

MINUTES OF A MEETING OF THE LICENSING AND APPEALS COMMITTEE
HELD IN COMMITTEE ROOM 1, COUNCIL OFFICES, CORKS LANE, HADLEIGH
ON THURSDAY, 28 NOVEMBER 2013

PRESENT: Mr A J Ward - Chairman

Mr R E Kemp

Mr D G Grutchfield

Also in attendance at the meeting to make representations were:-

Mr L Carvell (Corporate Manager – Licensing) to present Paper N84

Mr D Dadds (Counsel for the Applicant)

Mr D Smith (Applicant)

PC Craig Lannigan – Suffolk Constabulary

The following were in attendance at the hearing:-

Ms C Whatling – Legal Adviser to the Committee

Mrs L Sheppard – Senior Governance Support Officer

1 DECLARATION OF INTERESTS

None declared.

2 LICENSING ACT 2003 – HEARING REPORT (TEMPORARY EVENT NOTICES)
TENS 426-428/13 – INFINITY NIGHTCLUB, EAST STREET SUDBURY

The Chairman of the Committee opened the meeting after a short delay to enable discussions to take place between the parties. He referred to the hearing procedure, a copy of which had been circulated with the Agenda.

Prior to the hearing, the Constabulary had submitted a list of recorded incidents at the venue, on which they had based their objection, and these were admissible to the proceedings as considered by the Licensing Authority under Regulation 18 of the hearing regulations.

The Head of Environment submitted a report ([Paper N84](#)) requesting the Committee to consider an Objection Notice given by the Chief Officer of Police to the three TENs applied for by the premises user. However, he advised that as a result of the discussions held prior to the meeting the Police objections would now be withdrawn on the basis that (a) the applicant's regular controls will be (voluntarily) extended to cover the period requested by the TENs and (b) the Constabulary were now satisfied with the Applicant's risk assessment. The Constabulary confirmed that they were not seeking the regular controls to be attached to the TENs via the schedule of conditions provision which may apply to TENs.

Members expressed their concern that the objections had not been withdrawn at an earlier stage, to avoid the matter proceeding to a hearing. Members also expressed concerns over the nature and number of the recorded incidents on which the Police objection had been based. Counsel for the Applicant and the representative of the Police both referred to the benefits of the face-to-face meeting and the intention to work together.

The Police representative then (orally) made the regulatory withdrawal of the Objection Notice, following which it was agreed by all parties that the substantive hearing was no longer required and that the TENs would be authorised.

RESOLVED

- (1) That it be noted that, following the discussions between the Applicant and the representative of the Chief Officer of Police, the Objection Notice to TENs reference 426-428/13 for Infinity Nightclub, East Street, Sudbury has been withdrawn on the following basis:-**
 - **The Applicant will voluntarily extend his regular controls (licence conditions) for the extra hour applied for in respect of all three TENs**
 - **Subject to the risk assessment for the events being considered satisfactory by the Police**
- (2) That it be confirmed that in the light of Resolution (1) above, a substantive hearing is not required.**
- (3) That the concerns of Members in relation to the late withdrawal of the Objection Notice and the serious nature and frequency of incidents leading to the original Police objection be noted.**

The business of the meeting was concluded at 10.15 a.m.

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Chairman