

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Conference Room, Riverside, Lowestoft on **Thursday, 21 October 2021** at **10.00am**

Members of the Sub-Committee present:

Councillor Linda Coulam, Councillor Janet Craig, Councillor John Fisher, Councillor Russ Rainger

Officers present:

Martin Clarke (Acting Legal and Licensing Services Manager), Leonie Hoult (Licensing Officer), Matt Makin (Democratic Services Officer), Alli Stone (Democratic Services Officer)

Others present:

The Applicants

1 Election of a Chairman

On the proposition of Councillor Coulam, seconded by Councillor Craig it was

RESOLVED

That Councillor John Fisher be elected as Chairman for the meeting.

2 Apologies for Absence

There were no apologies for absence.

3 Declarations of Interest

Councillor Judy Cloke was in attendance in the capacity of representing the applicant, as the Chair of Bungay Community Centre Trustees; she declared her membership of East Suffolk Council.

4 Declarations of Lobbying and Responses to Lobbying

Councillor Judy Cloke was in attendance in the capacity of representing the applicant as the Chair of Bungay Community Centre Trustees; she declared that she had not lobbied any member of the Sub-Committee on the application.

Councillor Cloke had been lobbied by email on the application by objectors, in her capacity as applicant, and had responded to the emails in the same capacity.

New Premises Licence: Bungay Community Centre, Old Grammar Lane, Bungay, NR35 1PU

The Sub-Committee received report **ES/0923** of the Acting Legal and Licensing Services Manager.

The Licensing Officer introduced the report. An application had been made for a new premises licence for Bungay Community Centre, Old Grammar Lane, Bungay, NR35 1PU, and a hearing was required as four relevant representations against the application had been received. One of the representations had been received from a responsible authority, namely the Council's Environmental Protection Team.

The Licensing Officer advised that on 19 October 2021, following discussions with the Environmental Protection Officer the applicant had agreed to amend the proposed times for the sale of alcohol. On 20 October 2021, the objectors were informed of the proposed changes to the application as were the members of the Sub-Committee. The Environmental Protection Officer was minded to withdraw their objection if these amendments were applied. One of the objectors had also withdrawn their objection.

Further comments from another objector, amplifying their original comments, had been received and provided to the Sub-Committee and the applicant. The Licensing Officer confirmed that as not all of the representations had been withdrawn, the hearing was still required.

The Sub-Committee was asked to determine the application taking into consideration 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 and was asked to give full reasons for departing from these if doing so.

The Sub-Committee was asked to determine this application by:

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; or
3. By rejecting the application.

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

The Chairman invited questions to the Licensing Officer from the Sub-Committee.

The Licensing Officer confirmed that the solid red line on the site map indicated the area in the premises where alcohol can be sold and consumed and the dotted line denoted where alcohol could only be consumed.

There were no questions to the Licensing Officer from the applicant.

The Chairman invited questions to the Licensing Officer from the Legal Advisor.

The Licensing Officer advised that all responsible authorities had been consulted on the application and no objections had been received, save the representation from the Environmental Protection Team.

The Chairman invited the applicants to present their case. The applicants were represented by the Chair of Bungay Community Centre Trustees and a Trustee.

The Chair of Trustees noted she was also an East Suffolk Councillor and confirmed she was speaking in her capacity as the Chair of Trustees; she stated that she had not responded to the application as the Ward Member for the area.

The Chair of Trustees highlighted the significant efforts over the previous thirty years to construct a new building for the Bungay Community Centre, which had previously been located in an old US Air Force building since the 1930s.

The new building was not a direct replacement but was located on land that had been the playing fields of the former Grammar School, which had been gifted by Suffolk County Council. Planning permission was obtained in 2011 and following significant fundraising, construction of the new centre began in February 2020, resulting in what the Chair of Trustees considered to be a building the town could be proud of. The Chair of Trustees also noted the housing that had been built on the site of the Grammar School.

The Chair of Trustees advised the Sub-Committee she had received correspondence, both written and verbal, from one set of objectors on how pleased they were with the new centre and the positive effect it had caused on tackling anti-social behaviour in the area through the lighting and CCTV that had been installed. One of these objectors had also offered, on more than one occasion, to be caretaker and keyholder for the centre; this offer was declined as arrangements had already been put in place.

The Chair of Trustees highlighted that these objectors had then later complained about the noise from a disco held at the centre; she advised that the centre's caretaker had been present at this party and had informed her that he had been able to sit at a table and comfortably converse with friends, suggesting the noise was not excessive. Since that complaint, a trustee has been on site for parties held at the centre to monitor noise levels.

The Chair of Trustees explained that the premises licence had been applied for to allow for off-sales from the farmers market held at Bungay Community Centre and the sale of alcohol at events held at the centre, such as weddings, wakes and rotary club events. Previously, Temporary Event Notices (TENs) had been applied for to deal with such events. The original operating hours of 9am to 11pm had been applied to cover all scenarios and the Chair of Trustees said there had never been any intention to sell alcohol at Bungay Community Centre seven days a week. Following negotiations with the Environmental Protection Team, the Chair of Trustees confirmed that the proposed hours had been changed to 9am to 7pm.

The Chair of Trustees considered the allegations of drug misuse in the area had been exaggerated by the objectors; she had consulted local Police who had confirmed there

had been no reports of drug related incidents in the area since the centre had been built. The Chair of Trustees acknowledged that windows at the centre had been broken but had been advised by the glazier who replaced them that the damage was consistent with stones being flicked up by a mower and had not been caused by vandalism. Graffiti on the site had been part of a larger campaign across Bungay and not isolated to the centre.

