

**Unconfirmed**



Minutes of a Meeting of the **Licensing Sub-Committee** held Remotely via Zoom, on **Wednesday, 19 May 2021 at 10.30 am**

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

Councillor Edward Back, Councillor Linda Coulam, Councillor John Fisher, Councillor Keith Robinson

**Other Members present:**

Councillor Peter Byatt, Councillor Mary Rudd

**Officers present:**

Teresa Bailey (Senior Licensing Officer), Sarah Davis (Democratic Services Officer), Martin Clarke (Housing and Litigation Lead Lawyer), Leonie Houlth (Licensing Officer), Matt Makin (Democratic Services Officer), Ben Hunter (Environmental Protection Officer/Environmental Health Officer)

**Others present:**

Nathan Jones (Applicant), Jayne Price (Objector), Cate Henderson (Objector), Ivan Whomes (Objector)

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**1 Election of a Chairman**

Councillor Fisher proposed Councillor Robinson to be Chairman of this Meeting of the Sub-Committee. The nomination was seconded by Councillor Back. There were no other nominations.

RESOLVED

That Councillor Robinson was duly elected as Chairman.

**2 Apologies for Absence**

There were no apologies for absence.

**3 Declarations of Lobbying and Responses to Lobbying**

There were no declarations of lobbying.

**4 Declarations of Interest**

There were no declarations of interest.

**5 Variation of Premises Licence - The Hog Hotel, 41 London Road, Pakefield, Lowestoft**

The Sub-Committee received report ES/0792 of the Legal and Licensing Services Manager and the Legal Advisor explained the procedure for the Hearing.

The Chairman invited the Licensing Officer to summarise the report.

The Licensing Officer confirmed that a variation to a premises licence had been applied to allow the sale of alcohol for an extended time on and off the premises, late-night refreshment indoors and outdoors, live and recorded music indoors and outdoors and to extend the licensable area to include the gardens at the Hog Hotel, 41 London Road, Pakefield, NR33 7AA. The hearing was required as one representation against the application had been received from Environmental Protection and eighteen representations against the application had been received from other persons. These representations were appended to the report and had been provided to the applicant and the Sub-Committee.

The Sub-Committee was advised that it was required to make its decision taking into account the Licensing Act 2003, the Council's Statement of Licensing Policy, and the Human Rights Act 1998, and if it had reason to depart from this it was asked to give full reasons for doing so.

The Sub-Committee was asked to determine this 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 considered 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, or rejecting the application.

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

The Licensing Officer confirmed the differences between the current licence and the variation. The alteration would allow the applicant to serve alcohol on and off the premises until 1am rather than 11pm on a weekday/Saturday or 10.30pm on a Sunday and to have live and recorded music indoors for the same extended period until 1am. The licence would also be extended for live and recorded music in the outdoor garden areas to 11pm and also allow the serving of late-night refreshment between 11pm and 1am.

There being no further questions from the applicant or Legal Advisor, the Chairman invited the applicant to address the Sub-Committee.

The applicant stated that the application was intended to be a catch all to allow for flexibility for events or occasion nights rather than to turn the hotel into a nightclub venue. The applicant had purchased the hotel in 2018 and had spent one million pounds on refurbishment in 2019 following which they had been forced to close due to the Covid-19 pandemic in 2020. The hotel was marketed to an affluent and discerning clientele, it was not the cheapest venue and was recognised as a popular hotel and

restaurant in the area, and the applicant was keen on maintaining this image following the refurbishment and was aiming to achieve a four-star rating. The applicant referred to one representation from a neighbour and stated that he had purchased some land from this neighbour so that events could take part in the larger garden area rather than the small garden which was adjacent to the neighbour's bedroom window. The applicant stated that he had been moved to apply to change the premises licence following a number of comments from patrons enquiring about the possibility of light music at a weekend lunchtime and occasional special event dinner dances, for example on New Year's Eve. He emphasised that the venue would only be able to accommodate approximately 100 people and that the tickets for these events would cost upward of one hundred pounds which would appeal to a more discerning clientele. The extended licence would also allow the hotel to host small weddings utilising the garden space. The applicant emphasised that these events would not be nightly and would not last until late in the evening, out of respect for both neighbours and other hotel guests and would be seasonal either in the summer months or on public holidays.

The Chairman invited questions to the applicant from the Sub-Committee, Licensing Officer, Legal Advisor and Objectors.

An objector asked the applicant to confirm the hours live music would be played at the venue. The applicant confirmed that live music would only be played at weekend lunchtimes, and at one off event evenings on a Friday or Saturday night. He confirmed that he would not want music playing one day after the other and that events would be limited to a few a month in the summer months.

