

# Application for the Grant of a Premises Licence – Bridgelands Farm, Cowlinge

<b>Report No:</b>	<b>LSC/WS/23/004</b>
<b>Report to and date/s:</b>	Licensing & Regulatory Sub-Committee 13 June 2023
<b>Cabinet Member:</b>	Councillor Gerald Kelly Portfolio Holder for Governance and Regulatory <b>Tel:</b> 07968 396389 <b>Email:</b> <a href="mailto:gerald.kelly@westsuffolk.gov.uk">gerald.kelly@westsuffolk.gov.uk</a>
<b>Lead officer:</b>	Gary Moran Licensing Officer <b>Tel:</b> 01284 757058 <b>Email:</b> <a href="mailto:Licensing@westsuffolk.gov.uk">Licensing@westsuffolk.gov.uk</a>

**Wards impacted:** Withersfield

**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 and subject to any mandatory condition(s) which must be included in the licence; 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 new Premises Licence, made under the Licensing Act 2003, was received and accepted by the Licensing Authority on 18 April 2023.

1.2 The application was made by Gemma Bailey, for the proposed licensed premises Bridgelands Farm, Cowlinge, Newmarket, Suffolk, CB8 9HN which proposes to trade as a country retreat for corporate events, bespoke events and weddings including receptions. The proposed Designated Premises Supervisor (DPS) is Gemma Bailey (personal licence pending).

Full details of the proposed activities and timings are contained within the application form attached to this report as **Appendix A**. Please note that considerable amendments have been made to the original application included in Appendix A following consultation with responsible authorities and in consideration of representations. The requested licensable activities and timings are now as follows;

- Live music (indoors)
- Recorded music (indoors)
- Late night refreshment (indoors)

Monday to Saturday 23:00 – 23:30

*Note - no licence is required for live or recorded music between 08:00 and 23:00 on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500*

- Alcohol sales ON premises

Monday to Saturday 12:00 to 23:30  
Sunday 12:00 to 19:00

- Opening hours  
Monday to Saturday 12:00 to 00:00  
Sunday 12:00 to 19:30

1.3 The plan detailing the areas to be licensed are attached to this report as **Appendix B**.

1.4 The application made has been subject to the statutory consultation period as prescribed by regulation. The details of the application were published in the local newspaper (Newmarket Journal 27 April edition), displayed immediately on/outside the premises, and advertised on the Council's website during the consultation period. 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 A hearing is necessary to determine the application following receipt of representations which have not been withdrawn.

1.6 The Licensing Authority must carry out its functions under the Act with a view to promoting the Licensing Objectives which are;



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

1.7 The Licensing Authority has received no representations from the Responsible Authorities under the Licensing Act 2003. However, following mediation with West Suffolk Council's Environmental Health team, the applicant agreed that that no music would be performed outside the premises. Subsequently it was agreed that step d. of the applicants proposed steps to promote the licensing objectives, a full noise acoustic report to be carried out before any regulated entertainment takes place, would not be required. No other responsible authorities made comments or representation.

1.8 The Licensing Authority received nine representations made by 'other persons'. Seven parties have now withdrawn their representation as their concerns were addressed by amendments to the application made by the applicant. The details of the two remaining representations are attached as **Appendix C**.

Please note that only comments specifically relating to the effect on the Licensing Objectives can be considered when determining the application. Comments that do not relate to the Licensing Objectives are not relevant grounds within the representation and cannot be considered when determining the application.

1.9 Licensing have drafted the conditions in relation to the prevention of public nuisance that would be attached to the licence should it be granted (**Appendix D**) subject to any modifications the Authority considers necessary as a result of this hearing. These conditions are consistent with the operating schedule and steps to promote the licensing objectives accompanying the application. In addition, the applicant has agreed to install a sound limiter for all music and amplified speech. Conditions on a premises licence must be enforceable and realistic, whilst remaining reasonable, achievable and within the licence holder's control.

## **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 licensing objectives and subject to any mandatory condition(s) which must be included in the licence
- (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. Any additional conditions imposed must be appropriate for the promotion of the licensing objectives.

- 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 Members of the Sub-Committee will be aware of the Secretary of State's guidance at paragraphs 14.64 and 14.65, which states that planning and licensing are different regimes, and neither is bound by the others decisions. There are circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 3.4 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 – Original application  
Appendix B – Plan of premises  
Appendix C – Representations  
Appendix D – Drafted conditions for prevention of public nuisance  
Appendix E - West Suffolk Council Statement of Licensing Policy

#### **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 –[Revised guidance issued under section 182 of the Licensing Act 2003 \(December 2022\) \(accessible\) - GOV.UK \(www.gov.uk\)](#)

