

Licensing and Regulatory Sub-Committee

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Wednesday 10 August 2022 at 10.00 am** in the **Conference Chamber West, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present **Councillors**

Chair Carol Bull

Sara Mildmay-White

Don Waldron

1. **Election of Chair**

It was proposed, seconded and with the vote being unanimous

RESOLVED:

That Councillor Carol Bull be elected as Chair for this Sub-Committee meeting.

2. **Apologies for absence**

No apologies for absence were received.

3. **Substitutes**

No substitutions were declared.

4. **Declarations of interest**

There were no declarations of interest made.

5. **Application for the Grant of a Premises Licence - Nowton Park, Nowton Road, Bury St Edmunds (Report No: LSC/WS/22/007)**

The Business Partner (Litigation/Licensing) welcomed all present to the Hearing, reported that no declarations of interest had been received and introductions to all parties were made. He also drew attention to the procedure for the conduct of the Hearing as attached to the agenda.

The following parties were present at the Hearing:

(a) Applicant

- (i) Thomas Janes, Director, HiFields Limited

(b) Interested Parties

- (i) Henry Hopking, Chair of Nowton Parish Council (objector)
- (ii) Brian Wilson, Neighbourhood Watch (speaking on representations made in objection to the application)
- (iii) Ian Bowers, local resident (objector)
- (iv) Pat Lees, local resident (objector)
- (v) Julie Morrison, local resident (objector)
- (vi) Prof. Gillian Schofield, local resident (objector)

The Licensing Officer presented the report which explained that an application had been made by HiFields Limited, for the grant of a premises license to run events at Nowton Park, Bury St Edmunds where they currently held events under a Temporary Event Notice. However, for the premises licence application HiFields Limited had included weekdays for flexibility in case new events were added to the calendar. A copy of the application was attached at Appendix A to Report number LSC/WS/22/007 together with a site plan and event management plan at Appendix B and C.

The licensable activities being proposed under the license were:

- **Supply of Alcohol** (Supply of alcohol (on sales))
Monday – Sunday 11:00 - 00:00
- **Provision of Recorded Music** (Outdoors)
Monday – Sunday 11:00 – 00:00
- **Provision of Live Music** (Outdoors)
Monday – Sunday 11:00 – 00:00
- **Provision of Films** (Outdoors)
Monday – Sunday 11:00 – 00:00
- **Provision of Performance and Dance** (Outdoors)
Monday – Sunday 11:00 – 00:00

The Licensing Officer referred to paragraph 1.5 on page 2 of the report and advised that an error had been made relating to the consultation period. She confirmed that the paragraph 1.5 should read as follows:

"A statutory 28-day consultation period started on ~~17 May 2022~~ **16 June 2022** and ended on ~~28 June 2022~~ **13 July 2022**..."

The application had been served on all Responsible Authorities. No comments had been received. However, the officer reported that discussions had been held between the Council's Environmental Health Team with the applicant and certain conditions had been agreed (attached at Appendix E) which satisfied the Environmental Health Team under the Licensing Objective of Public Nuisance, which included limiting the number of events to 10 per year.

A total of 31 valid representations had been received from "other persons" in the statutory time frame objecting to the application and the details of these representations were attached at Appendix F. The Sub-Committee was

advised that contained within the representations were a number of issues which did not fall within the criteria of the Licensing objectives.

In making their decision, the Sub-Committee was advised that they should seek to focus on the steps considered appropriate to promote the particular licence objectives or objectives that had given rise to the specific representations and avoid straying into undisputed areas.

The Sub-Committee then heard the individual submissions from each of the parties present.

In presenting his case the Applicant, Thomas Janes, Director, HiFields Limited explained that he lived locally and had a good understanding of the surrounding area. He had 10 years of experience of organising events in East Anglia, London and Spain and had held four premises licences since 2015 in hosting outdoor events. HiFields Limited currently hosted two events each year at Nowton Park (German food and drink festivals) and had been doing so successfully since 2018. The premises license application had been submitted because these events had been enjoyed by the Bury St Edmunds community and had grown in attendance, therefore the Temporary Events Notice (TEN) was no longer suitable. Furthermore, the summer music event which had been held in Cambridgeshire for the past seven years would also attract more attendees than a TEN would permit. The plan was to utilise the premises license for these three events per year. HiFields Limited had no plans to do so but had included additional days/hours on the application form to offer flexibility should it wish to host other events which might take place during the week, such as a country fair, fun run or exhibition of sorts, which could potentially include a bar and music. This flexibility was also the reason for including the whole of Nowton park as the premises.

In summing up, Thomas Janes stated that an event management plan would be produced for each event hosted at Nowton Park to ensure that the event was run safely and that all licensing objectives were met.

