

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, Melton on **Thursday, 21 July 2022 at 10.00am**

Members of the Sub-Committee present:

Councillor Edward Back, Councillor Colin Hedgley, Councillor Russ Rainger, Councillor Keith Robinson

Officers present:

Ben Bix (Democratic Services Officer), Martin Clarke (Legal Advisor), Leonie Houtt (Licensing Officer), Matt Makin (Democratic Services Officer)

Others present:

The applicant

1 Election of a Chairman

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

RESOLVED

That Councillor Edward Back 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

No declarations of lobbying were made.

5 Variation of Premises License, L'Escargot Sur Mer Ltd, 152 High Street, Aldeburgh, IP15 5AQ

The Committee received report **ES/1222** of the Licensing Officer, which related to an application for the variation of the premises licence at L'Escargot Sur Mer Ltd, 152 High Street, Aldeburgh.

The Licensing Officer introduced the report and explained that a hearing had been required as two representations against the application had been received by other persons. The Sub-Committee was informed that following discussions between the application and one of these persons, one of the representations had been withdrawn on 13 July 2022. As the other representation had not been withdrawn, the hearing was still required.

The Sub-Committee was asked to decide the application by either:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

When making its decision, the Sub-Committee was asked to take into account the guidance issued under Section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy and the Human Rights Act 1998, and to state the reasons for its decision.

There were no questions to the Licensing Officer from the Sub-Committee or the applicant.

The Chairman invited questions from the Legal Advisor.

The Licensing Officer confirmed that all responsible authorities had been notified of the application and except for the Council's Environmental Protection team, all had responded to state they had no issues with the application. The Sub-Committee was advised that the Environmental Protection team had initially objected to the application but had withdrawn this representation following the applicant agreeing to an additional condition Environmental Protection had recommended.

The Chairman invited Mr P, representing the applicant, to address the Sub-Committee.

Mr P explained that he had moved to Aldeburgh several years previously and had been presented with the opportunity to renovate the premises. Mr P noted that only two letters of objections from other persons had been received and that following discussions with Environmental Protection, an additional condition had been agreed about the use of the first-floor external terrace to assuage their concerns.

Mr P acknowledged the concerns raised by objectors about the impact of live music being played on the terrace; he explained that he was not trying to create a nightclub or beach bar and any live music would be on a small scale, considered on a case-by-case basis.

Mr P confirmed that the premises would be considerate to neighbours and highlighted that he had already reached out to one of the objectors to see what compromises could be made.

The Chairman invited questions to Mr P from the Sub-Committee.

Mr P stated that the total capacity for the venue would be 160 persons and considered that approximately 30 persons would be accommodated on the terrace, noting this was subject to the completion of renovation works.

Mr P advised that there would be no provision for amplified sound and was looking to provide concert/recital type live music.

Mr P confirmed that the ground floor area of the premises would be opening on 9 August 2022 and that the other areas would open later in the year.

The Chairman invited questions to Mr P from the Licensing Officer.

Mr P confirmed that there would be no provision for amplified music on the terrace and acknowledged that this was not a licensable activity between 08.00 and 23.00.

The Chairman invited questions to Mr P from the Legal Advisor.

Mr P said that performers would not be allowed to bring their own amplification equipment to the venue and that he would monitor sound levels through an app on his smartphone.

The Chairman invited the Licensing Officer to sum up; she had nothing further to add.

The Chairman invited Mr P to sum up; he had nothing further to add.

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:

"L'Escargot Sur Mer Ltd has applied for a variation to the premises licence at L'Escargot Sur Mer, 152 High Street, Aldeburgh, IP15 5AQ which would change the following licensable activities to:

Supply of Alcohol (on & off sales)

Existing (On Sales) – Monday to Sunday 12:00 to 23:00

With an additional hour on Bank Holiday weekends Friday to Monday inclusive, Christmas Eve and New Years Eve.

Existing (Off Sales) – Monday to Sunday 11:00 to 21:00

This is from the East Coast Store only and will remain the same.

Proposed (On & Off Sales) – Monday to Sunday 12:00 to 23:00

With an additional hour on Bank Holiday weekends Friday to Monday inclusive, Christmas Eve and New Year's Eve.

Proposed (On Sales for residents only) – Monday to Sunday 00:00 to 00:00

Live music (indoors & outdoors)

Monday to Sunday 23:00 to 00:00

This only applies on Bank Holiday weekends Friday to Monday inclusive, Christmas Eve and New Year's Eve.

Recorded music & late-night refreshment

The days and times have not changed from the existing licence and these times have been provided below. However, these activities will now be required in the new areas to be licenced within the premises.

Recorded music (indoors & outdoors)

Monday to Sunday 23:00 to 00:00

This only applies on Bank Holiday weekends Friday to Monday inclusive, Christmas Eve and New Year's Eve.

Late night refreshment (indoors & outdoors)

Monday to Sunday 23:00 to 00:00

An additional hour on Bank Holiday weekends Friday to Monday inclusive, Christmas Eve and New Year's Eve.

The application also seeks to extend the licensable area, which would apply to all currently licensed activities.

This Sub-Committee has been held as two representations against the application have been received from other persons. Following discussions between the applicant and one of the objectors, one of these representations was withdrawn on 13 July 2022. The other representation was not withdrawn and concerned potential for live and recorded music being played on the outdoor terrace to be detrimental to the surrounding properties.

A representation from a responsible body was received, namely Environmental Protection. However following negotiations, the applicant agreed to a further condition that the first-floor external terrace shall not be used outside of the following hours:

Sunday to Thursday 07:30 to 22:00

Friday to Saturday 07:30 to 22:30

Upon this condition being agreed, Environmental Protection withdrew their objection to the application.

The Sub-Committee heard from the Licensing Officer, who summarised the report. The Sub-Committee also heard from the representative for the applicant, who indicated

that they were not planning to use the terrace for amplified music and that the events would be selective.

In addition, the applicant's representative stated that the capacity of the terrace would be approximately 30, subject to works being completed. The objector was not in attendance but their representation was made available to the Sub-Committee for consideration.

The Sub-Committees decision

The Sub-Committee, having considered the representations from the Licensing Officer and the applicant's representative, has decided to grant the application, subject to the following additional condition.

The first-floor external terrace shall not be used outside of the following hours:

Sunday to Thursday 07:30 to 22:00

Friday to Saturday 07:30 to 22:30

The Sub-Committee notes the objector's concern that the use of the terrace for live and recorded music will be detrimental to the surrounding properties, however it notes that the applicant has met with Environmental Protection and has agreed to the above additional condition regarding the use of the external terrace. This additional condition has satisfied Environmental Protection, causing them to withdraw their objection.

Following paragraph 9.12 of the statutory guidance, licensing authorities must consider all representations from responsible authorities carefully and the Sub-Committee places great weight on the fact that the proposed additional condition has satisfied Environmental Protection, and the Sub-Committee considers that the granting of the licence with the additional condition will enable the licensing objectives to be met.

The Sub-Committee also acknowledges that the applicant has engaged in constructive communications with one of the objectors and reached an understanding with them, causing them to withdraw their representation. This indicates that the applicant is likely to act reasonably in dealing with any concerns, however if there are justified concerns in the future then the licence may 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.

Please note that any licence is always subject to review if circumstances require it.

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

Date: 21 July 2022"

The meeting concluded at 11.07am.

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Chairman