



Town Mayor: Councillor Rachel Hood

Town Council Manager: Roberta Bennett

8<sup>th</sup> October 2019

Ref: RJB/HA

Licensing Department  
West Suffolk Council  
West Suffolk House  
Weston Way  
Bury St Edmunds  
Suffolk, IP33 3YU

Dear Licensing,

**Re: Application by Newmarket Entertainment Ltd for a renewal of its Sex Establishment Licence at 'Heaven', 109 High Street, Newmarket CB8 8JH**

Members of The Newmarket Town Council planning committee have considered the above application by Newmarket Entertainment Ltd for the renewal of their licence as a Sex Establishment and resolve **to object strongly** to the application.

The objections are made on the following basis:

The renewal of such licence would fundamentally infringe the guidelines set out in the Section 6.3, subsections b – g, of the West Suffolk Council's Sex Establishment Licencing Policy which states that West Suffolk will "not normally grant a licence where any premises within the vicinity are used for the following":-

- b) Place of worship – The Stable (a place of worship) on the High Street is 73 metres from the said premises. Additionally, both St. Mary's Church and All Saint's Church are in close proximity to these premises. Furthermore, the King Edward VII Memorial Hall is directly opposite 109 High Street and is used for religious events, weddings and family friendly events which take place at the Memorial Hall at the very same time as 'Heaven' would be open.
- c) Family Leisure – The recently refurbished and well used, Memorial Gardens Play Area sits 18 metres from the Sex Establishment which is used on a daily basis by hundreds of parents and their children (most, if not all of the children are under 16 years of age).
- d) Domestic Residential Buildings – The Sex Establishment is in close proximity to houses and flats in The Avenue. Since the last renewal of this licence, West Suffolk Council have purchased and received planning permission at the attached building, known as 1 The Avenue, for the purpose of housing vulnerable persons that meet the West Suffolk Council housing criteria. Additionally, there are new private residential flats within 20 meters of the site at the refurbished Doric site.

e) Important Historic Buildings – The Sex Establishment is located at the gateway to Newmarket High Street, next to the famous Jockey Club Rooms historic buildings and within a short distance of the National Heritage Centre for Horseracing and Sporting Art, the Palace of King Charles II, and Tattersalls. Importantly, as WSC will be well aware, 109 High Street is in itself an important historic building.

f) Youth Facilities – As explained above, the Sex Establishment is 18 metres from the Memorial Gardens play area which is used by several hundred parents and their children weekly. The King Edward VII Memorial Hall, a community facility used by youngsters attending recreation clubs and various events is directly opposite the Sex Establishment. The facilities at the Memorial Hall and Memorial Gardens are used on a daily basis. In addition, The Stable in the High Street holds youth club activities every week.

g) Important Public and Cultural Facilities – Newmarket is the unique and historic international historic home of horseracing with numerous public and cultural facilities. The National Heritage Centre for Horseracing and Sporting Art is now fully open. As the cultural home of horseracing the town is famous and revered. It is totally unacceptable to continue to ruin its appeal with a tawdry sex establishment opposite the King Edward VII Memorial Hall and Memorial Gardens, a community centre and hub of public facilities. These premises are located at the start of Newmarket High Street which is the centre piece of this world famous historic town.

It is stated in Appendix D under paragraphs 2 and 3 that:-

*“The Council may refuse:- (a) an application for grant or renewal of a licence on one or more of the grounds shown in paragraph 3 below; or (b) an application for transfer of a licence under either or both of the grounds shown in Paragraph 3(a) and 3(b) below.”*

Paragraph 3 (d) reads as follows:-

*“..... that the grant or renewal of a licence would be inappropriate having regard to:- 1. The character of the relevant locality; 2. The use by which any premises in the vicinity are put; or 3. The layout, condition or character of the premises ..... in respect of which the application is made.”*

For reasons stated above, the Town Council is of clear the renewal of a licence for these premises would be inappropriate having regard to each and every one of the matters set out in Appendix F Clauses 2 and 3 (d).

In addition, the High Street is currently being improved and regenerated, a scheme being led by West Suffolk Council and supported by Newmarket Town Council and Newmarket BID. Our focus is to enhance the public realm, develop A1 and A2 Retail Premises and to make it an attractive centre for both residents and tourists, including the Legends of the Turf Walk of Fame (which include the High Street) and the Bill Tutte Memorial. In the High Street Redesign proposals, one the key areas detailed in the report is the plaza to the front of the Memorial Hall, directly opposite 109 High Street. On this basis this Sex Establishment venue is totally out of keeping with the above.

With reference to part 2 item 20 of WSC Sex Establishment Policy, examination of the site also reveals that the size of the signage is outside the legal permitted size of 420 x 594mm. The size of the signage remains inappropriate for the Conservation Area and would be inappropriate, and on this basis Newmarket Town Council strongly objects.

As set out above, this Sex Establishment Licence must be refused as it is in close proximity to places of worship, family leisure amenities, domestic residential buildings, important historic buildings, youth facilities and important public and cultural facilities, and is the gateway to Newmarket High Street.

We request that the West Suffolk Licensing Committee also takes into account the Cumulative Impact Policy when determining this application.

Furthermore, this licence must be refused pursuant to section 21.4 of the WSC's Sex Establishment Policy as "the grant of the licence would be inappropriate considering the character of the area, the nature of other premises in the area, and/or the premises themselves."

Finally, Objective 6 of the Newmarket Neighbourhood Plan (currently under examination) is to create a vibrant, attractive town centre which enhances Newmarket as a major tourist destination. A Sex Establishment at the heart of the town on the historic High Street does not meet with this objective.

In summary, Newmarket Town Council has been outraged by the WSC Licensing Committee's refusal to adhere to its own Sex Establishment Policy in this matter to the detriment of historic Newmarket and continues to seek denial of this license.

Yours Sincerely,

Roberta Bennett  
Town Council Manager