



LICENSING SUB-COMMITTEE

Friday 5 April 2024

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	The Mayfair Bungay Ltd
Address of Applicant(s):	The Mayfair, 18 Broad Street, Bungay, NR33 1EE
Type of applicant (Premises Only):	Company
Name of Premises:	The Mayfair
Address of premises:	18 Broad Street, Bungay, NR35 1EE
Description of Premises:	Café and Cellar Bar

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Live and recorded music, Dance, Films and Late night refreshment – all indoors only. On and off sales of alcohol.

Is the report Open or Exempt?	Open
Wards Affected:	Bungay
Cabinet Member:	Councillor Jan Candy, Cabinet Member with responsibility for Community Health
Supporting Officer:	Leonie Houlton Licensing Officer 01502 523624 Leonie.Houlton@eastsoffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

1.1 Original licensable activities and times as on the application received on 9 February 2024.

Late night refreshment – indoors

Monday to Sunday 23:00 to 00:00

Live and recorded music, dance, and film – indoors

Monday to Sunday 12:00 to 00:00

Sale of alcohol – on and off sales

Monday to Sunday 10:00 to 00:00

1.2 New proposed licenced activities and times as proposed in the Management Plan and Nuisance reduction strategy submitted on 7 March 2024 and an agreed amendment that was submitted by the applicant on 8 March 2024. **Appendix C and D.**

Live and recorded music would no longer be required as a licensable activity as it would be permitted under deregulation if the premises is licenced for the 'on sales' of alcohol. Also, Late night refreshment has been removed as this is only a licensable activity between 23:00 and 05:00 Monday to Sunday.

Dance and film – indoors

Monday to Sunday 12:00 to 18:00 in the licenced café area.

Monday to Sunday 18:00 to 23:00 in the licenced cellar bar area

Alcohol – on and off sales

Monday to Sunday 10:00 to 18:00 in the licenced café area.

Monday to Sunday 18:00 to 23:00 in the licenced cellar bar area

2. PROPOSED OPENING HOURS

2.1 Original opening times as on the application received on 9 February 2024.

Monday to Sunday 10:00 to 00:00

2.2 Proposed opening hours as of 8 March 2024.

Monday to Sunday 10:00 to 18:00 in the licenced café area.

Monday to Sunday 18:00 to 23:00 in the licenced cellar bar area

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

Training of staff to ensure compliance with the law in relation to consumption of alcohol to persons under 18 years of age, including prevention of adults buying alcohol for children.

Challenge 25 will be in operation.

Separating alcohol from children's area.

All staff to be trained in responsible alcohol retailing.

Any person who appears to be drunk or aggressive will not be permitted onto the premises.

A full evacuation plan in case of emergency.

Prevention of crime and disorder

The premises is a family friendly business attracting a demographic of 6months to 65+

No binge drinking promotions will take place.

Any person who appears to be drunk or aggressive will not be permitted entry.

No alcohol to be brought into or allowed to leave the premises unless in a sealed bottle.

Zero tolerance drug policy.

Public safety

All staff will be aware of current legislation, risk assessments and evacuation plans.

At least one member of staff on duty will be first aid trained.

All aspects of health and safety/fire safety will be adhered to.

A waste recycling program will be used to ensure bins are emptied and waste recycled accordingly.

Toilets and building will be cleaned daily, and property kept in good upkeep and condition.

Free water will be available at all times.

All structures will have the relevant risk, test certificates and suitable insurance.

Prevention of public nuisance

The Mayfair Building has had a schedule of opening times throughout different parts of the building to prevent nuisance to residents. Evening access in through a non-residential lane (Brandy Lane).

Front Shop open from 10am to 6pm and the rear bar area open 6pm to midnight.

No alcohol to be taken off site unless sealed.

Customers encouraged to leave quietly and not loiter on residential roads.

Good communication with the neighbours and the community to ensure a good working relationship and prevent the potential avoidable disturbances.

Protection of children from harm

Training of staff to ensure compliance with the law in relation to consumption of alcohol to persons under 18 years of age, including prevention of adults buying alcohol for children.

Under 18 years of age with a responsible adult Proof of Age will be required if someone appears to be under 18.

Child protection policy in place.

The covering letter and application form for this application are attached as **Appendices A and A1**. The accompanying plan is attached as **Appendix B**.

3.2 On 7 March 2024 the applicant submitted a Management Plan and Noise Reduction Strategy, which was written following conversations with the Environmental Protection Officer and those who had made representations.

This included some clarification on the times that certain areas of the premises will be

used as well as further detail on the soundproofing measures that will be implemented. It also mentioned the already agreed conditions from Suffolk Constabulary and the applicant provided further conditions to be considered as part of the application. This document was sent to all Responsible Authorities as well as those that had submitted objections. This document is attached as **Appendix C** to this report.

4. REASON FOR HEARING

4.1 Twenty-five representations in support of the application have been received from other persons.

4.2 Three representations against the application have been received from other persons.

4.3 The applicant has been provided with a copy of the representations and these are attached as **Appendix E and F** for members of the Sub-Committee.

4.4 One representation was received 4 days after the date for the end of consultation. This was from Bungay Town Council. The Licensing Team has accepted this representation based on the case of Belfast City Council v Miss Behavin' Ltd. The Miss Behavin' case should be applied to late representations in cases where at least one relevant representation was received within the 28 day consultation period so that all relevant information can be taken into account by the Sub-Committee in arriving at its decision. The representation is attached at **Appendix H**.

