

Application for the Grant of a Premises Licence – 128 High Street, Newmarket

Report No:	LSC/WS/24/004
Report to and date/s:	Licensing & Regulatory Sub-Committee 15 May 2024
Cabinet Member:	Councillor Gerald Kelly Portfolio Holder for Planning & Regulatory Services Tel: 07968 396389 Email: gerald.kelly@westsuffolk.gov.uk
Lead officer:	Dawn Diaper Licensing Officer Tel: 07977 712172 Email: Licensing@westsuffolk.gov.uk

Wards impacted: Newmarket West

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 The application for the Grant of a Premises Licence, made under the Licensing Act 2003 on 21 September 2023, but it was not accepted as complete by the Licensing Authority until 17 January 2024. The application form and associated plan are attached as **Appendix A** and **Appendix B** respectively.

1.2 The application, made by Newmarket Palace House Ltd, proposes to trade as a supermarket, selling alcohol and tobacco products as well as groceries, foods, drinks, and other items typically found in a supermarket.

The licensable activities proposed under the authorisation of a Premises Licence are as follows;

- Alcohol Sales Off Premises
Monday to Sunday 07:00 – 01:00
(Amended to 07:00 – 23:00 – see 1.8 below)

1.3 The Licensing objectives which must be actively promoted by the 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 consultation period started on 18 January 2024 and ended on 28 February 2024. Please note the consultation period was extended due the applicant missing the newspaper notice deadline. 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 (Newmarket Journal 8 February edition), displayed on the exterior of the premises, and advertised on the Council's website during the consultation period, as per the regulations.

1.6 A hearing is necessary to determine the application following receipt of representations which have not been withdrawn. Please note, a Notification of the Extension of Time Limit for Hearing (The Licensing Act 2003 (Hearings) Regulations 2005) was issued because of ongoing related planning issues.

1.7 One representation was received by a responsible authority, West Suffolk Council's Private Sector Housing and Environmental Health in the interest of promoting the prevention of public nuisance licensing objective and is attached as **Appendix C**. Please note, the 'noise assessment survey' referred to within the representation is now complete and the planning application is still in progress at time of writing, the consultation end date being 10 May 2024. The accompanying supporting documents referred to within the representation are attached as **Appendix D** and **Appendix E** respectively.

1.8 Whilst no other representations were received from the Responsible Authorities, following a meeting with the Police, the applicant has agreed to amend the hours of sale of alcohol to finish at 23:00 in line with other similar



businesses in the area. The applicant has also agreed to adopt Police preferred wording of the conditions regarding age verification (Challenge 25), Staff Training, Refusals/Incidents Log, and CCTV. This is evidenced by way of:

- A follow up email to the applicant from the Police attached as **Appendix F**
- Police model conditions attached as **Appendix G**
- An email which includes the agent's confirmation that the applicant accepts the model conditions and revised hours attached as **Appendix H**.

- 1.9 The Licensing Authority received 3 representations made by 'other persons' namely Newmarket Town Council. However, as only comments specifically relating to the effect on the Licensing Objectives can be considered when determining the application, 1 of the 3 representations was rejected as it did not relate to the Licensing Objectives and could not be considered under Licensing Act 2003.

The 2 remaining representations were accepted under the licensing objective of the prevention of public nuisance and concerned the hours for sale of alcohol and noise control. These are both attached as **Appendix I**. Please note, the 'noise impact assessments' referred to within the representation is now complete and the planning application is still in progress at time of writing, the consultation end date being 10 May 2024.

Please note that Newmarket Town Council have been made aware that the applicant has agreed to reduced hours of sale of alcohol to finish at 23:00 but declined to withdraw their representation.

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
- (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 – Premises Licence Application
Appendix B – Plan of Premises
Appendix C – Representation - Private Sector Housing & Environmental Health
Appendix D - Supporting Document 1 – Newmarket Journal
Appendix E - Supporting Document 2 – Noise Complaint
Appendix F – Police Visit Follow Up Email
Appendix G – Police Model Conditions
Appendix H – Confirmation of Acceptance of Conditions and Hours Email
Appendix I – Representations - Newmarket Town Council

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/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.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>