The Chairman asked what effect restricted outdoor licensing hours would have on the premises. The applicant stated that the outdoor licence would allow guests to order drinks at the bar and have drinks brought out by waiting staff rather than having to carry their own drinks out.

The Legal Advisor asked the applicant whether a noise management plan or assessment had been carried out. The applicant confirmed that he had not, owing to additional costs and loss of revenue following the Covid-19 pandemic but that he would be happy to consider this in the future.

The Chairman invited the Environmental Protection Officer, to address the Sub-Committee.

The Environmental Protection Officer stated his main concern was noise from the outside areas, although he recognised that the applicant had listed the cut-off time as 11pm, there would still be guests drinking in the outside areas at night. He was unclear how much the hotel structure would restrict noise to neighbouring properties and was especially concerned about one neighbour whose property was only one metre from the grounds with the bedrooms facing the gardens. He added that pop up bars and stages in the outdoor areas had been identified in the plans and that these faced neighbouring properties contrary to guidance which stated that they should face away from neighbours to minimise disturbance. Environmental Protection would like to see an acoustic report to determine how well the structure of the building would contain music and noise. The Environmental Protection Officer referred to guidance on the control of noise from pubs and clubs, which was missing from the application.

The Chairman invited questions to the Environmental Protection Officer from the Sub-Committee, Licensing Officer, Legal Advisor and applicant.

The applicant referred to the speakers in the garden of the hotel and confirmed that these were not pointing in the direction of the neighbouring property, and two other speakers in the smaller garden would only be used for wakes. He added that soundproofing would be added to parts of the property subject to cashflow to mitigate nuisance to neighbours. The current licence did allow for outdoor live music.

The Chairman invited an objector to address the Sub-Committee.

The objector stated that she had reluctantly sold land to the hotel in the belief that it would be used for a herb garden and to extend the car parking at the hotel. She added that the property was originally a private residence and had not been built with soundproofing in mind. The objector stated that her property was in very close proximity to the hotel, and that the bedrooms of her property faced the hotel. She had observed that there was room for forty-eight covers in the garden plus twenty-four in the conservatory, and that noise from these tables such as voices and movement of chairs, could already be heard inside her property. The objector believed that this was not acceptable and would reduce the values of neighbouring properties. She also expressed concern about guests at the venue parking in surrounding residential streets due to the comparatively small size of the car park at the hotel.

The Chairman invited questions to the objector from the Sub-Committee, Licensing Officer, Legal Advisor and applicant.

The applicant stated that he did not agree with the objector's statement and that the property had been a hotel for a number of years and that he had been clear about his intentions for the hotel. He added that he believed this statement did not represent the views of the entire community and that the hotel had not received complaints in the past for activities carried out under the current licence.

The Legal Advisor asked the Environmental Protection Officer to confirm what powers the Environmental Protection team had should the licence be granted if there were complaints. The Environmental Protection Officer confirmed that the team had statutory nuisance powers and had a duty to serve an abatement notice if there were complaints of a nuisance, and that because of the proximity of neighbouring properties there was a chance of this happening. The premises would have the opportunity to state that they were taking the best possible measures to prevent nuisance occurring which would require mitigation measures to be put in place. The Environmental Protection Officer would be able to refer the licence back to the Licensing Committee for review.

The Chairman invited an objector to address the Sub-Committee.

The objector stated her support for the statements by the Environment Protection Officer and the previous objector. She added that she appreciated that the hotel needed to diversify its income streams and have events, but that she did not believe a

year-round licence was appropriate as it would allow regular events to occur despite the applicant not wanting to do this at present.

The Chairman invited questions to the objector from the Sub-Committee, Licensing Officer, Legal Advisor and applicant.

The applicant reiterated that he did not intend for events to take place year-round, and that he wished to attract a few good quality events a year as an alternative income stream.

The Chairman invited an objector to address the Sub-Committee. The objector stated his support for the statements made by the previous objectors.

The Chairman invited Councillor Byatt, on behalf of himself and two other Ward Members, to address the Committee. The Councillor reiterated residents' support for the statements made by the previous objectors and added that the primary concern was for car parking at the venue overflowing into residential streets.

The Senior Licensing Officer confirmed the process for a temporary event licence following a question from Councillor Byatt. The applicant added that he did not wish to use temporary event licences as this would not allow him to take advance bookings with any certainty that the event would be able to go ahead.

There being no further questions, the Chairman invited the applicant and interested parties to sum up.

The applicant confirmed that he had nothing further to add.

