

Application for the Variation of a Premises Licence – The Northgate, 13-14 Northgate Street, Bury St Edmunds, IP33 1HP

Report No:	LSC/WS/20/003	
Report to and date/s:	Licensing & Regulatory Sub-Committee	11/11/2020
Cabinet Member:	Councillor Andy Drummond Portfolio Holder for Planning & Regulatory Services Tel: 01638 751411 Email: andy.drummond@westsuffolk.gov.uk	
Lead officer:	Stephen Moore Licensing Officer Tel: 01284 757026 Email: stephen.m.moore@westsuffolk.gov.uk	

Wards impacted: Eastgate



Recommendation: It is recommended that, in determining the application with a view to promoting the licensing objectives in the overall interests of the local community, Members give appropriate weight to, the steps that are appropriate to promote the licensing objectives; West Suffolk Council's Statement of Licensing Policy; Guidance issued under section 182 of the Licensing Act 2003; the representations attached to this report, and any further relevant information presented to the Sub-Committee on the day of the hearing

The steps may be:

- (a) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Authority considers necessary for the promotion of the licencing objectives; or**
- (b) Exclude from the scope of the licence any of the licensable activities to which the application relates, or**
- (c) Reject the application**



1. Background / Context

1.1 An application for the Variation of a Premises Licence, made under the Licensing Act 2003, was received and accepted by the Licensing Authority on 18 September 2020. The application form and associated plan are attached as **Appendix 1** and **Appendix 2** respectively.

1.2 The application, made by Chestnut Inns Ltd, proposes through the application to remove certain conditions imposed by committee on original application

Annex 3 - Conditions attached after a hearing by the licensing authority

1. The outside areas are to be vacated by 9.00pm every evening.
2. No tents or marquees are to be erected in the outside area.
3. The car park shall be closed between 11.00pm and 07.30am every day.

On this application the licence holder wishes to remove Annex 3 conditions 1 & 2

1.3 The Licensing objectives which must be actively promoted by the applicant/holder of any Premises Licence issued under the Licensing Act 2003 are as follows;

- The Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

1.4 A statutory 28 day consultation period started on 18 September 2020 and ended on 16 September 2020. This enabled Responsible Authorities and 'Other Persons' to make representations towards the application. 'Other Persons' includes any individual, body or business whether or not they live in the vicinity.

1.5 The details of the application were published in the local newspaper, displayed on the exterior of the premises, and advertised on the Council's website during the consultation period, as per the regulations.

1.6 Representations were received from a number of parties and responsible authorities

1.7 A total of 5 persons in 2 representations were received by the Licensing Authority from 'Other Persons' within the statutory time frame, resulting in the necessitation of this hearing. The details of the representations are attached as **Appendix 3**.

2. Proposals

2.1 Members should seek to focus the hearing on the steps considered appropriate to promote the particular licence objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas.



- 2.2 Members should strongly consider the adopted Cumulative Impact Assessment held within the Council's Statement of Licensing Policy.

3. Legal Compliance

- 3.1 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) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Authority considers necessary for the promotion of the licensing objectives
 - (b) Exclude from the scope of the licence any of the licensable activities to which the application relates, or
 - (c) Reject the application

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

- 3.2 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.
- 3.3 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. The Sub-Committee should state in reaching its determination those matters which it considered relevant, those matters which it did not consider as they were irrelevant, and its reasons for the decision.

4. Appendices

- 4.1 Appendix 1 – Application
Appendix 2 – Plan of Premises
Appendix 3 – Relevant Representations

5. Background documents

- 5.1 Licensing Act 2003 - <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Guidance issued under S.182 of the Licensing Act 2003 –
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

West Suffolk Council Statement of Licensing Policy –
https://www.westsuffolk.gov.uk/Council/Policies_Strategies_and_Plans/More_plans_and_policies/upload/WSCStatementofLicensingandCIAPolicy.pdf

