

Application for the Grant of a Premises Licence – Basement, 3 Charter Square, Bury St Edmunds

Report No:	LSC/WS/23/002
Report to and date/s:	Licensing & Regulatory Sub-Committee – 11 April 2023
Cabinet Member:	Councillor Andy Drummond Portfolio Holder for Planning & Regulatory Services Tel: 01638 751411 Email: andy.drummond@westsuffolk.gov.uk
Lead officer:	Lisa Wright Licensing Officer Tel: 01284 757120 Email: lisa.wright@westsuffolk.gov.uk

Wards impacted: **Abbeygate**

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 Grant of a Premises Licence, made under the Licensing Act 2003, was received, and accepted by the Licensing Authority on 16th February 2023. The application form and associated plan are attached as **Appendix A** and **Appendix B** respectively.
- 1.2 The application, made by Everyman Media Ltd, gives the following description of the premises: "The premises are an Everyman Cinema with 3 auditoriums and a bar and lounge area. The premises provide greater space and comfort in the auditoriums than a general multiplex cinema which is reflected in the ticket prices".

The licensable activities proposed timings stated within the application have since been amended by the applicant during the consultation period. The new proposed licensable activities and timings are as follows;

- Supply of Alcohol (Consumption on the premises only)
Sunday - Thursday 08:00 – 24:00
Friday – Saturday 08:00 – 01:00
- Provision of Plays, Films, Live Music, Recorded Music, Performances of Dance and the Provision of anything of a similar description to Live Music, Recorded Music or Performances of Dance (All Indoors only)
Sunday - Thursday 08:00 – 24:00
Friday – Saturday 08:00 – 01:00
- Late Night Refreshment (Indoors only)
Sunday - Thursday 08:00 – 24:00
Friday – Saturday 08:00 – 01:00

- 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 and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

- 1.4 A statutory 28-day consultation period started on 17th February 2023 and ended on 16th March 2023. 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 There were no representations received from any of the responsible authorities.



- 1.7 A total of two representations were received by the Licensing Authority from 'Other Persons' within the statutory time frame, The applicant's solicitor made contact with both parties and advised them of the new proposed timings however both still had concerns resulting in the necessitation of this Hearing. Copies of the two representations are attached as **Appendix C**.

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 – Representations (1 & 2)

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>

