

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **LICENSING ACT 2003 SUB-COMMITTEE** held in the Rose Mead Room, Endeavour House, Russell Road, Ipswich on Wednesday, 6 December 2023

PRESENT:

Councillors: Terence Carter Anders Linder
Ollie Walters

In attendance:

Officers: Legal Advisor (ND)
Licensing Team Leader (KP)
Licensing Officer (KG)
Licensing Officer (KC)
Lead Officer Regulatory & Civic Office (KS)

Apologies:

None received.

1 WELCOME - LEGAL ADVISOR TO THE SUB-COMMITTEE

1.1 The Legal Advisor to the Sub-Committee, Nigel Dulieu gave a brief welcome and stated the reason for the hearing. The Legal Advisor also advised the procedure to be followed for the hearing.

2 ELECTION OF CHAIRMAN FOR HEARING (IF APPROPRIATE)

2.1 The Legal Advisor confirmed that the Chair of the Licensing and Regulatory Committee, Councillor Ollie Walters would chair the hearing.

2.2 The Chair welcomed everyone to the meeting and outlined the domestic arrangements.

3 APOLOGIES FOR ABSENCE

3.1 None received.

4 DECLARATION OF INTERESTS BY COUNCILLORS

4.1 There were no declarations of interest.

5 M/LASUB/23/1 LICENSING ACT 2003: REVIEW OF PREMISES LICENCE MPL0372 - RAMPANT HORSE, CODDENHAM ROAD, NEEDHAM MARKET

5.1 At the request of the Chair, the Sub-Committee, officers and all parties in attendance at the Hearing introduced themselves.

The following parties were present:

Applicant for the Review - Andy Rutson-Edwards, Environmental Protection Officer

Witness - Joanna Hart, Senior Environmental Protection Officer

Witness - Jamie Balaam, Environmental Protection Officer

Premises Licence Holder - Alison Wyartt

Premises co-owner - Kevin Wyartt

5.2 At the request of the Chair, it was confirmed that no party to the Hearing wished to withdraw either their application or their representation.

5.3 The Licensing Officer confirmed that the Applicant for the Review had requested to call Jo Hart and Jamie Balaam as witnesses.

5.4 The Chair asked the Licensing Officer whether any of the parties had indicated they wished to present documentary (or other) material. The Licensing Officer confirmed that an unvalidated petition in support of the premises had been submitted prior to the hearing by the Premises Licence Holder and this had been accepted by the Sub-Committee.

5.5 At the request of the Chair, the Licensing Officer introduced Paper M/LA/Sub/23/1 to enable the determination of a Review application made under section 51 of the Licensing Act 2003 by Andy Rutson-Edwards, Environmental Protection Officer in respect of Rampant Horse, Coddenham Road, Needham Market.

5.6 The existing premises licence MPL0372 was issued on 23rd February 2017. The complete application, containing the grounds for the review, was attached as Appendix A to the report.

5.7 The Licensing Officer confirmed that 13 representations had been received from other persons and these were attached as Appendix B to the report. No representations had been received from Responsible Authorities.

5.8 At the conclusion of the Licensing Officer's report, the Chair asked each of the parties to the hearing in turn if they had any questions for the Licensing Officer. There were no questions for the Licensing Officer.

5.9 At the request of the Chair, the Applicant for the Review presented their case. Andy Rutson-Edwards, Environmental Protection Officer presented the Responsible Authority's case to the hearing. He then called upon his witnesses to verify their statements, which had been circulated to all parties prior to the date of the hearing.

5.10 Joanna Hart, Senior Environmental Protection Officer and Jamie Balaam, Environmental Protection Officer presented their witness statements to the hearing.

5.11 The Applicant for the Review played calibrated noise recordings to the hearing as evidence in support of their case.

5.12 At the conclusion of their case, the Applicant for the Review and his witnesses answered questions from the Sub-Committee and the Legal Advisor, including: clarification regarding noise regulations, noise management plans, whether unamplified performances would be considered acceptable, and whether noise insulation would work at the premises.

