

Application for the Grant of a Premises Licence – Nowton Park, Nowton Road, Bury St Edmunds

Report No:	LSC/WS/22/007
Report to and date/s:	Licensing & Regulatory Sub-Committee – 10 August 2022
Cabinet Member:	Councillor Andy Drummond Portfolio Holder for Planning & Regulatory Services Tel: 01638 751411 Email: andy.drummond@westsuffolk.gov.uk
Lead officer:	Kerry Pryer Licensing Officer Tel: 01284 757120 Email: Kerry.pryer@westsuffolk.gov.uk

Wards impacted: **Horringer**

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**
- (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 Grant of a Premises Licence, made under the Licensing Act 2003, was received and accepted by the Licensing Authority on 16 June 2022. The application form and associated plan and event management plan are attached as **Appendix A** and **Appendix B and C** respectively.
- 1.2 The application, made by HiFields Limited, proposes to trade as an event organiser. They currently run events at Nowton Park but due to it's growing attendance a Temporary Event Notice is no longer suitable. The application states that current events take place at weekends but they have included weekdays for flexibility in case new events are added to the calendar. Please refer to correspondence from applicant to residents at **Appendix D**.
- 1.3 The licensable activities proposed under the authorisation of a Premises Licence are as follows;
 - Exhibit Film (Outdoors)
Monday – Sunday 11:00 – 00:00
 - Provision of Live Music (Outdoors)
Monday – Sunday 11:00 – 00:00
 - Provision of Recorded Music (Outdoors)
Monday – Sunday 11:00 – 00:00
 - Perform of Dance (Outdoors)
Monday – Sunday 11:00 – 00:00
 - Supply of Alcohol (On sales)
Monday – Sunday 11:00 – 00:00
- 1.4 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 and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- 1.5 A statutory 28-day consultation period started on 17 May 2022 and ended on 28 June 2022. 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. Please note the consultation period was extended due to errors in the notices.
- 1.6 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.



- 1.7 No representations were received from any of the Responsible authorities. However, the Environmental Health Team discussed the application with the applicant and certain conditions were agreed which satisfied the Environmental Health Team under the Licensing Objective of Public Nuisance which included limiting the number of events to 10 per year (**refer to Appendix E**).
- 1.8 Local residents submitted representations, of which the applicant responded to some of their concerns (**please refer back to Appendix D**). Several withdrew their representation on that basis.
- 1.9 A total of thirty-one valid 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 F**. It should be noted that contained within these representations were lots of issues which do not fall within the criteria of the Licensing Objectives.

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.

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 licencing 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 A – Application
Appendix B – Plan of Premises
Appendix C – Event Management Plan
Appendix D - Applicant email response to residents
Appendix E – Agreed conditions with Environmental Health
Appendix F – Representations received

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/Business/Licensing-and-regulation/Licensing/upload/WSC-Statement-of-Licensing-Policy.pdf>

Event Management Plans submitted by the applicant for events they previously operated at Nowton Park:

- FRÜHLINGSFEST - Saturday 23rd April 2022
- OKTOBERFEST - Saturday 30th October 2021

Both are available for inspection on request to West Suffolk Council

