

**Unconfirmed**



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, Riduna Park, East Suffolk House, Melton, on **Thursday, 04 July 2019 at 10:00am**

**Members of the Sub-Committee present:**

Councillor Jocelyn Bond, Councillor John Fisher, Councillor Mark Newton, Councillor Keith Robinson

**Officers present:**

Teresa Bailey (Senior Licensing Officer), Matt Makin (Democratic Services Officer), Kerry Woollett (Legal Advisor)

**Others present:**

Mr El Mahraoui (Applicant), Mr F (Interested Party), Mr S (Interested Party)

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**1 Election of a Chairman**

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

**RESOLVED**

That Councillor Mark 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 Application for a new premises licence: Coffeelink, Tide Mill Way, Woodbridge**

The Chairman asked the members of the Sub-Committee and the Officers present to introduce themselves. The Chairman also invited the Applicant, Mr Azouz El Mahraoui, and the representatives of the interested parties, Mr S and Mr F, to also introduce themselves. All parties confirmed that they had received the meeting papers; Mr El Mahraoui confirmed he did not wish to withdraw the application, and Mr S and Mr F confirmed that they did not want 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 Chairman noted that Councillor Bond was present as the Substitute for the hearing. He explained that the reason for a Substitute was that if anything happened to a member of the Sub-Committee before the hearing commenced, or during it, the Substitute could take their place. He stated that Councillor Bond would remain for the duration of the hearing and would retire with the Sub Committee when it was considering its decision, for training purposes, and asked if there were any objections to the Substitute retiring with the Sub-Committee. No objections to this were made.

The Sub-Committee received report **ES/0055** of the Cabinet Member with responsibility for Community Health. The report was presented by the Senior Licensing Officer, who stated that a hearing was required as five representations had been received against the application within the statutory twenty-eight 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 El Mahraoui, to present Coffeelink Ltd's application for a Premises Licence. Mr El Mahraoui stated that the company had been formed in 2005 and had a reputation of being a good neighbour in the communities where it had retail units. He noted that the unit in question was the company's latest opening and that significant effort had been made to do this successfully, considering that most of the local community was happy with the decoration and installation of the unit.

Mr El Mahraoui described the application for a Premises Licence as a progression of the company catering to its customers' needs. He accepted the concerns raised and was not dismissive of them but considered that the granting of a Premises Licence would not cause anti-social behaviour. He said that the customers of Coffeelink were civilised and was of the opinion that the concerns submitted through the representations were exaggerated. Mr El Mahraoui was clear that Coffeelink would never encourage anti-social behaviour and would not serve inebriated customers.

Mr El Mahraoui said that Coffeelink wanted to be a part of the community's mix and felt lucky to be part of the local community. He was disappointed that a hearing had been required but was happy to abide by the rule of law. Mr El Mahraoui stated that Coffeelink added value to wherever it was located and wanted to grow as a business and would be held accountable for any transgressions regarding any Premises Licence granted. He concluded by saying that he was happy to answer questions.

The Chairman invited questions to Mr El Mahraoui.

Following questions from members of the Sub-Committee, Mr F, and Mr S, it was confirmed by Mr El Mahroui that he would be happy for an earlier time to be placed in the operation schedule regarding the cut-off for bins to be emptied, considering the time of 11pm stated in the report to be an error. It was noted by the Senior Licensing Officer that the emptying of bins was not itself a licensed activity but could be taken into consideration in terms of the applicant meeting the licensing objective relating to

public nuisance. When asked by the Legal Advisor, Mr El Mahraoui stated that he would be content with a cut-off time of 8pm.

The Legal Advisor sought the views of Mr F and Mr S regarding the resolution that had been found. Mr S was unsure if the resolution would resolve the issue, noting previous issues around the bin storage for Coffeelink, with large bins being left outside of the unit's area before an arrangement was put in place for Coffeelink to share the flats' bin store. He queried if increased waste storage would be required should a Premises Licence be granted; Mr El Mahraoui apologised for the earlier problems regarding bin storage. At this point, Mr F noted that the Coffeelink bins were emptied early on a Thursday alongside the other bins in the store and that refuse from Coffeelink had not been an issue of late. When prompted by the Chairman, Mr El Mahraoui confirmed that there would be an increase in glass recycling; Coffeelink was acknowledged by the Carbon Charter for recycling and Mr El Mahraoui considered that the increase would only be marginal.

