

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, on **Friday, 11 November 2022 at 9:30 am**

Members of the Sub-Committee present:

Councillor Tony Cooper, Councillor John Fisher, Councillor Tony Goldson, Councillor Colin Hedgley

Officers present: Martin Clarke (Legal Advisor), Leonie Hault (Licensing Officer), Jemima Shaw (Trainee Solicitor), Alli Stone (Democratic Services Officer), Nicola Wotton (Deputy Democratic Services Officer)

Others present: The applicant and a family member

1 Election of a Chairman

The Deputy Democratic Services Manager opened the meeting and sought nominations for a Chairman.

On the proposition of Councillor Cooper, seconded by Councillor Fisher it was

RESOLVED

That Councillor Goldson 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

Councillor Cooper declared an Other Registerable Interest, as he was a Member of Leiston Town Council and he was East Suffolk Council's Ward Member for Aldeburgh and Leiston.

4 Declarations of Lobbying and Responses to Lobbying

Councillor Cooper declared that he had been lobbied, in respect of item 5 of the agenda, by local residents and he confirmed that he had not responded to the correspondence received.

5 Variation of Premises License, Engineers Arms, 7 Main Street, Leiston IP16 4ER

The Sub-Committee received report **ES/1339** of the Licensing Officer, which related to an application for a variation to an existing Premises Licence for the Engineers Arms, 7 Main Street, Leiston, IP16 4ER.

The report was presented by the Licensing Officer, who advised that this meeting had been required because 3 representations had been received, in relation to this application. One representation against the application had been received from Leiston-cum-Sizewell Town Council and two representations, including a petition against the application, had been received from 'other persons,' on the grounds that the approval of the application would increase anti-social behaviour and may result in children being placed at the risk of harm.

The Sub-Committee was asked to consider the guidance under Section 182 of the Licensing Act 2003, the Council's current Statement of Licensing Policy and the Human Rights Act 1998 and was asked to determine the application, with the option to:

1. Grant the application, subject to any mandatory conditions, and to those consistent with the application.
2. Grant the application subject to the same conditions, modified to such extent that the Licensing Sub-Committee considers appropriate for the promotion of the licensing objectives.
3. Reject the application.

The Sub-Committee was asked to state its reasons when announcing its decision. The Licensing Officer noted that depending on the Sub-Committee's decision, the applicant, persons that have made representations and the licence holder have rights of appeal to the Magistrates' Court and that under Section 52(11) of the Licensing Act 2003 the Sub-Committee's decision will not take effect until the end of the period given for appealing the decision.

The Chairman invited questions to the Licensing Officer.

Councillor Cooper asked if the Responsible Authorities had been contacted in relation to this application? The Licensing Officer confirmed that it was standard practice for the Responsible Authorities to be contacted. She explained that the Fire Service, Environmental Protection and Public Health had all responded to confirm they had no concerns about the application. The remaining Responsible Authorities would only respond to the consultation if they had an objection.

Councillor Fisher asked for clarification regarding the responses received. The Licensing Officer confirmed that Public Health had responded that they had no concerns. The Fire Service had provided standard comments, such as recommending that an appropriate Risk Assessment was in place. Environmental Protection had provided some advice for the applicant, however, they had not provided a

representation objecting to the application.

The Legal Advisor queried the date that the Responsible Authorities had been notified of the application. The Licensing Officer responded the Responsible Authorities had been informed about the application on 22 September 2022.

There being no further questions for the Licensing Officer, the Chairman invited the Applicants to present their case.

Mrs H stated that they had applied to change their opening hours to 06:00 in order to provide local night-time shift workers the opportunity to have a drink before going to bed. She provided clarification that although a start time of 06:00 had been requested on the application, they actually planned to be open from 07:00 until 11:00. The premises would then be closed to allow them to clean and tidy up. They planned to re-open the premises again at 15:00 until 00:30.

Mrs H reported that she had contacted the people who had raised concerns about their application. Those people had been worried that the ultimate aim for the premises was to have 24 hour opening and she had provided reassurance that this was not the case. However, they were looking into the option of providing a takeaway breakfast/food service. She confirmed that they did not wish to alter the premises closing times and this application to change opening hours was for a trial run, to see how it was received.

The Chairman took the opportunity to ask if the request to change the hours was due to the outage? It was confirmed that it was.

Councillor Cooper asked if the premises provided food or snacks? It was reported that the premises did not have a kitchen, however, it would provide an opportunity for other local businesses to benefit and provide takeaway food which could be consumed on the premises in the large bar area.

The Legal Advisor sought clarification regarding the outage. Mr H confirmed it was when a nearby power station was closed down to undertake an MOT, where everything was checked to ensure that it was safe to operate. The outage would normally last for 12 weeks in total. Mr H confirmed that, if the application was granted, the premises would operate using the new opening hours during the outage and they would then evaluate how it went.

The Legal Advisor asked if the premises had experienced any problems which needed the involvement of the Police or if there had been anti-social behaviour. It was confirmed there were no problems in this respect.

Councillor Cooper asked if Challenge 25 was in use at the premises and it was confirmed that it was. Mrs H also advised that additional signs had been installed, requesting patrons to leave the premises quietly and also to only smoke in the beer garden at the back of the premises.

