had stated, had "envisaged a vibrant and busy mixed use community space" yet, Ms Cole said, the property had sat empty for two years. Ms Cole added that Mr A had sought a risk assessment linked to his objection on the grounds of the prevention of crime and disorder; she stated that the appropriate and relevant risk assessments would be undertaken and insurance would be in place. With regard to Mr A's concerns related to overcrowding, Ms Cole stated that she had met with the Fire Safety Officer of Suffolk Fire and Rescue Service and that the appropriate numbers for the property would be complied with and included within the businesses policies. In conclusion, Ms Cole said she was confident the business would bring jobs, tourism and business opportunities to the town.

The Senior Licensing Officer advised the Sub Committee that there was no requirement for the Applicant to submit a risk assessment as part of the application process, nor was it a requirement to state the number of customers which would be accommodated based on the assessment of the Fire Service; lastly, she advised that the Council's planning department had confirmed that planning permission had been granted for a restaurant/café, including the sale of alcohol, between 8am and midnight.

The Chairman invited questions.

Councillor Hedgley, with reference to the ground floor plan and map of the location of The Boathouse at Appendix A, asked for clarity on the location of the decking area. Ms Cole replied that this was along the outside on the right hand side of the property. Councillor Hedgley also asked when, subject to the approval of the application, it was intended to open The Boathouse for business. Ms Cole replied that the intended date was now August 2019.

The Legal Advisor referred to Mr A's representation with regard to the potential for glasses to be left on the wall and asked Ms Cole to respond. Ms Cole said she had discussed this with Mr A at their meeting. Ms Cole said that notices would be in place and staff would actively monitor the area; for larger events, plastic glasses would be used to ensure safety.

There being no further questions, the Sub Committee adjourned at 9.50am. The Sub Committee reconvened at 10.50am and the Chairman provided the following Decision:

"Cole and Carr Limited has applied for a premises licence at The Boathouse, Unit B, The Chandlery, Tide Mill Way, Woodbridge, IP12 1FP.

This hearing has been held as representations were received against the application by Mr A.

Mr A's objections were as follows:

- 1. the opening hours;*
- 2. noise nuisance to surrounding residential premises;*
- 3. off sales alcohol;*
- 4. protection of children from harm and smoking in the outside decking area;*
- 5. Public safety and glasses being placed on the flood wall which could fall onto passers-by;*
- 6. Lack of a full risk assessment;*
- 7. No guide to the number of customers using the premises which could lead to over crowding;*
- 8. Customers over spilling into town centre*
- 9. The Boathouse does not currently exist and there are no plans for the building.*

Representations were also received in favour of the application from Rick and Maggie Chapman.

Mr A did not attend the hearing today.

Emma Cole and Alex Cole appeared on behalf of the applicant. Mrs Cole said that she had meet with Mr A to discuss his concerns and he seemed quite happy.

Mrs Cole addressed Mr A's representations as follows:

- 1. They had not applied for late opening hours, the opening hours were reasonable and they would be closing at 11pm so customers would be dispersed before this;*
- 2. Mrs Cole comes from a village herself and understands the impact on neighbouring premises and this will be monitored, though of note was that none of the surrounding residential premises had made representations against the application;*
- 3. Mrs Cole did not address the issue of off sales;*
- 4. Mrs Cole said that smoking was not directly related to the licence though admitted that it can cause problems but The Boathouse would be like any other premises which have a designated smoking area;*
- 5. Mrs Cole said that signs would be displayed in relation to glasses being placed on the flood wall, if customers were not adhering to these signs they would be asked to leave. For larger events consideration would be given to using recyclable plastic glasses;*
- 6. Mrs Cole said that a risk assessment had not been submitted though any good business would ensure that a full risk assessment was carried out, as she would;*
- 7. Mrs Cole said that she had discussed crowd numbers with fire safety to make sure the correct policies were in place to monitor numbers;*
- 8. Mrs Cole did not address over spilling into the town centre though said the business would be a family run business and they would work closely with the community;*
- 9. Mrs Cole did not address the plans for The Boathouse.*

The Licensing Officer also confirmed that there is no requirement to submit a risk assessment with a premises licence. Neither is there a requirement to state crowd numbers, fire safety would give advice on this area. Lastly the Licensing Officer confirmed that planning permission had been granted, this was A3 which was for restaurant/café which included the sale of alcohol. Opening hours under the planning permission would be 8am to midnight.

The Sub-Committee listened to what Mrs Cole had to say and also had regard to the written representations from Mr A and the representations in support.

The Sub-Committee also had regard to the statutory guidance and noted in particular that no representations had been received from the police in relation to the prevention of crime and disorder objective, environmental health in relation to noise nuisance or fire safety in relation to public safety. The Sub-Committee gave considerable weight to the lack of representations received from these responsible authorities. Consequently the Sub-Committee determined:

- 1. the opening hours were reasonable for the location;*
- 2. there were currently no issues in relation to noise nuisance demonstrated by the lack of representation from environmental health and surrounding properties;*

3. *the clientele likely to attend The Boathouse were unlikely to cause issues with off sales alcohol demonstrated by the lack of representation from the police;*
4. *the outside smoking area was not substantially enclosed for the purpose of the Smoke-free (Premises and Enforcement) Regulations 2006 and therefore smoking was allowed in the outside decking area and this was not a licensing issue;*
5. *The applicants' commitment to display signs about glasses being placed on the flood wall and the commitment to use plastic glasses for busier events sufficiently addressed any concerns for public safety in this regard;*
6. *a full risk assessment was not required though it was noted that Mrs Cole said there would be a full risk assessment in place;*
7. *Mrs Cole had been working with fire safety in relation to customer numbers and fire safety had not made any representations therefore the Sub-Committee was satisfied that there were no issues concerning overcrowding;*
8. *The Sub-Committee was of the view that the type of business proposed to be run by Mrs Cole would not cause anti-social behaviour and over spilling into the town centre and in particular noted that the police had no objections in relation to the crime and disorder objective;*
9. *Lastly the Sub-Committee was of the view that the plan provided with the application was sufficiently clear as to the premises that the licence would apply to.*

The Sub-Committee was therefore of the view that the conditions proposed in the application were sufficient to promote the four licensing objectives and decided to grant the application consistent with the operating schedule provided with the application.

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."

The meeting concluded at 10:55am

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Chairman