

LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Tuesday, 13 April 2021 at the remotely via Zoom at 10.00 am

Committee Mr H Blathwayt Mr J Rest
Members Present: Mr A Yiasimi

Officers in Attendance: Licensing Enforcement Officer, Legal Assistant and Democratic Services & Governance Officer (Regulatory)

Observing: Public Protection Manager and Democratic Services Manager

Also in attendance: Simone Tattersall (Applicant), Tracey Manning (Designated Premises Supervisor)
Objectors: Ruth Brumby, Chris Burden, Mrs S Burden, Anna Kloczkov, Sheila Robinson, Meryl Rushmere

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 APPLICATION FOR A NEW PREMISES LICENCE - SUFFIELD ARMS, STATION ROAD, THORPE MARKET, NORFOLK, NR11 8UE

The Chairman, Members of the Panel and Officers introduced themselves.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She confirmed with the applicants that they had received a copy of the agenda papers. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the Applicant's right to a fair hearing under Article 6 of the Human Rights Act 1998. In the event of any participant leaving the hearing due to a technical issue, the hearing would not proceed until all parties were present.

The Licensing Enforcement Officer presented the report, which related to an application for a new Premises Licence to which objections had been received from local residents. No objections had been received from Responsible Authorities. A representation had been received from the Police, stating that they had spoken to the Applicant and had no objections subject to the imposition of conditions that had been accepted by the Applicant.

The Chairman invited the Applicant to put forward her submission.

Simone Tattersall explained that she had spoken at length with the Licensing Section and on their advice had applied for the very earliest she would want to open and the very latest she would want to close. This was to give as much scope as possible for the business without needing to apply for Temporary Event Notices. She emphasised that there was no intention to operate as a nightclub or have daily live music. Normal operating hours would be from 11 am until 11 pm, and possibly slightly later at weekends. There would be no external speakers and no intention to hold regular live music inside or outside the premises. There would be amplified music inside the building. The walls of the building were insulated and soundproofed. There would be low lighting outside the building. She stated that the Gunton Arms had been operated (under the same ownership as the Suffield Arms) for 10 years without any issues with the Police or NNDC Licensing, even when summer festivals had been held, and always in adherence with all rules and regulations. It was the intention to be part of the community and operate a business within it.

The Chairman asked the Applicant

- if there was a good neighbour policy in place;
- if it was intended to provide accommodation in the building at some point;
- if it was intended to have multiple personal licence holders as part of the staffing arrangements and if one of them would be the Designated Premises Supervisor; and
- to what demographic would the premises be marketed.

Ms Tattersall explained that if it had not been for the pandemic, local residents would have been invited to look inside the building before opening to see the changes that had been made. She understood that people were reticent because of the way the business had operated in the past, but the current owners did not operate that business and it was intended to open the pub so that people could enjoy it. There were no plans to provide accommodation other than for the head chef who would live on site for security purposes. All managers would hold a personal licence by the time the premises opened. She introduced Tracey Manning, who would be the General Manager and Designated Premises Supervisor for the Suffield Arms. She explained that the owner of the Gunton Arms was an art dealer and it would be marketed towards that demographic, and to people who enjoyed a good meal and lived locally and further afield, guests of the Gunton Arms and for the community.

The Licensing Enforcement Officer drew attention to page 34 of the agenda papers, which outlined the measures proposed by the Applicant for upholding the four licensing objectives. These would be attached as conditions of the licence.

Councillor J Rest asked why the Applicant wanted an off licence until 2 am, and if alcohol sold in this way would be in sealed containers.

Ms Tattersall explained that sometimes people wanted to take a bottle of wine home after a meal and this would enable them to do so. It was not the intention to operate as an off licence until 2 am. She confirmed that the alcohol would be sold in sealed bottles.

The Licensing Enforcement Officer clarified that off sales were for consumption off the premises in sealed containers.

In response to a request for clarification by Councillor A Yiasimi, the Licensing Enforcement Officer explained that failure to carry out the measures proposed for

upholding the licensing objectives would constitute a breach of condition under the Licensing Act.

In response to a question by the Chairman regarding the monitoring of noise nuisance, the Licensing Enforcement Officer explained that in the event of consistent complaints about noise, the matter would be investigated by Environmental Health and if the complaints were upheld any necessary action would be taken under the relevant primary legislation.

The Legal Advisor asked the Applicant if it was intended that live music would be played outdoors, and if so, how often it would take place and for how long.

Ms Tattersall explained that it had been included in the application as a belt and braces for any future plans. There were currently no plans to hold an outside music event, but if so it would end by 11 pm. She realised that this had been a contentious issue under the previous owner and did not wish to inflame the local community. Recorded music would be played at low level in the bar, or the television amplified if people were watching sport, and only within normal operating hours.

