



## LICENSING SUB-COMMITTEE

Monday 9 May 2022

### APPLICATION DETAILS

<b>Type:</b>	New – Premises Licence
<b>Name of Applicant(s):</b>	Sir Edward Greenwell & Mr Alexander Greenwell
<b>Address of Applicant(s):</b>	Gedgrave Hall, Gedgrave, Woodbridge, IP12 2BX
<b>Type of applicant (Premises Only):</b>	Partnership
<b>Name of Premises:</b>	Butley Priory
<b>Address of premises:</b>	The Clumps, Butley, Woodbridge, IP12 3NR
<b>Description of Premises:</b>	Hall and gardens predominantly used for private functions.

### EXECUTIVE SUMMARY:

- This is an application for a new premises licence.
- The application seeks to permit the following licensable activities: Sale of alcohol for on and off the premises, late night refreshment, plays, films, live and recorded music and dance.

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	Deben
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<b>Cabinet Member:</b>	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Leonie Houlton Licensing Officer 01502 523624 <a href="mailto:Leonie.Houlton@eastssuffolk.gov.uk">Leonie.Houlton@eastssuffolk.gov.uk</a>

## 1. PROPOSED LICENSABLE ACTIVITIES

### **Sale of alcohol –on and off sales**

Monday to Sunday                      09:00 to 02:00

### **Plays, films and performances of dance – indoors and outdoors**

Monday to Sunday                      09:00 to 00:00

### **Live and recorded music as well as anything similar to music or dance – indoors and outdoors**

Monday to Sunday                      09:00 to 02:00

### **Late night refreshment – indoors and outdoors**

Monday to Sunday                      23:00 to 02:00

## 1.1 PROPOSED OPENING HOURS

Monday to Sunday                      09:00 to 02:00

Only open for private and prebooked events/functions.

## 2. CHANGES TO APPLICATION

During discussions with the Environmental Health Officer the applicant has agreed to proposed changes to the times applied for, as well as additional conditions. The changes to timings are as follows, and the additional conditions are detailed at point 3.2 of this report:

### **Plays, films, and performances of dance**

No changes

### **Live and recorded music, anything similar to music or dance, late night refreshment and sale of alcohol:**

Sunday to Thursday                      09:00 to Midnight (Indoors and Outdoors)

Friday and Saturday                      09:00 to 00:00 (Outdoors), and 09:00 to 01:00 (Indoors)

### **Opening hours**

Sunday to Thursday                      09:00 to 00:00

Friday and Saturday                      09:00 to 01:00

## 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.

### **General**

Butley Priory and its surrounding outdoor areas are used predominantly for weddings, private functions such as birthday and anniversary parties and corporate retreats.

We take a proactive and preventative approach to promoting the licensing objectives and for managing our events safely. There will always be at least one fully trained senior member of staff (responsible person) on site throughout the event to monitor the behaviour and safety of all persons using the venue. Training will also be given to casual bar staff who will be advised of licensing laws and the required responsible approach for service of alcohol, plus venue specific policies relevant to the safe operation of events. Training records will be kept updated for each member of staff employed or contracted by the company.

We currently host zero publicly attended events, although this may change in the future.

### **Prevention of crime and disorder**

The perceived risk for crime and disorder on the premises is considerably low, although we have identified that sale/supply of alcohol can lead to guests' over-consumption, or being under the influence of drugs, can potentially lead to anti-social behaviour or conflict. Our staff will be trained on the effects of alcohol and how to spot this early on and what measures to take, and will know to remain vigilant throughout an event. We have a zero-tolerance policy against the use of drugs and we operate 'Challenge 25' for prevention of the sale of alcohol to those under-age. We do not encourage excessive drinking.

Alcohol stores and private areas are kept locked throughout an event. Communal areas are checked regularly. We have good external lighting

### **Public safety**

The premises has a full risk assessment, reviewed annually, which considers the safety of all persons using the venue and its surroundings, with mitigations in place to manage/reduce any hazards.

The responsible person managing the event will have Level 3 first aid training. First aid boxes and accident book are readily available at the premises.

A fire safety policy and fire risk assessment are in place for all three properties with records maintained for regular testing of fire safety equipment. All employed staff will have fire marshal/extinguisher training. All responsible persons and casual bar staff will have training in what to do in the event of a fire.

The responsible person will have a list of taxi numbers to actively discourage drink driving.

