

MINUTES OF A MEETING OF THE LICENSING AND APPEALS COMMITTEE  
HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE,  
HADLEIGH ON MONDAY, 28 APRIL 2014 (9.30 A.M.)

PRESENT: Richard Kemp                      Ray Smith  
                    Nick Ridley

The following were present at the meeting to make representations:-

Mr L Carvell            - Corporate Manager - Licensing to present Paper P1.  
Ms J Hart                - Senior Environmental Protection Officer.  
Miss R Davis           - Premises Licence Holder (PLH)  
Ms E Davis             - PLH representative  
Mr S Elliot-Smith     - Suffolk Constabulary Licensing Team

The following were in attendance at the meeting:-

Ms C Whatling        - Solicitor - (Legal Advisor to the Sub-Committee)  
Mr S Ellwood         - Corporate Manager - Governance

1        ELECTION OF CHAIRMAN FOR HEARING

**RESOLVED**

**That Ray Smith be elected Chairman for the Hearing.**

2        DECLARATION OF INTERESTS

None declared.

3        LICENSING ACT 2003 – SECTION 51 REVIEW HEARING REPORT

Ray Smith chaired the hearing meeting. He referred to the procedure to be followed, a copy of which had been circulated with the Agenda, and introduced the Members and Officers present.

The Head of Environment submitted a report ([Paper P1](#)) to enable the Committee to consider a review application under the 2003 Licensing Act by the Suffolk Constabulary in respect of the Red Lion, High Street, Bildeston. He also referred to Appendix D to Paper P1 (additional representation from Environmental Protection received within the consultation timeframe) and additional documentary information provided by Suffolk Constabulary, which was included with Regulation 18 of the hearings regulations. Both of which had been circulated prior to the meeting.

The Suffolk Constabulary then made an opening address to the meeting in support of their request for a review application.

The Suffolk Constabulary was then questioned by Members, Officers and the PLH representative.

Ms Hart made her representation (from the Responsible Authority – Environmental Health) attached as Appendix D to Paper P1. She was then questioned by the PLH.

The PLH made their representations. They were questioned by Members and the Suffolk Constabulary.

All parties were then requested to provide closing comments to the meeting. Following this all parties withdrew to enable the Sub Committee to deliberate the Application.

The relevant parties were then invited back into the meeting and the Council's decision (which was unanimous) was notified. The Sub-Committee considered relevant national guidance and local policy when reaching its decision including the relevant references in [Paper P1](#).

## **RESOLVED**

- (1) That Premises Licence BPL0281 for the Red Lion, High Street, Bildeston shall be modified in respect of appropriate and proportionate conditions to promote the licensing objectives, and particularly the prevention of crime and disorder.**
- (2) That the premises licence shall not be revoked nor suspended, nor any licensable activity excluded in whole or in part. The Designated Premises Supervisor (DPS) shall not be removed from the Premises Licence by this decision.**

## **REASONS**

- A. The Licensing Sub-Committee has accepted the Police concerns and evidence regarding the prevention of crime and disorder and has directed its consideration and determination at what is appropriate and proportionate to address the causes of the reported problems.**
- B. The Licensing Sub-Committee is satisfied that there appears to be management failings in promotion of the licensing objectives at the Red Lion under the present management, as well as under previous management.**

- C. That it is appropriate to permanently modify the premises licence controls so as to promote the licensing objectives, and it is the Licensing Sub-Committee's view that this course of action will assist the current, and any future, licence holder at the premises with promotion of the licensing objectives.**
  
- D. The Licensing Sub-Committee is satisfied based on the balance of submissions and supporting information/evidence provided by the parties to the hearing that at the current time there is not sufficient evidence to merit attachment of the Environmental Health conditions requested via their representation, and accordingly those are to be disregarded under the conditions modification.**
  
- E. All other modified licence conditions to be attached forthwith to the premises licence are those as discussed between the premises licence holder, Suffolk Constabulary, Local Authority Licensing Officer and Senior Environmental Protection Officer on 17 January 2014 – subject to adjustments in relation to (a) PubWatch banned individuals, (b) Challenge 21 instead of Challenge 25 policy, and (c) toilet check requirements being removed altogether. The fully modified set of conditions are attached as Annex 3 to premises licence BPL0281.**

The business of the meeting was concluded at 11.45 a.m.

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Chairman