At the request of the Legal Advisor, the Licensing Enforcement Officer explained that if a licence was granted for the sale of alcohol, there would be an automatic right to have live music, recorded music and regulated entertainment from 8am until 11pm. It was necessary to apply for those activities to be added to the licence outside of those hours.

Councillor Rest asked if the applicants would provide signage to remind customers that there were people living nearby and to leave quietly, if they would monitor such noise, and if there was a legal duty to display signage.

Ms Tattersall confirmed that signage would be erected and explained that the Gunton Arms worked with local taxi firms to ensure they would usually wait in the car park to pick up fares from people who had drunk more than they had intended. There had never been any issue at that premises with clearing the building and people leaving in an orderly manner.

The Licensing Enforcement Officer drew attention to the conditions requested by Environmental Health to require the DPS or their delegate to answer complaints at the time they were made and to erect notices asking customers to leave quietly.

The Chairman invited the objectors to make their comments and ask questions.

Chris Burden stated that he and his wife lived 300m across the fields from the Suffield Arms. Over the past four years, noise related to construction work at the premises could be heard all the time, but they had put up with it thinking it would be a traditional pub. He was retired and his wife ran a bed and breakfast business, aimed at people who came for peace and quiet, which may have to close if noise continued beyond 11 pm. He referred to a line of properties that could be seen in a photograph he had submitted in his representations. He, and other residents, considered that Conservation Area status gave legal protection against the intrusion of sound and light. He stated that there had been a number of planning applications since the purchase of the Suffield Arms in 2016 which veered away from what residents had expected. He considered that the comment in the Parish Clerk's representation that the majority of the community welcomed the facility could not be correct as no survey had been carried out. He referred to the minutes of a Parish Council meeting which expressed concerns over live music and extended opening

hours and requested the Clerk to make representations on that basis. In the light of new information regarding the use of the premises he considered that it would not be for local people but for people coming in from outside the locality.

Ms Tattersall explained that the pub had a traditional bar in the front, with a dining room that would seat 80 people further into the building, which would serve Mediterranean-led food.

At the request of the Chairman, the Licensing Enforcement Officer referred to the representation from Southrepps Parish Council that had been included in the papers, requesting that part 3 of the operating schedule should be reduced from 11pm until 5am to 11pm until 2am. However, the application form sought a late night refreshment licence to operate from 11pm until 2am and not 5am.

Meryl Rushmere asked how many traditional pubs in the area had a licence until 2am in the morning and whether the off licence meant that she could go to buy drink at midnight having not dined at the premises. She stated that it had been established that the demographic was not local. She also asked if there were plans to develop land that had been purchased with the building.

The Licensing Enforcement Officer explained that there were quite a lot of pubs with late licences in North Norfolk and the District had the majority of 24/7 licences outside of London. With regard to the off licence element, alcohol could be sold to anyone during those hours but it would be up to the proprietors to decide if they wished to do so. The operator had already said that it was not intended to run an off licence in the same way as a supermarket.

Ms Tattersall confirmed that it was not the intention to develop the additional land.

The Legal Advisor reminded the representatives to confine their comments to the four licensing objectives.

Ruth Brumby stated that she was reassured by what Ms Tattersall had said, but requested that everything was conditioned to give legal protection. She was concerned that public nuisance and danger from traffic could occur given the number of people it was intended to serve. She considered that it would be more appropriate to apply for temporary event notices if it was not intended to hold many events. She did not feel protected by the open ended licence.

Sheila Robinson considered that everyone would feel more comfortable if the outside space was removed from the application if it were not intended to use it for music.

Anna Kloczkov stated that she lived in Upper Southrepps and she was aware that noise travelled a long way, especially late at night. She considered that the use of the narrow, quiet lanes by traffic would impact on people in Lower and Upper Southrepps.

There being no further questions or comments, Ms Tattersall made her closing statement. She stated that the applicants had operated a successful business at the Gunton Arms for 10 years without breaking any licensing objectives, and did not wish to break the already good relationship with the local community.

The Chairman thanked everybody who had contributed to the meeting.

The Legal Advisor explained that she would remain with the Panel for the purpose of assisting with the formulation of facts and reasons for the Panel's decision, but would not take part in the decision making. All parties would receive written notification of the decision within 5 working days of the meeting as required by the legislation.

The Panel retired at 10.48 am.

RESOLVED

That the Licence be granted, subject to:

- **the mandatory conditions;**
- **conditions consistent with the operating schedule; and**
- **conditions agreed with Norfolk Constabulary to address the prevention of crime and disorder requiring that Challenge 25 will be implemented; a refusals register is maintained; and that CCTV images will be stored for 28 days and made available to the authorities on reasonable request.**

The meeting ended at 10.48 am.

Chairman