



**Licensing and Gambling Acts Sub-Committee  
27 March 2023**

**LICENSING ACT 2003**

**APPLICATION TO VARY A PREMISES LICENCE**

**Sundown Festival, Norfolk Showground, Dereham Road, Costessey, NR5 0TT**

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**Portfolio:** Clean and Safe Environment

**Ward(s) Affected:** Hethersett and Costessey

**Purpose of the Report:**

This report details an application to vary a Premises Licence.

**Recommendations:**

The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:

- Grant the application.
- Modify the conditions of the licence, altering or omitting or adding to them.
- Reject the whole or part of the application.

## 1. Summary

- 1.1 The Committee is requested, in accordance with the delegation of licensing functions contained in the South Norfolk Council Statement of Licensing Policy, to consider an application to vary a Premises Licence in respect of the Sundown Festival, Norfolk Showground, Dereham Road, Costessey, NR5 0TT.

## 2. Background

- 2.1 In previous years the Sundown Festival Ltd has operated under premises licence PLA0347 (Sundown Festival Ltd), PLA0273 (Royal Norfolk Agricultural Association) and temporary event notices. Appendix One provides a copy of the associated premises licences and details which activities have previously been covered by which licences/notices and how these correspond to the application submitted.
- 2.2 Following the Sundown Festival held in September 2022, the Safety Advisory Group approached the event organiser to request that, going forward, all activities proposed were contained on one licence. This prevents any possible confusion about which licence/notice is in use and in turn which conditions are being implemented.
- 2.3 An application has subsequently been received from Sundown Festival Ltd to vary premises licence PLA0347.
- 2.4 The application describes the nature of the variation as:  
“To amalgamate the licences and TENs used for the Sundown festival. With the exception of the hours listed below in the application, all licensable activities and hours are to remain as those presently licensed and do not form part of this variation application”

A copy of the application is attached at Appendix Two.

- 2.5 It is important to note that elements of the application fall outside of the amalgamation of the previously used licences/notices. These include –
- Opening hours to commence at 11:00hrs. Presently licensed from 13:00hrs.
  - Commencement of recorded music, live music and the supply of alcohol from 11:00hrs. Presently licensed from 13:00hrs.

These provisions formed part of detailed negotiations with the Safety Advisory Group in an attempt to mitigate the impact on the road network and to prevent pre-loading by customers queuing to enter the site.

## 3. Relevant Representations

- 3.1 All relevant representations must relate to one or more of the Licensing Objectives:
- The Prevention of Crime and Disorder
  - The Protection of Children from Harm

- The Prevention of Public Nuisance
- Public Safety

3.2 The responses from the Responsible Authorities are as follows:

**Police** – comments received (please see Appendix Three)

**Environmental Health** (Community Protection) – comments received (please see Appendix Four)

**Health and Safety** – no representations received

**Fire Officer** – no representations received

**Planning Officer** – no representations received

**Norfolk Local Safeguarding Children Board** – no representations received

**Public Health Norfolk** – no representations received

**Licensing Authority** – no representations received

#### 4. Other persons

4.1 A representation has been received from a local resident. Please see Appendix Five for details of the representation.

4.2 All representations have been detailed in full. The Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022 edition) recommends the benefit of the doubt about any aspect of the representation should be given to the person making the representation. Committee will wish to carefully consider the representations and take into account only those matters which are relevant to the subject area of the representation.

#### 5. Proposed action

5.1 The Committee must determine this application with a view to promoting the Licensing Objectives.

5.2 In making its decision, the Committee must have regard to guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022) and the Council's Licensing Policy. The Committee must also have regard to the representation made and the evidence placed before it.

## 6. Issues and risks

- 6.1 **Resource Implications** – The Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal to the Magistrates' Court.
- 6.2 **Legal Implications** – There are no legal implications other than the issues detailed at 6.1 and 6.3.
- 6.3 **Equality Implications** – There are human rights implications associated with this matter. The interests of the applicant must be balanced against the interests and protection of the wider community. Any actions proposed in respect of the application, must be proportionate to the matter under consideration, the decision-making process must be transparent and all parties must be given full opportunity to make representations. The Committee is therefore required to balance the interests of the applicant against the interests of the community and decide where the balance should lie.
- 6.4 **Environmental Impact** – In making their determination Committee is requested to ensure that the principles of the prevention of public nuisance licensing objective are upheld.
- 6.5 **Crime and Disorder** – In making their determination Committee is requested to ensure that the principles of the prevention of crime and disorder licensing objective are upheld.
- 6.6 **Risks** – In making its determination, failure to take into consideration the relevant legislation, guidance and the Council's Licensing Policy may leave the Committee's decision open to challenge.

## 7. Recommendations

- 7.1 The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:
- Grant the application.
  - Modify the conditions of the licence, altering or omitting or adding to them.
  - Reject the whole or part of the application.

## Appendices:

1. Copy of associated licences
2. Copy of the application
3. Comment received from Norfolk Constabulary Community Protection
4. Comment received from Community Protection
5. Representation received from local resident