

MID SUFFOLK DISTRICT COUNCIL

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| From: Head of Environment | Report Number: LA/06/14 |
| To: Licensing Sub-Committee | Date of meeting: 3 September 2014 |

LICENSING ACT 2003 – HEARING TO DETERMINE AN APPLICATION MADE FOR THE GRANT OF A NEW PREMISES LICENCE – STONHAM BARNS RETAIL AND LEISURE VILLAGE, PETTAUGH ROAD, STONHAM ASPAL, STOWMARKET, IP14 6AT

1. Purpose of Report

- 1.1 To report information to the Licensing Sub-Committee to enable the determination of an application made for the GRANT of a NEW premises licence for the Stonham Barns Limited in relation to the above premises.

2. Recommendations

- 2.1 The Sub-Committee must, having regard to the representations made, take such of the steps below (if any) as it considers appropriate for the promotion of the licensing objectives:

- to GRANT the licence subject to conditions which are consistent with the operating schedule accompanying the application - modified to such extent as the authority considers appropriate for promotion of the licensing objectives - and subject to any mandatory condition(s) which must be included in the licence;
- to EXCLUDE from the scope of the licence any of the licensable activities to which the application relates;
- to REFUSE to specify a person in the licence as premises supervisor; or
- to REJECT the application.

For these purposes conditions of the licence are *modified* if any of them are altered or omitted or any new condition is added.

The Sub-Committee determines this application at the hearing.

3. Financial Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

5. Consultations

- 5.1 The application made has been subject to the statutory consultation period as prescribed by regulation. The notices advertising the application have been on display at the premises and published (East Anglian Daily Times - 15 July 2014 edition).

6. Equality Analysis

- 6.1 There are no equality impacts arising directly from the matters contained within this report.

7. Key Information

- 7.1 The hearing is to determine an application for the GRANT of a NEW premises licence made under section 17 of the Licensing Act 2003. A copy of the application including plans of the premises was received on 8 July 2014. These are attached as Appendix A.

- 7.2 The application has been submitted by:

Stonham Barns Limited (registered number 06416685)

For the proposed licensed premises:

Stonham Barns Retail and Leisure Village, Pettaugh Road, Stonham Aspal,
STOWMARKET IP14 6AT

The designated premises supervisor DPS is:

Janice Rowles (a personal licence holder with Mid Suffolk District Council)

- 7.3 The premises are currently subject of a premises licence which was originally granted in 2005 and transferred to the current applicants Stonham Barns Limited in 2012. This application is separate from the existing premises licence.
- 7.4 The information provided with the application outlines that the sale of alcohol (for consumption both on and off the premises only), late night refreshment and regulated entertainment is proposed as part of a retail and holiday complex with includes show grounds and restaurant.
- 7.5 Generally, the application seeks to authorise sales of alcohol and regulated entertainment between 09:00hrs and 23:00hrs Sunday to Thursday, 09:00hrs and 23:30 Friday and Saturday, and until midnight on Bank Holiday weekends, Christmas Eve and 01:30hrs on New Year's Eve. Late night refreshment on Friday and Saturday, and until midnight on Bank Holiday weekends, Christmas Eve and 01:30hrs on New Year's Eve. The full activities and proposed timings are contained within the application form attached as Appendix A.
- 7.6 The operating schedule steps proposed by the applicant to promote the licensing objectives are listed at Part M of the application form attached as Appendix A.
- 7.7 A hearing is necessary to determine the application following receipt of representations which have not been withdrawn. The Sub-Committee will be aware

that its consideration is confined to promotion of the four licensing objectives and the 'need', or commercial demand, for licensed premises are not considerations for the Licensing Authority when discharging its licensing functions (as outlined by the Secretary of State at paragraph 13.18 of the Guidance issued under section 182 of the Licensing Act 2003).

- 7.8 Members of the Sub-Committee will be aware that the Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certification or authorisation concerned. Nonetheless, the Licensing Act 2003 contributes towards a holistic approach to management of the evening and night-time economy in town and city centres (as outlined by the Secretary of State at paragraph 13.13 of the Guidance issued under section 182 of the Licensing Act 2003 and Mid Suffolk District Council's Statement of Licensing Policy at 1.9).
- 7.9 Members of the Sub-Committee will be aware of Statutory the Secretary of State's guidance at paragraph's 13.55 and 13.56, 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.
- 7.10 The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm
- 7.11 In carrying out its licensing functions, the Licensing Authority must have regard to its 'Statement of Licensing Policy' published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182.
- 7.12 Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance and its own Statement of Licensing Policy.
- 7.13 The Sub-Committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 for the applicant and Articles 8 and 1 of Protocol 1 for those raising representations - when determining applications for the grant of a new licence.

8. Representations

- 8.1 The Licensing Authority has received a representation from Environmental Health as a Responsible Authority under the Licensing Act 2003. This is attached as Appendix B to this report.

- 8.2 There have been no other representations received from the other Responsible Authorities under the Licensing Act 2003.
- 8.3 There have been **41** representations received made by ‘other persons’ (which includes local residents, businesses and Parish Council’s). These are attached as Appendix C to this report.

9. Appendices

| Title | Location |
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| A. Application for GRANT of NEW premises licence and accompanying documents/premises plans | Attached |
| B. Representation received from Environmental Health as a Responsible Authority | Attached |
| C. Representations received from ‘Other Persons’ | Attached |
| D. Site plan of the location of the premises | Attached |

10. Background Documents

- 10.1 The Licensing Act 2003
- 10.2 Guidance issued under Section 182 of the Licensing Act 2003
- 10.3 Mid Suffolk District Council’s Statement of Licensing Policy

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