### **Prevention of public nuisance**

Whilst the premises is in a rural location, there are a few tenants, including staff, living close by and so noise will be monitored carefully, with perimeter and listening checks. Noise within the Priory, where most events take place, isn't likely to cause any disturbance to neighbours, due to the thickness of its walls. We advertise that the finish time for weddings and private events is midnight, but we would like the flexibility of a 2am finish for a handful of clients who require a later finish time.

Entertainment providers will be made aware of the permitted licenced hours and will not be allowed to exceed this.

### **Protection of children from harm**

Children are only allowed to attend an event if accompanied by a parent or carer and are not allowed to be left unattended during any part of the event.

We operate a 'Challenge 25' policy for prevention of the sale of alcohol to those under the age of consent. Staff will be trained in how to check ages and how to request ID.

Children will be prevented from attending age-restricted films/plays.

Any staff who are managing or overseeing a child-orientated event, will be required to have a DBS check.

3.2 Following discussions with the Environmental Health Officer, the applicant agreed to these further conditions:

1. The volume of any description of musical entertainment, films or plays shall be strictly controlled so that noise levels are non-intrusive at the boundaries of nearby residential properties.
2. While live or recorded music takes place, the licensee or management shall undertake regular subjective monitoring at the site boundary or nearest noise sensitive receptor locations to ensure that the music (including low frequency bass components) are non-intrusive. Source music levels shall be reduced as necessary and then maintained at a lower level.
3. The Licensee shall take the appropriate steps (e.g. signage and/or sufficient staff on site) to ensure that customers behave in a quiet manner when using the outside areas and when departing.

3.3 Plans of the premises are attached as **Appendices A1, A2, A3 & A4**.

**4. REASON FOR HEARING**

4.1 Twenty representations against the application have been received from other persons however, seven of these have been withdrawn following agreement to the proposed changes to times for licensable activities and the additional conditions.

4.2 One representation against the application had been received from the Environmental Protection Team at East Suffolk Council which is a responsible authority. However, after discussions with the applicant, the applicant agreed to amend the application to make changes to the proposed times for licensable activities and to also include additional conditions, see 2 & 3.2. As such the representation was withdrawn.

4.3 One representation in support of the application has been received from other persons.

4.4 The applicant has been provided with a copy of the representations and the remaining representations from other persons are attached as **Appendix B** for members of the Sub-Committee.

4.5 Summary of grounds for representation:

The main concerns are regarding the original late finish time of 2am for all licensable activities as the premises is located in a very quiet, tranquil area (an area of outstanding natural beauty) and that the noise from the premises would disturb residents and detract from the area.

Regular events with music etc until 02:00 am would be a public nuisance to residents as it is a quiet rural area where noise travels, especially at night and loud music into the small hours will have a severe detrimental effect, not only on the community but also on the wildlife in this important area of outstanding natural beauty (AONB).

The increased traffic and noise at the end of the extended evening was also a concern.

Although the Priory has been used for weddings and other functions which have mostly been held in a marquee. Noise from these events has been audible at objectors' homes, particularly on still evenings and when the wind has been blowing in the direction of the homes.

Concern over noise from outside events (in marquee etc.) that go on past midnight however, there was also concerns raised about noise from events within the buildings they may not be suitably noise-insulated, especially if the doors/windows of these buildings are opened for ventilation purposes.

AONB – the AONB team have significant concerns about the licensing request and the serious impact permitting this licence would have on the tranquillity, a defining characteristic of the Suffolk Coast & Heaths AONB. Permitting the above licence application would introduce significant noise and disturbance from both the proposed activities and from increased traffic visiting the site, into a highly tranquil part of the Suffolk Coast & Heaths AONB.

Representation in support – Thought that any entertainment is likely to be inaudible given the distance from the main village, and that it will benefit the local economy and bring vitality to the area.

#### 4.6 Summary of grounds of representations following proposed changes:

Concerns were still raised as to the noise that would result because of events held and that this would be detrimental to the area and residents. Queries have been raised regarding how the noise levels would be monitored/measured.

### 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 local 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 29 April 2022 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.

<b>APPENDICES</b>	
<b>Appendix A1</b>	Estate Boundary Plan for Butley Priory
<b>Appendix A2</b>	Butley Priory Floor Plan
<b>Appendix A3</b>	Butley Abbey Farmhouse Floor Plan
<b>Appendix A4</b>	Butley Priory Cottage Floor Plan
<b>Appendix B</b>	Representations (private document for the Sub-Committee only)

<b>BACKGROUND PAPERS</b>	
None	