Henry Hopking, Chair of Nowton Parish Council, then addressed the hearing, in respect of his representation which was in objection to the application (as set out in Appendix F). He referred to the four licensing objectives. Nowton Park covered almost 200 acres and it would be difficult to patrol. He raised concerns about alcohol licence which might increase consumption and illegal camping. The retirement home was in direct view of Nowton Court village and was concerned about the effect of noise on the dementia residents. The Forest School was within 100m and a local nursery which visited the park and felt it would be difficult to protect children. The road was a 40mph zone, unlit and the pavement was not wide enough. With proposed events late into the night the road would be unsafe when cars exited the park. There was quiet, unlit places around the park and noise would be harmful and detrimental to the wildlife.

Brian Wilson, Neighbourhood Watch addressed the hearing, in respect of his representation which was in objection to the application (as set out in Appendix F). He lived close to the park and accepted some events, but whilst future events would not be held every-day he was concerned about the potential for noise up to midnight and the dispersal of people from the park.

He was concerned about parking; people parking on the local roads, and the harm to wildlife.

Ian Bowers, local resident addressed the hearing, in respect of his representation which was in objection to the application (as set out in Appendix F). He stated he was not against these events, but referred to the four licensing objectives, and in particular made the following observations:

- 1) Would anyone from Environmental Health be at attendance at the event?
- 2) How many security guards would be on sight, as there was no reference made in the event plan?
- 3) Concerned about the damage to trees and wildlife.
- 4) Would voluntary organisations such as St John's Ambulance, the police be in attendance?
- 5) Who would be responsible for stopping illegal camping?
- 6) Insurance documents had been provided by vendors but not the organiser.

Pat Lees, local resident addressed the hearing, in respect of her representation which was in objection to the application (as set out in Appendix F). She was concerned about parking and public disturbance. The event was close to the children's play area and residential care home. There was the potential for 4,999 people to attend the event. Cannot see where all the cars would park and was not sure whether the applicant was seeking 10 events per year or for the lifetime of the licence, if granted.

Julie Morrison, local resident addressed the hearing, in respect of her representation which was in objection to the application (as set out in Appendix F). She referred to the four licensing objects and made the following observations:

- 1) It appeared that the event would be a mini rave with alcohol. Would be unable to police the use of drugs and would put all people at risk.
- 2) Concerned about public nuisance relating to parking.
- 3) An 11-day period to clear up the site, would cause even more of a nuisance for residents.
- 4) The event would be noisy and would affect children's sleep. It was a public space being put out to a private organisation.
- 5) Fireworks would cause a disturbance and would be a fire hazard due to the current tinder, dry weather.

Prof. Gillian Schofield, local resident addressed the hearing, in respect of her representation which was in objection to the application (as set out in Appendix F). She stated that over the years she had seen the park become a safe and well-developed area. Events had been held in the past but not late into the night. She raised concerns about the current event planned on the 27 August 2022 and the after party taking place after the event. She felt the council should be proud of the park, but felt it was now being put at risk.

The Sub-Committee posed specific questions to the applicant and interested parties present at the hearing, to which responses were provided.

Thomas Janes summed up by stating HiFields Limited was a professional company which had worked alongside the council for several years.

The Sub-Committee then moved into a private meeting to have discussions to give further consideration to the matter.

Following all parties' returning to the meeting, the Business Partner (Litigation/Licensing) advised on the Sub-Committee's decision, in that events could be properly and safely operated if event management plans were submitted to the council, as landowner and licensing authority, for approval before events took place as this would give the council sufficient control over the nature of events and confidence in the operation of the events.

With the vote being unanimous, it was

RESOLVED:

That, having taken into account all representations received, both in writing and orally, the Sub-Committee was satisfied for the licence application to be **GRANTED** for a period of **two years** as follows:

1. **Supply of Alcohol** (Supply of alcohol (on sales))
Monday – Sunday 11:00 - 00:00
2. **Provision of Recorded Music** (Outdoors)
Monday – Sunday 11:00 – 00:00
3. **Provision of Live Music** (Outdoors)
Monday – Sunday 11:00 – 00:00
4. **Provision of Films** (Outdoors)
Monday – Sunday 11:00 – 00:00
5. **Provision of Performance and Dance** (Outdoors)
Monday – Sunday 11:00 – 00:00
6. All conditions in Appendix E are applied to the licence subject to the following amendments:
 - i) Condition 1 of Appendix E be amended so that the licence will authorise 5 events per annum.
 - ii) No less than 56 days prior to an event, the licensee will submit an event management plan to the council, as premises owner and licensing authority, for approval.
 - iii) The police to be notified of events no later than 28 days before the start of each event.

The Sub-Committee also imposed the following additional conditions relating to the event scheduled for 27 August 2022, in that:

- 1) No fireworks or BBQ's to be allowed at the event given the current weather conditions.
- 2) The event organiser confirms acceptance of the conditions for the event on 27 August 2022, as soon as reasonably practicable.

The Business Partner (Litigation/Licensing) concluded the Hearing by advising on the Right of Appeal against the determination of the Authority.

The meeting concluded at 11.30 am

Signed by:

Chair