The Environmental Protection Officer reminded the Sub-Committee of the hotel's location within a quiet residential area and asked that the Sub-Committee not grant a licence for live and recorded music in the outdoor areas because of the impact on local residents, and asked that an acoustic survey of the premises be undertaken.

The Senior Licensing Officer reminded the sub-committee that live and recorded music was currently allowed in the outdoor areas until 10.30pm under the current licence.

An objector stated that local residents would like to support the hotel, but that a new licence would only cause disturbance to the local area.

#### *DECISION NOTICE*

*Jones of Pakefield Ltd has applied for the variation of an existing premises licence at the Hog Hotel, 41 London Road, Pakefield, NR33 7AA, which would allow:*

- *The sale of alcohol – extend times for on the premises and add off the premises.*
- *Late-night refreshment indoors and outdoors.*
- *To add live and recorded music as well as anything of a similar description both indoors and outdoors.*
- *To extend the licensable area to include the gardens.*

*This Sub-Committee has been held as 18 objections were received against the application from residents and an objection was received from the Environmental Protection Team at East Suffolk Council, a Responsible Authority.*

*In arriving at this decision, the Sub-Committee has taken into consideration the oral and written representations submitted by all parties, the guidance under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. The Licensing Officer's report also drew the Sub-Committee's attention to its obligations under the Human Rights Act 1998.*

*The Sub-Committee heard from the Council's Licensing Officer, Ms Hoult, the applicant, Mr Jones, Ben Hunter, Environmental Protection Officer, 3 local residents as well as Cllr Peter Byatt on behalf of another resident.*

*All parties present at the Hearing were permitted to ask questions of their counterparts throughout the Hearing.*

#### *The Applicant's submission*

*The applicant submitted that he had purchased the hotel in 2018 and had spent a million pounds renovating it. He currently employs 15 people. Due to missing the Christmas trade in 2019 and the pandemic, trading had been severely limited. He indicated that he wished to have a certain clientele and was not looking to transform the place into a new nightclub. He was mindful of the location and wished to be considerate to the residents. He was looking to hold a number of events per year which could include weddings and light music events e.g., jazz nights on a number of occasions throughout the year rather than every week. He wished to extend the licensed premises to enable customers to purchase alcohol in the garden without having to go inside the building to make a purchase. When asked about any noise survey, he acknowledged that one had not been carried out due to the cost. The option of applying for individual Temporary Event Notices was raised, however, the applicant indicated that this was impractical as they would not be able to accept bookings on this basis.*

#### *The Objectors' submissions*

*The Sub-Committee also heard from Ben Hunter from the Council's Environmental Protection Team who submitted that the site was not suitable for late night licensed activities due to the location of the site in a quiet residential area and the close proximity to the neighbouring properties. He indicated that no noise management plan or expert noise assessment had been carried out. He acknowledged, however, that if the licence was granted, that the site could be monitored, and enforcement action could be taken which could include a noise abatement notice and the licence being reviewed.*

*The local residents' objections were based upon the prospect of noise and disturbance and the impact of people drinking as well as entering and leaving the premises late at night and early in the morning. They were also concerned about limited parking on site and the possible impact of this on the residential streets surrounding the premises.*

*All parties present at the Hearing were given the opportunity to sum up.*

Sub-Committee's decision

- After considering the application and the representations, both written and oral, the Sub-Committee has decided to:
- A. To extend the licence to allow the sale of alcohol on and off the premises until 1am for a maximum of 15 days per year
  - B. To extend the licence to allow late-night refreshment indoors and outdoors until 1am for a maximum of 15 days per year
  - C. To extend the licence to allow the playing of live and recorded music as well as anything of a similar description both indoors and outdoors until 1am for a maximum of 15 days per year.
  - D. To extend the licensable area to include the gardens.
  - E. The total number of days referred to in A-C above must be no more than 15 days per year.
  - F. This is conditional upon the applicant keeping a written record of the dates of the 15 days and making this available to a Licensing Officer upon demand.

*In arriving at its decision, the Sub-Committee has given due consideration to the representations made, the statutory guidance (in particular paragraph 9.12 and 9.15) and the licensing objectives contained in the Licensing Act 2003.*

*The Licensing Sub-Committee also considered the Council's own statement of Licensing Policy and in particular paragraph 14.4.6.*

*Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving this notice of the decision. Any person can make an application to the Licensing Authority for a review of the premises licence if they believe the licensing objectives have been compromised by the applicant at any time.*

*Date: 19 May 2021*

**<p style="text-align: right;">The meeting concluded at 1.10pm</p>**

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Chairman