5.13 At the request of the Chair, the Premises Licence Holder presented their case. The Premises Licence Holder confirmed that the outside bar was erected during covid and had never been used, she also advised that they had received quotes to install noise insulation to the outside area and referred to the unvalidated petition in support of the premises.

5.14 The Premises co-owner addressed the hearing to provide further information regarding the premises and the viability of the business.

5.15 At the conclusion of their case, the Premises Licence Holder and the Premises co-owner answered questions from the Sub-Committee, including: information regarding quotes received for noise insulation, whether neighbours had complained directly to them, whether events are advertised locally and on social media, and how often live music events took place at the premises.

5.16 the Premises Licence Holder and the Premises co-owner answered questions from the Applicant for the Review and their witnesses, including: why they considered live music would be ok when they had previously received a complaint about background music, clarification regarding conditions on the licence, and clarification regarding the quote received for proposed noise insulation and its effectiveness.

5.17 The Chair asked the Applicant for the Review to sum up their case.

5.18 The Chair asked the Premises Licence Holder to sum up their case.

5.19 The Licensing Team Leader clarified that due to de-regulation, the licence never had live music and there were currently no conditions on the licence for live music as it was never applied for.

6 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

6.1 The Sub-Committee retired with the Legal Advisor to consider the application. All other parties left the room.

6.2 The meeting was adjourned between 10.55am and 11.30am to enable the Sub-Committee deliberations to take place in closed session.

It was RESOLVED:-

That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public be excluded from the meeting for the business specified above on the grounds that if the public were present during discussion of this item, it is likely that there would be disclosure to them of exempt information as indicated in the report.

7 RE-ADMITTANCE OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

7.1 The Sub-Committee completed their deliberations and returned to the meeting with the Legal Advisor. All parties were re-admitted to the meeting.

7.2 The Legal Advisor announced the decision of the Sub-Committee as detailed below. The Legal Advisor advised that the decision and rights of appeal would be confirmed in writing to all parties.

7.3 The Licensing Sub-Committee had carefully considered the application for review and any relevant representations together with the submissions by the parties to the hearing.

7.4 In reaching a decision on the application for review the Sub-Committee had carefully considered what steps it is appropriate to take, if any, to promote the four licensing objectives which are:

1. Prevention of crime and disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of children from harm

7.5 The Sub-Committee has had due regard to the Licensing Act 2003, the Statutory S182 Guidance, the Licensing Act 2003 (Hearings) Regulations 2005 and the Statement of Licensing Policy of Babergh District Council.

7.6 The Licensing Sub-Committee was concerned by the lack of partnership working between premises licence holder and responsible authorities, and commends that parties start working in partnership forthwith.

DECISION

1. To MODIFY the premises licence SUBJECT TO any mandatory conditions which apply and SUBJECT TO the following:

A Under Section 177A(4) of the Licensing Act 2003, the following conditions will be added to the licence:

- (i) The premises shall only be permitted to hold live music in the external areas of the premises on 2 (two) occasions a month. These events must be held between the months of May and September on Fridays and Saturdays only and must be between the hours of 12:00hrs and 21:30hrs.**
- (ii) The premises licence holder shall be required to provide written confirmation to the licensing team of all events prior to them being held.**

- B** The Chair of the Licensing and Regulatory Sub-Committee would also like to advise the premises licence holders to try and contact or notify your neighbours to ensure they are aware of proposed events prior to them being held.

REASON

The Licensing Sub-Committee is satisfied based on the balance of submissions and supporting information/representations provided by the parties to the hearing that this is an appropriate and proportionate decision to promote the licensing objectives in this instance.

7.7 The Chair thanked all parties to the hearing for their attendance and closed the meeting at 11.35am.

The business of the meeting was concluded at 11.35am.

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Chair