

**Unconfirmed**



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, on **Monday, 27 November 2023** at **2:00 PM**

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

Councillor Colin Hedgley, Councillor Mark Jepson, Councillor Ed Thompson

**Officers present:** Teresa Bailey (Senior Licensing Officer), Martin Clarke (Licensing Manager and Housing Lead Lawyer), Jodie Fisher (Licensing Officer), Katy Cassidy (Democratic Services Officer), Matt Makin (Democratic Services Officer (Regulatory))

**Others present:** The Applicant, The Objectors

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**1 Election of a Chair**

The Democratic Services Officer (Regulatory) opened the meeting and sought nominations for a Chair.

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

**RESOLVED**

That Councillor Mark Jepson be elected as Chair of the Licensing Sub-Committee for the meeting.

**2 Apologies for Absence**

Apologies for absence were received from Councillor Lee Reeves and Councillor Tim Wilson.

**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 New Premises Licence - Kesgrave Social Club, Edmonton Road, Kesgrave Ipswich  
Suffolk IP5 1EE**

The Sub-Committee received report ES/1744 of the Licensing Officer, which related to an application for a new premises license at Kesgrave Social Club.

The Chair invited the Licensing Officer to summarise the report. The Sub-Committee was advised of the details of the application and that a hearing had been convened as one relevant representation had been received. The Licensing Officer noted that the applicant had been provided with a copy of the representation and that there had been no objections to the application from any of the responsible authorities consulted.

The Sub-Committee was informed that when taking its decision it was required to consider the guidance issued under Section 182 of the Licensing Act 2003, the Council's current Statement of Licensing Policy and the Human Rights Act 1998, giving full reasons should it have reason to depart from these points.

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

1. Granting the application subject to any mandatory conditions and to those consistent with the application.
2. Granting the application subject to the same conditions but modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives
3. Rejecting the application. The Sub-Committee was asked to state its reasons when announcing its decision.

The Sub-Committee was asked to state its reasons when announcing its decision.

The Chair invited questions to the Licensing Officer. There were no questions of the Licensing Officer from the Committee or the Applicant. In response to questions from the Legal Advisor, the Licensing Officer confirmed that all responsible bodies had received the application and there had been no historic complaints, the first complaint was received in July 2023.

The Chair invited the applicants to make their representation. The applicants stated that as a club they felt they were doing all that they could to prevent any problems occurring; there were signs displayed with the club rules and regulations. They addressed the issue of public safety due to parking and recognised that parking during the day was a problem, however, this was not to do with the social club, it was related to the public using the nearby café. The applicants had tried to mitigate the parking issues by allowing the café access to their carpark at less busy times. The applicants recognised that there were increased visitors at weekends due to the county darts meetings and on occasions coaches did cause access issues. The applicants confirmed that children could not use the club in the evenings unless there were social events, and that they were not aware of children using the play area when the club was not open. In the summer months the club had held functions where children were outside playing, meaning the outside seating was busy, adding that this was a gated area and

would be closed if children were attending functions. The applicants stated that the main gates on to the road were only open for loading/unloading, otherwise they were kept locked.

The applicants confirmed that they had signage displayed, which made it clear that parents were responsible for looking after their children, adding if there were ball games being played and the ball needed to be retrieved from outside the club's premises, children were not encouraged to do so.

The Chair invited questions to the applicant. The Chair asked why they were changing their licence. In response, the applicant stated that their current licence did not allow the general public to come in and use the facilities and they wanted to encourage new customers for the club's growth and development. In response to a question from the Chair, the applicant confirmed that the car park held 49 vehicles, including 6 disabled spaces.

The applicants confirmed that the club had been operating for several years, having opened just after the war. In response to a question from Councillor Hedgley they informed the Committee that the bar staff or on-duty member was responsible for enforcing the club rules during opening hours, adding there was always a committee member on duty if there was a function and they were vigilant at dealing with issues.

Councillor Hedgley sought clarification on the changing hours and it was confirmed that the only change was on a Saturday night where it was proposed that the midnight closure be changed to 12:30am. The Licensing Officer confirmed that the activities to be added were indoor sports and performance of dance. Performance of dance was described as performance of dance for an audience and recorded music was defined as putting something on for an audience, eg band or disco at a volume above conversational level.

The Chair asked about the marshalling of the smoking areas. The applicants confirmed that there were two smoking areas within the club grounds, both of which were partially covered and that signs were displayed asking customers to be considerate of noise levels.

The Licensing Officer recognised that signs were good but questioned the applicant as to whether they had staff that carried out regular patrols. The applicant confirmed that there was no policy for regular patrols, however most of the time the committee dealt with situations as they occurred. The applicants stated that they tried to keep the doors closed at all times unless it was too hot and that they didn't feel that noise was a problem, the main problem they had to deal with was excess litter.

The Objector asked the applicants how they enforced the use of the smoking areas as they hadn't witnessed that happening. The applicant confirmed that they had ashtrays available near the outside seating and as members were smoking outside they were following the law.

Following the complaint to the licensing authority in July, the Legal Advisor asked the applicants whether they had made any steps to resolve the matter with the Objector. The applicants stated that they reinforced the closing of the doors and only

on occasions during the hot weather were the doors pushed open, adding they carried out regular checks.

