

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD IN COMMITTEE ROOM 1, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON THURSDAY 17 APRIL 2014

PRESENT:

Mr R E Kemp
Mr N A Ridley

Mr L H Young

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

Mr L Carvell (Corporate Manager - Licensing) to present Paper N134

Mr V Johns
Mrs M Johns
Mr T Nobbs } Objectors

Mr S Simov – Applicant

The following were in attendance at the meeting:-

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

1 ELECTION OF CHAIRMAN FOR HEARING

RESOLVED

That Mr R E Kemp be elected as Chairman for the Hearing.

2 DECLARATION OF INTERESTS

None declared.

3 LICENSING ACT 2003 – SECTION 17 HEARING REPORT

Mr Kemp, 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 N134](#)) to enable the Committee to consider an application under the 2003 Licensing Act for a new premises licence for Mussy Kebab Catering Unit, sited at the Cattawade Bridge lay-by in Brantham off the A137. He also referred to Appendix B which contained photographs of the site which had been circulated prior to the meeting and were accepted under Regulation 18.

Mr Nobbs on behalf of the Parish Council provided additional information supporting their objection and with the agreement of the applicant and other objectors present these were accepted.

Members and the objectors then questioned the Head of Environment.

The Applicants made an opening address to the meeting in support of the application.

The Applicant was then questioned by Members, Officers and the objectors.

Mr Nobbs, on behalf of the Parish Council, then spoke and made representations attached as Appendix C to [Paper N134](#).

Mr Nobbs was then questioned by the Applicant.

Mrs Johns, an objector then made her representations attached as [Appendix C to Paper N134](#). She was questioned by Members.

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

RESOLVED

That a new premises licence for Mussys Kebab Catering Unit, sited at the Cattawade lay-by in Brantham off the A137 be granted subject to Conditions consistent with the operating schedule, subject to the following modification:

Late Night Refreshment activity shall terminate by midnight on all occasions Monday to Sunday inclusive. The hours proposed within the licence application have NOT been fully granted by the Sub-Committee.

REASONS

- A. The Sub-Committee is satisfied based on the balance of submissions and supporting information/representations provided by the parties to the hearing that it is appropriate and proportionate to impose licensable activity restriction (reduced hours) so as to promote the prevention of public nuisance licensing objective. Specifically this addresses the representations made in relation to late night noise and littering from the operation of the premises, generator equipment and patrons attending the venue late at night. The operation of the premises may intrude disproportionately on the rights of those residing in, or visiting, the vicinity of the catering unit which the Sub-Committee has heard is not removed from the site after the end of trading periods.**
- B. The Sub-Committee has not considered irrelevant parts of the representations or submissions made by the parties to this hearing when arriving at its decision, and which are referred to in the Licensing Officer's report and statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. This also includes the separate consent issues over use of the highway.**

- C. The conditions derived from the operating schedule should also appropriately promote the licensing objectives for the hour of late night refreshment each day granted by the Sub-Committee. The licence only allows the catering unit to be used within the hatched area shown on the plan attached as Annex 4 to the premises licence.**

The business of the meeting was concluded at 3.45 p.m.

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Chairman