

Licensing and Regulatory Sub-Committee



Forest Heath
District Council

Title of Report:	Application for the Grant of a Premises Licence – Black Bess, 7 Rous Road, Newmarket	
Report No:	LIC/FH/17/002	
Report to and date/s:	Licensing and Regulatory Sub-Committee	18 September 2017
Portfolio holder:	Councillor Lance Stanbury Portfolio Holder for Planning and Growth Tel: 07970 947704 Email: lance.stanbury@forest-heath.gov.uk	
Lead officer:	Sheila Gowans Licensing Officer Tel: 01638 719369 Email: sheila.gowans@westsuffolk.gov.uk	
Purpose of report:	To determine an application for the grant of a premises licence under the Licensing Act 2003.	
Recommendation:	<p>It is recommended that, having regard to the four licensing objectives; Statement of Licensing Policy; the representations; any further relevant information presented on the day of the Hearing; Members take any of the steps set out below provided they are proportionate and appropriate for the promotion of the four licensing objectives:</p> <ul style="list-style-type: none"> (1) Approve the application; or (2) Modify the conditions of the licence and approve the application; or (3) Reject the application. 	

Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>		
Consultation:	See number 4 below		
Alternative option(s):	N/A – the Council is duty bound to determine the application		
Implications:			
Are there any financial implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> See number 5 below	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Any decision reached which is not in accordance with the Act and any regulations made under the Act may be considered ultra vires and could be subject to an application for Judicial Review	High	The Sub-Committee, should have regard to it's statement of licensing policy and any other guidance issued under section 182 of the Licensing Act 2003, but may depart from these where reasons are given.	Low
Ward(s) affected:		All Saints	
Background papers:		Licensing Act 2003 S.182 Guidance https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003 Forest Heath Statement of Licensing Policy http://www.forestheath.gov.uk/info/200063/licences_and_street_trading/22/statement_of_licensing_policy	

Documents attached:	<i>(Please list any appendices.)</i> Appendix 1 – Application Appendix 2 – Map of the immediate area Appendix 3 - Representation Kinnett Appendix 4 – Representation Anderson Appendix 5 – Representation Ryan Appendix 6 – Representation Haynes Appendix 7 – Representation Coombes Appendix 8 – Representation Cowell Appendix 9 – Representation Jackson/Cowell Appendix 10 – Representation Cook Appendix 11 – Representation Long Appendix 12 – Representation Lanham Appendix 13 – Representation Jeffrey Appendix 14 – Representation Van Der Werff Appendix 15 – Representation Richer Appendix 16 – Representation Lewis Appendix 17 – Representation Martin Appendix 18 – Representation Bennett Appendix 18 – Representation Considine Appendix 20 – Representation Hornsby Appendix 21 – Representation Batten Appendix 22 – Petition
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1. Key issues

- 1.1 An application has been received for the grant of a premises licence for Black Bess, 7 Rous Road, Newmarket. A copy of the application is attached which includes a plan of the premises as **Appendix 1**.
- 1.2 The application is for a coffee and craft beer micro pub/café specialising in the sale of beers brewed locally by small independent brewers and specialist coffee and tea from sustainable sources.

The licensable activities applied for are recorded music and the sale of alcohol for consumption on and off the premises.

The opening hours are Monday to Thursday 08.30 to 23.15, Friday and Saturday 08.30 to 23.30 and Sunday 08.30 to 23.00.

- 1.3 A map showing the immediate area is attached as **Appendix 2**.
- 1.4 The four Licensing Objectives of the Licensing Act 2003 are set out below. Any representations for consideration must relate to one or more of these objectives.
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Nuisance
 - Protection of Children from Harm

2. Relevant Representations

- 2.1 The application has to be advertised, both at the premises and in a local newspaper. Details are also available on the Council website. This application was advertised in the Newmarket Journal on 27 July 2017.
- 2.2 **Responsible Authority** There are no representations from any responsible authority.
- 2.3 **Other Persons** Any representation made by these persons must be 'relevant' in that the representation relates to one or more of the licensing objectives. There have been a number of representations from other persons, which are attached as **Appendix 3 to 21**.
A petition has also been submitted and it is for the Members to decide what weight to give to this. Many of the signatories have submitted individual representations. Some signatories have not given their full address and the reasons for signing do not always relate to the possible undermining of the licensing objectives. This is attached as **Appendix 22**.

3. Matters for consideration

- 3.1 Section 17 of the Crime and Disorder Act 1998 imposes a duty on each local authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.
- 3.2 The location of the premises is outside of the Cumulative Impact area of Newmarket.
- 3.3 If the Licensing Authority decides that this application should be refused, it will need to show that to grant the licence would:
1. undermine the promotion of the licensing objectives; and
 2. that appropriate conditions would be ineffective in preventing the problems involved.

If the Licensing Authority cannot show the above, the application should be granted.

- 3.4 In making their decision, Members are advised to consider the Licensing Act 2003, the Guidance on the Act and the Council's Statement of Licensing Policy.

4. Consultation

- 4.1 The applicant is required to place a notice on the premises; and advertise the application in a locally circulating newspaper/periodical. The Licensing Authority advertises the application on the Council website.

5. Legal and policy implications

- 5.1 The Sub-Committee may take any of the steps set out below, provided they are proportionate and appropriate for the promotion of the Licensing Objectives:
- a) Approve the application; or

- b) modify the conditions of the licence and approve the application; or
- b) reject the whole or part of the application.

A condition is modified where it is altered or omitted or any new condition is added.

- 5.2 Section 6 of the Licensing Statement of Policy, paragraph 6.1, as set out below, is relevant and is brought to the attention of the Licensing Act Sub-Committee: "The Licensing Authority, through the exercise of its licensing functions once its discretion is engaged, shall not seek to restrict the trading hours of any particular premises unless it is considered necessary and proportionate to promote one or more of the licensing objectives. Each application will be considered individually on its own merits;"
- 5.3 Each application should be considered on its own merits, having regard to the Council's Statement of Licensing Policy and the guidance issued under section 182 of the Licensing Act 2003. Only the relevant parts of the representations should be taken into account, for example many of the representations refer to parking as a problem, Members should be mindful that this is outside of the licensing remit.
- 5.8 The licence application is made in accordance with the Licensing Act 2003 and the Licensing Statement of Policy. The decision may be appealed, by the applicant or any other party to the hearing, within 21 days of written notification of the determination made by the sub-committee.
- 5.9 When representations have been made the Council must hold a Hearing within 20 working days of the close of the consultation period. The Licensing Act 2003 (Hearings) Regulations 2005 allows the Licensing Authority the power to extend the time limit for a specific period, when it considers this to be necessary and in the public interest.