In response to a question from a member of the Sub-Committee, Mr El Mahraoui confirmed that both table and counter service was provided for those customers using outdoor seating.

The Legal Advisor highlighted the red line denoting the extent of the premises and asked if this included the outside seating area, and if there was a need for off-licence conditions. The Senior Licensing Officer advised that the point of sale was the licensable element and this would be inside the Coffeelink unit; consumption of alcohol was not a licensable activity and she confirmed that the application did not include any conditions for the sale of alcohol to be consumed off the premises. It was confirmed to Mr S that alcohol sold by Coffeelink would therefore have to be consumed within its curtilage and that the licensee would be expected to encourage customers to do so. Mr El Mahraoui stated that he would ensure that the conditions of any licence were adhered to, and was not anticipating the sort of behaviour suggested by Mr S. He said that the purpose of the Premises Licence was not purely to make profit and that Coffeelink wanted to engage positively with the local community.

The Legal Advisor sought further information from Mr El Mahraoui regarding comments in the representations in respect of noise when staff members had been clearing up the premises. Mr El Mahraoui apologised for the loud music that had been reported and commented that there was no sound system in the premises, and that staff members had been playing music through mobile phones. He said that he would speak to all staff members to ensure that this would not happen again and offered to share his contact details with local residents so they could contact him directly on this and other matters. Mr S noted that this had been a very real nuisance and was glad it had stopped.

Mr S said that he had noticed a Coffeelink table underneath his window earlier in the day and suggested that the outside seating area was creeping beyond the unit's curtilage. Mr El Mahraoui established the tables that Mr S was referring to and said that he would take action to make sure that all seating was within the established boundary.

There being no further questions to Mr El Mahraoui, the Chairman invited Mr S to address the Sub-Committee.

Mr S advised the Sub-Committee that he lived in a three-bedroom flat in Deben Wharf; the master bedroom of this flat was directly above the Coffeelink unit and its rooms, windows, and balcony all faced the square. He said that it was essential he was able to open windows to provide adequate ventilation, and when moving into the property he had done so knowing that there would be sound and activity below the flat. He said he had been reassured at the time as Coffeelink would be providing both hot and cold drinks and snacks, which he deemed acceptable. He said that this had largely been the case, however fumes entering his flat from smokers and vapers had been a nuisance. He described the area as tranquil and quiet enough that conversations from Coffeelink customers could be heard in his flat and noted that the position of the unit meant that anyone entering the square was required to pass it.

Mr S said that he had been alarmed by the operating schedule contained in the report and had concerns about the impact of proposals around CCTV installation, signage, lighting, and bin collection arrangements. He considered that the introduction of alcohol sales would have adverse consequences for local residents; it was Mr S's opinion that it would cause an increase in smoking which would cause more fumes to enter his flat. He said that the majority of local residents were retired persons like himself, who would spend a lot of time in their homes. Mr S stated that the prospect of local homes being ruined was unthinkable and appalling.

The community aspect created at Whisstocks was described by Mr S as being unique and he was of the opinion that the introduction of alcohol sales would be detrimental to the family and community orientated nature of the public space, which he said deserved vigilant and robust protection from the Council in the interests of the wider community as a whole.

Mr S proposed that, should the Sub-Committee be minded to approve the application, it visited the site first. He said he would welcome Members into his home to view the impact that the unit had. He considered that a site visit would prove the Sub-Committee's decision was democratic when making a decision that impacted the local community.

The Chairman invited questions to Mr S.

The Chairman asked Mr S why he thought that alcohol sales will increase smoking on the site. Mr S said that he had noted many other establishments that served alcohol had large numbers of customers smoking immediately outside the premises and had made the assumption that the consumption of alcohol would increase smoking levels.

Mr El Mahraoui noted that the Boathouse Restaurant would be opening nearby soon and asked Mr S what his opinion was on this. He replied that people would be consuming alcohol there as part of a meal whereas there would not be such a requirement for customers buying alcohol at Coffeelink, and that they also would not want to sit inside to consume the alcohol. The Senior Licensing Officer sought to clarify to the Sub-Committee that the Boathouse had been granted a Premises Licence and

that there was no condition on this licence for customers to purchase a table meal in order to purchase alcohol.

