

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, on **Friday, 20 May 2022** at **10:00 AM**

Members of the Sub-Committee present:

Councillor Janet Craig, Councillor John Fisher, Councillor Tony Goldson, Councillor Mark Newton

Officers present:

Teresa Bailey (Senior Licensing Officer), Martin Clarke (Legal Advisor), Matt Makin (Democratic Services Officer), Alli Stone (Democratic Services Officer)

Others present:

The applicant, the objectors

Election of a Chairman

Councillor Goldson was nominated by Councillor Newton to be the Chairman of the Meeting of the Sub-Committee.

The nomination was seconded by Councillor Craig.

There being no other nominations, Councillor Goldson was duly elected Chairman.

Apologies for Absence

There were no apologies for absence.

Declarations of Interest

There were no Declarations of Interest.

Declarations of Lobbying and Responses to Lobbying

There were no Declarations of Lobbying.

New Premises Licence : St Felix School, Halesworth Road, Reydon, Southwold, IP18 6SD

The Sub-Committee received report ES/1153 relating to an application for a new premises license for St Felix School. The Chairman invited the Licensing Officer to summarise the report.

The Licensing Officer advised that an application had been made for a new premises license for St Felix School, Halesworth Road, Reydon, IP18 6SD and a hearing was required as a relevant representation against the application had been received from other persons.

The Sub-Committee was asked to determine the application taking into account the guidance issues under Section 182 of the Licensing Act 2003, the Council's current Statement of Licensing Policy and the Human Rights Act 1998.

The Sub-Committee was asked to determine the 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.

The Licensing Officer confirmed that several schools in the district did have premises licenses, including one boarding school, and several high schools and prep schools.

The Licensing Officer confirmed that all responsible bodies had received the application and had the opportunity to comment on it. The Police considered the protection of children from harm under the Licensing Act and their Licensing Officer had received the application, but no comment had been made.

The Chairman invited the applicant to present his case.

The applicant's representative stated that the school had historically held a licence, but it had been surrendered in mid 2020 following the passing of the premises supervisor. The school felt it sensible to surrender the licence at this point due to uncertainty around Covid and to allow a new supervisor to be found. The licence was held to allow the school to serve drinks at events throughout the school year such as dinners, meetings, balls, and school performances. The school was hired out in the holiday period and some of the organisations who let the building would also occasionally serve drinks. The applicant's representative explained that the school had a good record with the previous licence, and that alcohol stocks were well managed to safeguard the children. The applicant's representative explained that it was not the intention to host events which would attract heavy drinking or public nuisance and staff kept this in mind. The applicant's representative would be the designated premises supervisors and had 27 years' experience in hospitality.

The plan of the site and licensed areas was shared, and the applicant's representative explained the use of each area. The outside areas around the chapel and the front lawn were used to serve drinks prior to events and for the summer ball. The dining hall was used for the Christmas party and formal dinners, and the sports hall, theatre and refectory areas were linked and used for school performances. Gardiner Hall was on the first floor of the school and used for vocal performances.

The Chairman invited questions from the Sub-Committee.

The applicant's representative confirmed that the school had held a premises license since 2005 when premises licenses had been established, and a similar license under the old scheme prior to 2005.

The applicant's representative confirmed there were no fences in the grounds, but entry to each building was controlled by security and key codes. Events were ticketed, and so staff would have a list of who was allowed on site, and the schools hire agreement required hirers to give details of all attendees.

The applicant's representative confirmed that he would supervise the site and licensable activities. Staff for any events would come from the schools own catering team who ran the dining hall and cafe, any if it were necessary to hire third party staff they would be hired directly by the school and vetted.

The applicant's representative confirmed that children did not attend events unless performing, and that he attended all events to manage any issues.

The applicant's representative confirmed that the school was hired out during holidays when boarders had left, and that he was the manager for all these events.

The Chairman invited questions from those making representations.

The objector suggested that there was a conflict between the application and comments made by the applicant's representative and asked why other events had been included if the license was only for school events. The applicant's representative stated that as outside lets were considered outside of school time, the license covered this. There was no intention to expand beyond small lets.

The applicant's representative stated that the previous licence had included a larger outside area, and that the decision had been made to reduce the outside area in the new application.

The applicant's representative confirmed there were a small number of sixth formers who were over age, and staff were aware of who was and was not of age at events.

The applicant's representative stated that the area covered by the licence was an area which could be seen and controlled for events. It would not work in practise to license a smaller area as people would wander.

The applicant's representative stated that should any outside staff be hired for larger events, they would be managed by school staff and hired by himself to ensure the appropriate checks were in place.

The applicant's representative confirmed that this licence had been applied for based on what the school thought was necessary going forward, not based on the old licence.

The applicant's representative confirmed that a Challenge 25 policy would be operated.

There being no further questions, the Chairman invited the objectors to address the Sub-Committee.