The Legal Representative asked about the complaints process, specifically asking if there was a way for the public to complain when the bar was open. The applicants confirmed that the usual process was someone would come into the club and ask to speak to a staff member, they added that the number was displayed on the board outside the premises.

The Chair stated that there was a balance to be considered which was whether the noise was inconvenient or illegal.

On the proposition of Councillor Hedgley, seconded by Councillor Thompson, it was by a unanimous vote

### **RESOLVED**

That under Regulation 14 of The Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from this part of the hearing as it was considered that the public interest in doing so outweighed the public interest in the part of the hearing taking place in public.

The Committee heard from the objector who made his representation, following questions to the objector the Committee resumed in public session.

The Chair asked those present to sum-up. The Licensing Officer confirmed that this was an application for a premises licence and that the club premises certificate was already in place, the application was for indoor sports, dance and recorded music and extending the hours for half an hour on a Saturday night. The Licensing Manager added that the club policies were not currently properly enforced.

When asked for further comment, the applicants added that on Saturday evenings when the noise was most prevalent, they have given the band a limit and asked them to reduce the volume if became too loud. On one instance where the band did not oblige, they did stop the live music. They stated that they did not encourage the bands to raise the music level at the end of the evening.

The Sub- Committee adjourned, with the Legal Advisor and the Democratic Services Officer, to consider its decision. On its return the Chair read the following decision notice:

The Applicant has applied for a new premises licence at Kesgrave Social Club, Edmonton Road, Kesgrave, Ipswich Suffolk IP5 1EE to permit the following licensable activities, indoor sporting events, live music, recorded music, performance of dance, supply of alcohol on-sales.

The Sub-Committee has been held as one representation against the application had been received from a local resident. The representation had referred to concerns

around increased noise from the premises as people leave the premises, loud noise levels from the amplification system and ignorance by the licence holders to the impact of the commitments undertaken and the nuisance caused to neighbouring homes.

The Sub-Committee first heard from the Licensing Officer, who summarised the report and indicated that this premises had operated since prior to the Licensing Act coming into force before 2005. There had been no complaints until July 2023. No responsible authority had objected or made any comment in relation to the application.

The Sub-Committee also heard from the applicant who stated that they are applying for a premises licence so they can allow members of the public onto the premises. They feel that they are doing what is reasonable to keep noise to a minimum. They have asked bands when rehearsing to keep noise to a reasonable level. They have signage in place to ask parents to keep control of their children, they ask the smokers to keep the noise down and remain in the smoking area. They also have committee members and bar staff on premises at all times licensed activities are taking place who can monitor any noise. They did not consider that the parking during the day was down to them and parking in the evenings would only be if there was a social event.

The Committee then heard from the objector who stated that they had moved into the neighbouring property in July 2023. The noise was keeping the family up, it was worse in the summer when the doors of the club were open whilst music was playing and also there was noise from the smoking area and from children. He had been to complain on two occasions and had been asked to leave on one of those occasions. He had not complained to Environmental Health as he was not aware of the options available to him.

### **The decision of the Sub-Committee**

The Sub-Committee, having considered the application have decided to grant the application subject to the following additional conditions being necessary for the prevention of public nuisance:

1. A responsible person shall monitor the music levels outside the building and implement any changes and ensure that the volume is maintained at the reduced level.
2. The Licensee will provide and maintain signage on the premises requesting that patrons leave the area quietly.
3. The Licensee will carry out regular checks inside/outside the premises and clear any litter.
4. There shall be no live music, no playing of recorded music and no other musical entertainment of a similar description held outdoors unless previously agreed in writing with the Licensing Authority.
5. The volume of the amplification system shall be strictly controlled so that noise

levels are non-intrusive at nearby residential properties.

6. The windows of the function room used for the playing of music shall be kept closed when musical entertainment (other than background music) is taking place.

7. The external doors to any function room used for the playing of music shall be kept firmly closed when musical entertainment (other than background music) is taking place.

8. In the event that additional ventilation is necessary to the function room. A detailed scheme shall be submitted to the Environmental Protection Section and only an approved scheme shall be fitted.

### **Reasons for decision**

In arriving at this decision, the Sub-Committee has taken into consideration the representations of both the applicant and objector as well as the Licensing Officer's report. 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 guidance, and Human Rights Act 1998.

The Sub-Committee notes that the premises has been operating since 2005 under a Club Premises Certificate and there have been no complaints until July 2023. The Sub-Committee however notes the objector has made complaints regarding noise in particular from doors being left open whilst licensed activities are taking place. The Sub-Committee, however, feels that the rights of the objector and the applicant can be balanced by the licence being granted subject to the above conditions and that the above conditions will ensure that the licensing objectives, in particular for the prevention of public nuisance, are being promoted.

The Sub-Committee notes that the objector has not previously complained to East Suffolk Council Environmental Health and would suggest that any further complaints regarding public nuisance should be directed to them in the first instance as they are the experts in this field. This however does not preclude any complainant making the complaint directly to licensing if they wish.

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

Date: 27 November 2023

The meeting concluded at 3:55 PM

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Chair