The Trustee endorsed what the Chair of Trustees had said and noted her hard work to make the new centre a reality. The Trustee said that the new centre was welcomed and valued by the community and was already well-used by a number of groups but needed to be financially viable to survive and would achieve this by attracting a volume and diverse group of hirers.

The Trustee was disappointed by the small number of objections and considered that the concerns were not widely shared in the area. The Trustee questioned the strength of the concerns, as none of the objectors had elected to attend the meeting and noted that the objectors had declined to engage with Bungay Community Centre Trustees to allay concerns.

The Chairman invited questions to the applicant from the Sub-Committee.

The Chair of Trustees confirmed there had been no Police callouts to the centre since it had opened. The Chair of Trustees advised that complaints from objectors had been received in respect of three parties held at the centre.

The Chair of Trustees said that not being able to operate beyond 7pm could impact on the financial viability of the centre but acknowledged that a TEN could be obtained for events beyond that time. The Legal Advisor confirmed to the Sub-Committee that only responsible authorities were notified of TEN applications.

The Chair of Trustees confirmed that the 9am start was to accommodate the farmers market held at the centre once a month on a Saturday from 9am to 1pm. The Chair of Trustees noted there are also various functions at the centre each month and there was a bar in place for hirers to use; the centre did not employ bar staff or stock alcohol on the site.

There were no questions to the applicants from the Licensing Officer.

The Chairman invited questions to the applicants from the Legal Advisor.

The Chair of Trustees confirmed that of the three objectors, only one had contacted her directly.

The Chair of Trustees said that the centre would be happy to operate a "Challenge 25" scheme.

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

The Chairman invited the applicants to sum up.

The Chair of Trustees said that Bungay Community Centre's business was reliant on hiring the centre out to local people for events and was a fantastic facility for the area. The Chair of Trustees said that not having a licence would limit the stalls at the farmers market and the use of the centre for certain events without a TEN for each event, noting that only 15 TENs per year could be applied for. The Chair of Trustees said not having a licence would result in the building not being able to be used for its primary purpose.

The Sub-Committee adjourned, with the Legal Advisor and the Democratic Services Officer, to make its decision.

On its return, the Chairman read the decision notice which was as follows:

"Bungay Community Centre Trustees has applied for a new premises licence at Bungay Community Centre, Old Grammar Lane, Bungay, NR35 1PU, which would allow the sale of alcohol for consumption on and off the premises.

This Sub-Committee was convened as three representations were received against the application from third parties, as well as a representation against the application from a responsible authority, namely the Council's Environmental Protection Team.

The Sub-Committee notes that the Environmental Protection Team has now withdrawn their objections following their negotiations with the applicant. The Sub-Committee also received amplified objections from one of the objectors; the Sub-Committee allowed these to be considered under regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

The applicant indicated that there had been an old American Air Force building used as the Community Centre since the 1930s and following efforts by the local community over the last 30 years, funding had been obtained to construct a replacement on land of the former Grammar School site, which had been gifted by Suffolk County Council. Planning permission was obtained in 2011 and construction commenced in February 2020.

The applicant indicated that it was not their intention to run a pub or club, but instead to provide farmers markets as well as facilities for one-off events such as weddings, wakes and rotary club events. The bar was constructed for these purposes. The applicant indicated that they had reached an agreement with Environmental Protection to amend the proposed opening hours to 9am until 7pm, although they were concerned this may impact on the Community Centre's financial viability. However, they noted they could take advantage of the Temporary Event Notice (TEN) procedure.

In relation to the complainants, the applicant stated that the most vocal of the complainants had sought involvement at the Community Centre but was not required as the Community Centre already had arrangements in place. The other complainants lived nearby, however when events had taken place only the most vocal of the complainants had complained. The applicant indicated that they had not experienced any additional crime and in fact stated that the anti-social behaviour might have reduced due to the additional lighting and CCTV in place.

The objectors were concerned that the Community Centre was located in a residential area and that the sale of alcohol until 11pm would be inappropriate to the area.

THE SUB-COMMITTEE'S DECISION

In arriving at this decision, the Sub-Committee has taken into consideration the representations from the applicant, objectors and the Licensing Officer's report, which drew the Sub-Committee's attention to its obligations under the Human Rights Act 1998.

The Sub-Committee also considered the licensing objectives and the Council's own guidance and statement of licensing policy as well as the Statutory Section 182 guidance.

The Sub-Committee has decided to grant the licence, subject to the following amendments.

- 1. The permitted hours shall be 9am until 7pm*
- 2. Any person selling alcohol from the licensed premises shall operate a Challenge 25 scheme*

In reaching this decision, the Sub-Committee notes that following negotiations with the responsible authority, it has withdrawn its objection subject to the hours being reduced, which the applicant has agreed. The Sub-Committee notes that under paragraph 9.12 of the revised guidance issued under Section 182 of the Licensing Act 2003 that responsible authorities are an expert in their respective field and all licensing authorities must consider all relevant representations from them carefully.

The Sub-Committee therefore places great weight on the fact that the Environmental Protection Team has withdrawn its objections subject to the applicant agreeing to the hours as stated above, and therefore agrees to grant the licence on the terms outlined above.

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 October 2021"

The meeting concluded at 11:50am.

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Chairman