



## LICENSING SUB-COMMITTEE

Monday, 13 September 2021

### APPLICATION DETAILS

<b>Type:</b>	New – Premises Licence
<b>Name of Applicant(s):</b>	Bungay Community Centre Trustees
<b>Address of Applicant(s):</b>	11 Trinity Street, Bungay, NR35 1EH
<b>Type of applicant (Premises Only):</b>	Company
<b>Name of Premises:</b>	Bungay Community Centre
<b>Address of premises:</b>	Old Grammar Lane, Bungay, NR35 1PU
<b>Description of Premises:</b>	Community Centre

### 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.

Is the report Open or Exempt?	Open
-------------------------------	------

<b>Wards Affected:</b>	Bungay
------------------------	--------

<b>Cabinet Member:</b>	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Leonie Hoult Licensing Officer 07733 362154 <a href="mailto:Leonie.Hoult@eastsoffolk.gov.uk">Leonie.Hoult@eastsoffolk.gov.uk</a>

## 1. PROPOSED LICENSABLE ACTIVITIES

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

Monday to Sunday                      09:00 to 23:00

## 2. PROPOSED OPENING HOURS

Monday to Sunday                      08:00 to 23:00

## 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

There is CCTV around the outside of the building which will deter crime & disorder. Regulations about timing of the licence permission will be conveyed to hirers. A trustee can be on site throughout a hire period if required. There is no intention to show age restricted films to children, nor to have instances of nudity or lewd behaviour on the premises.

### Prevention of crime and disorder

None.

### Public safety

None.

### Prevention of public nuisance

None.

### Protection of children from harm

None.

A plan of the premises is attached as **Appendix A**.

## 4. REASON FOR HEARING

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

- 4.2 One representation against the application has been received from the Environmental Protection Team at East Suffolk Council which is a responsible authority.

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

- 4.3 Summary of grounds for representation:

The main concerns are that the premises is in a residential area and therefore, the possibility that alcohol could be purchased between 9am and 11pm everyday would be inappropriate. There are already concerns with the level of noise at the premises, when it is being used and therefore, it is likely that by allowing the sale of alcohol this will only make the problems

worse. It would also encourage anti-social behaviour of which there are already problems within the area, including vandalism as well as drugs being used in the nearby playground.

The representation received from the Environmental Protection Team mentioned that the function room did not benefit from any mechanical cooling such as air conditioning and features two sets of double fire doors which open out directly onto a large patio and garden area. This outdoor space is directly overlooked by several nearby houses. Therefore, it is likely that the fire doors will be used to ventilate and cool the function room and that users of the hall will also wish to use the outdoor space. This is likely to be a significant problem and cause nuisance to nearby residents, particularly in the evening and at night.

Although the Environmental Protection Officer did object, they did put forward conditions if the committee was minded to grant a licence, and these were:

1. Prior to any use of the premises license the licence holder shall agree a noise management plan (NMP) with East Suffolk Council's Environmental Protection department. Following this the site will be managed and operated in accordance with the agreed (NMP).
2. Noise from the premises must not be audible (noise will be considered to be inaudible or not audible if it cannot be heard or is imperceptible to the human ear) at the façade of any noise sensitive premises in the vicinity. (Noise sensitive premises are residential properties and hospitals, libraries, places of worship, hotels, schools and other similar premises when these are in use).
3. The Licence holder shall make sure that doors and windows are kept closed (except for ingress and egress) to reduce noise nuisance from the premises.
4. The Licence holder shall nominate a person to be responsible for monitoring noise levels and instruct that person to implement changes in noise levels in accordance with any request by an authorised officer of the Council immediately and ensure that volume is maintained at the reduced level.

## **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 14<sup>th</sup> October 2021 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	A plan of the premises
Appendix B	Representation (private document for the Sub-Committee only)

BACKGROUND PAPERS	
None	