There being no further questions, the Chairman invited the Applicants to sum up.

Mr and Mrs H confirmed that the earlier opening time would help the business to recover from the Covid lockdowns. The premises was a wet pub only, which made trading more difficult, and they did struggle as they could not provide food onsite. Being able to work with local businesses who provide takeaways, which could then be consumed onsite, would benefit all those involved.

The Chairman then sought confirmation that no objectors were present at the meeting, who may wish to speak in relation to the application and it was confirmed that there were none present.

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:

Mr and Mrs H have applied for a variation to the premises licence at Engineers Arms, 7 Main Street, Leiston, IP16 4ER which would change the following licensable activities to:

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – both on and off sales

<i>Monday to Thursday</i>	<i>06:00 to 00:00</i>
<i>Friday & Saturday</i>	<i>06:00 to 00:30</i>
<i>Sunday</i>	<i>06:00 to 23:00</i>

1.1 EXISTING LICENCED TIMES FOR ACTIVITIES

Sale of alcohol – both on and off sales

<i>Monday to Thursday & Sunday</i>	<i>11:00 to 00:00</i>
<i>Friday & Saturday</i>	<i>11:00 to 00:30</i>
<i>Christmas Eve, All Bank Holidays and Bank Holiday Weekends</i>	<i>11:00 to 01:00</i>

2. PROPOSED OPENING HOURS

<i>Monday to Thursday & Sunday</i>	<i>06:00 to 00:00</i>
<i>Friday & Saturday</i>	<i>06:00 to 00:30</i>
<i>Sunday</i>	<i>06:00 to 23:00</i>

2.1. EXISTING OPENING HOURS

<i>Monday to Thursday & Sunday</i>	<i>11:00 to 12:30</i>
<i>Friday & Saturday</i>	<i>11:00 to 01:00</i>
<i>Christmas Eve, All Bank Holidays and Bank Holiday Weekends</i>	<i>11:00 to 01:00</i>

This Sub-Committee had been held as one representation against the application had been received from Leiston-cum-Sizewell Town Council, and two representations, including a petition against the application, have been received from 'other persons' on the grounds that this would increase anti-social behaviour and may result in children

being placed at the risk of harm. The main concerns are the longer licenced hours in the early hours of the morning and the possibility that this could lead to increased noise and disturbance for local residents, as well as set a precedent for other local businesses in the town. Residents already experience significant disruption in the evenings around the weekend from people exiting local premises at closing time and are concerned that this would be repeated in the early hours of the morning as well.

The Sub-Committee heard from the Licensing Officer and the applicant, and also considered the written representations and objections. No objectors attended the meeting.

The Sub-Committee first heard from the Licensing Officer who confirmed that there had been no objections from responsible authorities.

The applicant stated that the application was to extend their hours to offer night shift workers an opportunity to have a drink before they went to bed. The applicant proposed that they would open the public house at 07:00 until 11:00, then they would close, to allow for them to clean and prepare for re-opening at 15:00. The applicant also contacted the objectors to discuss their concerns, the main concern being anti-social behaviour. To mitigate their concerns, the applicant said they would allow smoking only in the back garden and have signs installed requesting that customers leave the premises quietly.

When questioned the applicant confirmed that they had never had any issues involving the police or with anti-social behaviour.

The Sub-Committees decision

The Sub-Committee, having considered the representations from the applicant and the licensing officer, have decided to grant the application, subject to the following variations, which will apply to both the sale of alcohol and opening hours:

<i>Monday to Thursday & Sunday</i>	<i>07:00 to 00:00</i>
<i>Friday & Saturday</i>	<i>07:00 to 00:30</i>
<i>Sunday</i>	<i>07:00 to 23:00</i>

Reasons for decision

In arriving at this decision, the Sub-Committee has taken into consideration the representations from the applicant, the objectors and the Licensing Officer's report.

The Sub-Committee has decided to vary the requested hours, as the proposed hours could cause public nuisance, due to the proximity of local residents. It was felt that 06:00 could cause too much disruption. The Sub Committee also noted that the applicant planned not to open the premises until 07:00. It is also noted that the applicant operates a Challenge 25 Scheme, which will protect children from harm.

Whilst the Sub-Committee notes the objection in respect to anti-social behaviour and the protection of children from harm, the Sub-Committee recognises that no

responsible authority has objected and in accordance with point 9.12 of the Statutory Guidance the Sub-Committee considers the absence of any objection to carry great weight, in particular the Sub-Committee would have expected the Police and/or the Council's Environmental Protection Team to object if they have any concerns.

The Sub-Committee also noted Paragraph 6.1 of the local guidance provides guidance that the Sub-Committee should not seek to restrict the trading hours of a premises unless it is appropriate to promote the licensing objectives. Given the above, the Sub-Committee is of the opinion that the Licensing Objectives can be met with the amended license hours.

Should any issues occur in the future, the license could be reviewed.

In making its decision the Sub-Committee considered the Council's own licensing guidance and statement of licensing policy, as well as the Statutory Section 182 guidance, and Human Rights Act 1998.

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 10.36 am

.....
Chairman