The Chairman invited Mr El Mahraoui to sum up the application.

Mr El Mahraoui reiterated Coffelink's desire to be part of the community and to support residents. He said that if any anti-social behaviour relating to the premises was affecting local residents, he welcomed them to contact him so that he could address the issues as best he could. He noted that Coffeelink had operated a retail unit at Neptune Quay in Ipswich for a number of years and was considered a good neighbour there. It was stated that there was no desire to turn the premises in Woodbridge into a pub or restaurant and that the licence would allow Coffeelink to sell items such as Irish Cream Coffee. Mr El Mahraoui said that Coffeelink would always be a coffee shop first and foremost. He concluded by saying that steps would be taken to ensure that the premises did not adversely impact on residents.

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

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

*"Coffeelink Limited has applied for a premises licence at Coffeelink, Unit 2a, Deben Wharf, Tide Mill Way, Woodbridge, IP12 1BY.*

*There was a need for a hearing as five representations had been received against the application. The representations related to noise at the premises, pollution from smoking, and anti-social behaviour in the nearby square.*

*The applicant told the Sub-Committee that the company had been operating since 2005. It had a history of being a good member of the community and they intend to serve their customers in a civilised manner, and they would not be serving intoxicated persons and will not encourage anti-social behaviour.*

*The applicant confirmed that he would be happy with an amendment to the condition proposed in relation to prevention of public nuisance, such that the movement of bins and rubbish outside the premises will be kept to a minimum after 8pm, rather than 11pm.*

*The applicant confirmed there would be more refuse generated as a result of the sale of alcohol, though he was committed to dealing with this by way of recycling.*

*He also confirmed that there would be both table and counter service and that persons would be able to consume alcohol on the tables immediately outside the premises. The Senior Licensing Officer confirmed that the consumption of alcohol was not a licensable activity and that the Licensing Authority would expect Premises Licence holders to encourage their customers to consume alcohol within the premises.*

*The applicant reiterated what the Senior Licensing Officer had said, in that he would encourage customers to consume alcohol within the allocated seating area.*

*Furthermore, the applicant did not expect the type of customers that would wander off and cause anti-social behaviour.*

*The applicant apologised for any noise issues which may have been caused by staff members playing music whilst cleaning up. He confirmed that this would not happen again. He also apologised for any previous issues relating to the location of outdoor seating and confirmed that in the future this would stay within the boundary of the premises. He said he did not want to cause any problems for local residents and encouraged residents to engage with him should there be any issues and was happy to provide them with his contact information.*

*Mr S addressed the Sub-Committee. Of importance were his concerns regarding smoking; Mr S was of the view that smoking would increase due to the consumption of alcohol.*

*The Sub-Committee had regard to the Officer's report, the written representations, and listened to what the applicant and the persons making representations had to say during the hearing.*

*The Sub-Committee also had regard to its Statement of Licensing Policy and Section 182 Statutory Guidance.*

*The Sub-Committee agreed with the applicant that the type of premises, and the type of clientele, would be unlikely to cause any anti-social behaviour. Given the proposed opening hours, the Sub-Committee was also of the view that any noise generated from the premises or customers using the premises would not undermine the licensing objective of preventing public nuisance.*

*The Sub-Committee did not accept Mr S's argument that smoking would necessarily increase with alcohol consumption, as people are able to smoke whilst drinking non-alcoholic beverages to the same extent that they would if drinking alcohol. The Sub-Committee therefore gave little weight to this representation.*

*However, the Sub-Committee was mindful that customers were presently smoking in areas which could cause nuisance to residents living above the premises. Whilst it did not consider it appropriate to attach any conditions to the licence at this stage, the Sub-Committee would encourage the applicant to move the smoking area to a location that would minimise impact on local residents.*

*The Sub-Committee therefore determined to grant the Premises Licence, subject to the prevention of public nuisance condition suggested by the applicant being amended so that the movement of bins and rubbish outside the premises will be kept to a minimum after 8pm, rather than 11pm.*

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

*Date: 4 July 2019"*

The meeting concluded at 11:54am.

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Chairman