4.5 One representation was received from Suffolk Constabulary. However, following correspondence between Suffolk Constabulary and the applicant, the following conditions have been agreed and the police have now withdrawn their objection:

1. A Challenge 25 policy will be implemented requiring all customers who appear to be under the age of 25 to produce photographic identification in the form of a passport, driving licence or proof of age scheme (PASS) approved identification, before alcohol can be supplied or sold to them. All staff will be instructed, through training, that alcohol cannot be supplied or sold unless valid identification is produced. The premises licence holder shall ensure that notices are prominently displayed in the premises to advise patrons and staff that a 'Challenge 25' scheme operates in the premises.
2. All staff engaged in the sale of alcohol will be trained in Responsible Alcohol Retailing on commencing employment at the premises. This training can be administered in-house by the DPS. Training records shall be kept on the premises and produced to the Police/Local Authority on request. Training will be reviewed every 6 months to ensure that staff are up to date with the latest legislation and their training records endorsed accordingly.
3. A log will be kept at the premises, recording any significant incidents or any refusal of the sale of alcohol. It will be made available to an authorised officer of the Police or Council on request. It must be completed within 24 hours of the occurrence and must record: a) the date and time of the incident or refusal, b) names of staff and persons involved (if known), c) detail of incident or refusal. Incidents to be recorded should include (but not be limited to) – any crime or disorder, injuries to staff or customers, refusal of the sale of alcohol, ejections, banning of customers, seizures of drugs/weapons, or any visit by relevant authorities or emergency services, and the purpose of the visit.

4. A CCTV and associated recording system shall be installed and maintained. CCTV shall cover all areas of the premises open to the public, including entry and exit points, and must be capable of providing images of quality sufficient to support facial identification. The system must always operate during hours of licensable activity and/or when customers are on the premises. Equipment must be maintained in good working order, be correctly time and date stamped, and recordings must be kept for a period of 30 days. The Premises Licence Holder must ensure a DPS or appointed member of staff, able to operate the CCTV system is always present when the premises are open to the public. That person will show video to Police or an Authorised Officer with minimum delay when requested. A download of CCTV video in a viewable format on disc or storage device will be provided to the Police or an Authorised Officer as soon as possible, and in any case within 36 hours of the request. The CCTV system will be regularly checked to ensure that it is functioning correctly.
5. CCTV capable of complying with the above condition will cover the area outside the venue and will include the area adjacent to Brandy Lane.
6. No open containers of alcohol whether bottles or drinking vessels may be taken outside the premises at any time by customers.

4.6 East Suffolk Council Environmental Protection Team did provide documentation stating that they would not be objecting to the application. **Appendix G.**

4.7 No representations against the application were received from any of the other responsible authorities.

4.8 Summary of grounds for representations of objection:

There have already been problems with noise when the premises opened over Christmas 2023. Planned opening over Christmas was cancelled because the East Suffolk Council Environmental Protection Team raised concerns and objected to the Temporary Event Notice that had been submitted.

The objection was because levels of noise which would be classed as a nuisance had been observed by the Environmental Protection Team on 15 December 2023 – during which time a Temporary Event Notice was in place. There was no amplified or acoustic music being played at the time of the visit. Likely that these noise nuisances from conversational/general operational noise let alone music will continue.

People spilling out onto the street and the general noise and nuisance this was likely to bring in a predominantly residential street.

Intoxicated patrons congregating outside the entrance both in Broad Street and Brandy Lane. This was intimidating to walk through Brandy Lane. There was also cigarette butts, vomit, and urination. This was raised with the applicant, but no action was taken. Concerns that this would continue along with other anti-social behaviour.

The new entrance/exit will likely lead to further noise problems as they are located near to residential properties.

4.9 Summary of grounds for representations of objection following the proposed amendments:

People would now also be accessing the building from new entrances which will lead to noise issues for local residents. The new entrance/exit is located on a narrow alleyway, which has

residential properties directly nearby and that noise could continue until late into the evening.

Although the amended times/conditions were welcomed they did not address the previous concerns. Many were left unresolved and therefore, they welcomed the hearing so that the application could be considered then.

Many of these proposed measures, especially for prevention of noise nuisance were dependant on planning permissions being granted. Unsure how this would therefore be enforceable on any premises licence that may be granted.

It did not appear that cleaning of Brandy Lane had been undertaken by the premises over the period that they were open.

If lighting was provided in Brandy Lane that this could encourage customers to congregate around these lights whilst smoking and the possibility of light pollution as well.

4.10 Summary of grounds for supporting representations:

When the premises has been open, especially over Christmas it was a pleasant and friendly place to visit. It catered well for everyone.

The benefits of having this premises in Bungay as a place to visit outweighed the possible negatives.

Bungay needed something like this and that it will be an asset to the town.

Those that lived close to the premises also stated that they had not noticed any notable disturbances during the times it was open over the previous Christmas period.

The applicant and DPS have a lot of experience in running licenced premises/events and would be able to control any potential issues.

The premises should be given a chance.

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 27 March 2024 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	Covering letter
Appendix A1	Application form
Appendix B	A plan of the premises
Appendix C	Management Plan and Nuisance reduction strategy provided on 7 March 2024
Appendix D	Email confirming change of times provided on 8 March 2024
Appendix E	Representations in Support (private document for the Sub-Committee only)
Appendix F	Representations in Objection (private document for the Sub-Committee only)
Appendix G	Environmental Protection Representation
Appendix H	Late representation from Bungay Town Council

BACKGROUND PAPERS	
None	