The objector stated that the school had been designed to be open to allow people to leave the school as they wished. The lack of physical boundaries had consequences for a school with a licence as it allowed people to leave the school and cause disturbance in other areas. The school was surrounded by heathland where there was a higher risk of fire. A fire had been started in this area before, and there was concern that this could happen again when awareness had been dulled by alcohol. The grounds included other hazards such as bunkers, uneven pathways and barbed wire which were also a hazard. The lack of practical boundaries around the licensed areas also meant that people could move away from the licensed areas and cause a disturbance.

The Chairman invited questions.

The applicant's representative stated that the purpose of the licence had been misunderstood, and that the intention was to host small events that could be closely controlled and that the licensed area had been reduced compared to the previous licence to facilitate this.

The objector stated that they were generally supportive of the events at the school, but that there had been issues in the past with visiting groups. These groups had on occasion bought amplified music systems outside and left music playing for long periods of time at a high volume. The objector had asked for the music to be turned down but had struggled to find a responsible person. The south-eastern side of the grounds was often a trap for large groups and if alcohol was allowed this could exacerbate the noise groups already made. The objector stated that it was not practical for management to properly control and supervise groups in outside areas as the grounds were open plan.

The applicant's representative stated that the schools hire agreement laid out what was and was not permitted in the grounds, and that the use of amplified equipment was not permitted. He agreed that contact details could be passed on to neighbours to allow issues to be raised.

The applicant's representative confirmed that the hire agreement contained details of the licensed areas and times. During term time school staff would manage activity to ensure there was no excessive noise.

The applicant's representative confirmed that risk assessments had been carried out on the areas around the school to mitigate the risk of fire and slips, trips, and falls. These risks could not be removed completely and could occur with or without alcohol. The whole site was non-smoking.

The objector stated that their biggest concern with the granting of a licence was that people would wander away from the licensed areas to the rear of the grounds and cause disturbance.

The Chairman invited the applicant's representative and objectors to sum up.

The applicant's representative thanked the committee for their time, and the opportunity to understand and help ease some concerns in the local area.

The objector concluded that he hoped the Sub-Committee would refuse the license, or at least limit it to the sports hall area and a single area outside which could be more easily controlled.

The meeting was adjourned from 10.55 to 11.45 to allow the Sub-Committee to make its decision.

On the Sub-Committee's return, the Chairman read out the following decision notice:

Mr Amit Kumar Mehta has applied for a new premises licence at St Felix School, Halesworth Road, Reydon, Southwold, IP18 6SD which would allow the following licensable activities:

- *sale of alcohol on the premises*
- *late night refreshments indoors*
- *live and recorded music indoors*

This Sub-Committee has been held as one representation against the application has been received from other persons.

The Sub-Committee heard from the Licensing Officer, one representative from the applicant and the objectors.

The applicant stated that the school had previously held a license since 2005, and under the previous licensing regime. The license had been surrendered in 2020 when the premises supervisor had passed away and due to Covid restrictions. The new license application was for a smaller area and for smaller school events such as dinners and balls which would be easier to supervise, and Mr Wray explained the type of events in each licensed area. Whilst there were a small number of external events these were held in the school holidays and there was a strict hire agreement in place due to the nature of the site, and that there would be no third party staff that had not been vetted by the school.

The two objectors stated that whilst they were supportive of school events which helped to foster a sense of community in the school, they had a number of concerns related to noise disturbance which could be exacerbated by alcohol. The school was by nature and design open plan, allowing people to wander in and out of the grounds

freely and despite the best intentions to monitor alcohol consumption it would be easy for people to move to other parts of the grounds and cause noise and disturbance. The objectors also stated that there had been a fire in the heathland surrounding the school and they expressed concerns that this could happen again as people became less aware of their surroundings after consuming alcohol. The objectors also commented that they had issues with noise during the summer period from groups playing loud music for long periods of time. The applicant's representative stated that the school was hired out to youth organisations during the holidays and the hire agreement did limit the playing of amplified music and that staff could be contacted in the case of any issues.

The Sub-Committees decision

The Sub-Committee, having considered the representations from the applicant's representative, objector and the licensing officer, have decided to grant the application with the following conditions:

- 1. That contact details for the designated premises supervisor be provided to the residents of Shepherds Lane, and to anyone else who requests it.*
- 2. That the school operates a Challenge 25 policy*

Whilst the Sub-Committee notes the objections, the Sub-Committee were satisfied that the licensing objectives could be promoted by this licence. In particular the Sub-Committee noted that the licensed area was an area which the DPS could safely supervise, therefore reducing risks. In addition, the fact that all staff at the events would be vetted by the school would ensure that only appropriate people were working at events, and that school staff had been trained in child protection. The Sub-Committee also noted that no third-party events would take place during school hours and term time. The Sub-Committee also noted that the school had previously held a premises license for at least 15 years until 2020.

Paragraph 9.12 of the statutory guidance requires the Sub-Committee to consider representations of all responsible bodies carefully, and the Sub-Committee noted that no representations had been made in this instance.

Should any issues occur in the future, the license could 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.

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

Date: 20 May 2022

The meeting concluded at 12:04 PM

.....
Chairman