



LICENSING SUB-COMMITTEE

Tuesday 2 June 2020

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	Kesgrave Hall Limited
Address of Applicant(s):	Hall Road, Kesgrave, Ipswich, IP5 2PU
Type of applicant (Premises Only)	Company
Name of Premises:	Kesgrave Hall
Address of premises:	Hall Road, Kesgrave, Ipswich, IP5 2PU
Description of Premises:	Hotel with restaurant and leisure facilities

EXECUTIVE SUMMARY:

<ol style="list-style-type: none">1. This is an application for a new Premises Licence.2. The application seeks to permit the following licensable activities: Sale of alcohol on and off the premises, live and recorded music, performances of dance, entertainment of a similar description to live and recorded music and dance, plays, films, indoor sporting events and late night refreshment.3. Kesgrave Hall currently has an existing Premises Licence (PREM0602) which allows all these licensable activities. This application seeks to include plays and performances of dance outside.

Is the report Open or Exempt?	Open
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Wards Affected:	Kesgrave
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Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer:	Teresa Bailey Senior Licensing Officer 01394 444364 teresa.bailey@eastsuffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – Both on and off sales

Monday to Sunday 00:01 to 00:00

Live and recorded music – Indoors and outdoors

Monday to Sunday 09:00 to 01:00 (indoors)

Monday to Sunday 12:00 to 23:00 (outdoors)

Performances of dance – Indoors and outdoors

Monday to Sunday 09:00 to 01:00

Entertainment of a similar description to live and recorded music and dance – Indoors

Monday to Sunday 09:00 to 01:00

Plays – Indoors and Outdoors

Monday to Sunday 09:00 to 00:00

Films – Indoors

Monday to Sunday 07:00 to 00:00

Indoor sporting Events

Monday to Sunday 09:00 to 00:00

Late night refreshment – Indoors and outdoors

Monday to Sunday 23:00 to 02:00

2. PROPOSED OPENING HOURS

Monday to Sunday 00:01 to 00:00

3. OPERATING SCHEDULE

3.1 The following steps have been proposed in order to promote the four licensing objectives. These are proposals offered by the applicant and in their own words. Some submissions may already form part of the licence, as mandatory conditions; others may be re-worded by officers to form meaningful, enforceable conditions on the licence.

Prevention of Crime and Disorder

1. CCTV cameras will be in operation
2. The DPS will ensure that training is provided to all staff on licensing law and records are kept.

3. The DPS will ensure that the premises are adequately supervised t all times, whether personally or by a manager of fully trained member(s) of staff.
4. The DPS will ensure that non-alcoholic drink is available at all times on the premises.
5. Information will be available and provided to customers on local taxi services.

Public Safety

1. Risk assessments will be routinely carried out.
2. All fire certificates will be in place.
3. There will be designated first aiders amongst staff.
4. CCTV cameras will be in operation.
5. All outside areas will be adequately lit.

Prevention of Public Nuisance

1. From 23:00 hours to 02:00 all windows and doors to rooms where indoor performances of plays, sporting events, live music and recorded music are taking place (other than in the form of background music) shall be kept closed other than for access and egress.
2. The volume of the amplification system for any description of regulated entertainment shall be strictly controlled so that noise and vibration levels are non-intrusive at the boundaries of nearby residential properties.
3. A responsible person shall monitor the noise level outside the buildings and implement any changes to reduce the noise levels in accordance with any request by an authorised officer of the Council immediately and ensure that the volume is maintained at a reduced level.
4. Regulated entertainments within tents, marquess, gazebos or other similar structures on the site shall end at 23:00 hours.

Protection of Children from Harm

1. All children must be accompanied by an adult whilst on the premises.

3.2 The application is attached as **Appendix A**. A plan of the premises is attached at **Appendix B**.

3.3 Since the application was submitted, and following a second representation from a local resident, the applicant has amended the application to change the timings:

Performance of plays – outdoors – to finish at 23:00

Performances of dance – outdoors – to finish at 23:00

3.4 The second representation was subsequently withdrawn.

4. REASON FOR HEARING

4.1 One representation against the application has been received from other persons.

4.2 The applicant has been provided with a copy of the representation and this is attached as **Appendix C** for members of the Sub-Committee.

4.3 Summary of grounds for representation:

Concerns over sales of alcohol and music and plays causing high noise levels and drunken behaviour at unacceptable times.

5. POINTS FOR CONSIDERATION

5.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

5.2 The attention of the Sub-Committee is drawn to the following:

- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
 - Guidance Issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

- b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights, the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

5.3 The relevant notices about this hearing have been served on the applicant and other persons and they have until 26 May 2020 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

6. CONCLUSION

6.1 The applicant has been advised of the representations that have been made and there may be mediation between the applicant and the other persons before the hearing in order to achieve agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to determine this application by:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

6.3 Depending on the decision of the Sub-Committee, the applicant and / or responsible authority and interested parties that have made representations have rights of appeal to the Magistrates' Court.

6.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

APPENDICES	
Appendix A	Application form and plan of the premises
Appendix Ai	DPS Consent Form
Appendix B	Plan
Appendix C	Representation

BACKGROUND PAPERS	
None	