

# Public Document Pack



## LICENSING SUB-COMMITTEE

LOCATION OF HEARING:  
**KING EDMUND CHAMBER, ENDEAVOUR  
HOUSE, 8 RUSSELL ROAD, IPSWICH IP1 2BX**

DATE AND TIME OF HEARING:  
**FRIDAY, 26 APRIL 2024 AT 10.00 AM**

## LICENSING ACT 2003 NOTICE OF HEARING

In accordance with Regulation 6(1) of the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Authority of Babergh District Council hereby gives notice that a hearing of a Sub-Committee of the Authority's Licensing & Regulatory Committee has been arranged as set out above in order to determine the following application:

### Application for the GRANT of a premises licence (section 17)

**Application date:** 4<sup>th</sup> March 2024

**Applicant:** The Marquis of Cornwallis Ltd.

**Premises:** Marquis Suffolk, Upper Street, Layham, Ipswich IP7 5JZ

Please ensure that the attached 'Attendance at Hearing Notice' is completed and returned.

### Sub-Committee Members

#### Members

Leigh Jamieson  
Alison Owen  
Lee Parker

#### Reserve Members

Paul Clover  
Alastair McCraw

This meeting will be broadcast live to YouTube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting in person, you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

## AGENDA

### PART 1

#### MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

1 **WELCOME - LEGAL ADVISOR TO THE SUB-COMMITTEE**

2 **ELECTION OF CHAIRMAN FOR HEARING (IF APPROPRIATE)**

3 **APOLOGIES FOR ABSENCE**

4 **DECLARATION OF INTERESTS BY COUNCILLORS**

5 **BLSC/23/2 LICENSING ACT 2003 - HEARING TO DETERMINE AN APPLICATION MADE FOR THE GRANT OF A NEW PREMISES LICENCE - MARQUIS SUFFOLK, UPPER STREET, LAYHAM**

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Report from the Licensing Team attached.

**APPLICANT – RESPONSIBLE AUTHORITIES – INTERESTED PARTIES**

Please ensure that you complete and return the attached 'Attendance at Hearing Notice' NO LATER than 5 (five) working days before the date of the hearing.

A party who wishes to withdraw any representations they have made should do so as soon as possible.

If you consider that the hearing is not necessary, the Licensing Authority may dispense with a hearing providing all parties subject to the hearing agree that a hearing is not necessary. If you consider this to be the case, then you should give notice to the authority as soon as possible.

**Procedure to be followed at the hearing**

The procedure is attached.

6 **EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)**

Sub-Committee deliberations to take place in closed session.

7 **RE-ADMITTANCE OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)**

**Webcasting/ Live Streaming**

The Webcast of the meeting will be available to view on the Councils YouTube page: [https://www.youtube.com/channel/UCSWf\\_0D13zmegAf5Qv\\_aZSg](https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg)

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Committee Services on: 01473 296373 or Email: [Committees@babberghmidsuffolk.gov.uk](mailto:Committees@babberghmidsuffolk.gov.uk)

### **Introduction to Public Meetings**

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

### **Domestic Arrangements:**

- Toilets are situated opposite the meeting room.
- Cold water is also available opposite the room.
- Please switch off all mobile phones or turn them to silent.

### **Evacuating the building in an emergency: Information for Visitors:**

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

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# Agenda Item 5

## BABERGH DISTRICT COUNCIL

<b>TO:</b> Licensing Sub-Committee	<b>REPORT NUMBER:</b> <b>BLSC/23/2</b>
<b>FROM:</b> Kate Pearsall – Licensing Team Leader	<b>DATE OF MEETING</b> 26 April 2024
<b>OFFICER:</b> Kay Sanders and Kerry Chandler – Licensing Officers	<b>KEY DECISION REF NO.</b> N/A

### LICENSING ACT 2003 – HEARING TO DETERMINE AN APPLICATION MADE FOR THE GRANT OF A NEW PREMISES LICENCE – MARQUIS SUFFOLK, UPPER STREET, LAYHAM, IPSWICH IP7 5JZ

#### 1. Purpose of Report

- 1.1 To report information to the Sub-Committee to enable the determination of an application made for the GRANT of a NEW premises licence by The Marquis of Cornwallis Ltd in relation to the above premises.

#### 2. Recommendations

- 2.1 The Sub-Committee must, having regard to the representations made, take such of the steps below (if any) as it considers appropriate for the promotion of the licensing objectives:

- to GRANT the licence subject to conditions which are consistent with the operating schedule accompanying the application - modified to such extent as the authority considers appropriate for promotion of the licensing objectives - and subject to any mandatory condition(s) which must be included in the licence;
- to EXCLUDE from the scope of the licence any of the licensable activities to which the application relates;
- to REFUSE to specify a person in the licence as premises supervisor; or
- to REJECT the application.

For these purposes conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

That the Sub-Committee determines this application at the hearing

#### 3. Key Information

- 3.1 The hearing is to determine an application for the GRANT of a NEW premises licence made under section 17 of the Licensing Act 2003. A copy of the application was received on 4<sup>th</sup> March 2024 and amended by mediation. This amended application is attached as **Appendix A** to this report.

- 3.2 The application has been submitted by:

**The Marquis of Cornwallis Ltd.**

For the proposed licensed premises:

**Marquis Suffolk, Upper Street, Layham, Ipswich IP7 5JZ**

The designated premises supervisor DPS is:

**David Mee** (a personal licence holder with East Suffolk District Council)

- 3.3 Full details of the proposed activity and timings are contained within the application form attached as **Appendix A** alongside the steps proposed by the applicant in the operating schedule (part M) and additional conditions agreed through mediation between the applicant, Police and Babergh District Council Environmental Protection Team to promote the licensing objectives are attached as **Appendix B**.
- 3.4 A plan detailing the areas to be licensed are attached to this report as **Appendix C**.
- 3.5 A hearing is necessary to determine the application following receipt of representations which have not been withdrawn. The Sub-Committee will be aware that its consideration is confined to promotion of the four licensing objectives and the 'need', or commercial demand, for licensed premises are not considerations for the Licensing Authority when discharging its licensing functions (as outlined by the Secretary of State at paragraph 14.19 of the Guidance issued under section 182 of the Licensing Act 2003).
- 3.6 The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:
  - (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm
- 3.7 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182 of the Act.
- 3.8 Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance, and its own Statement of Licensing Policy.
- 3.9 The Sub-Committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 and Articles 8 and 1 of Protocol 1 when determining applications for the grant of a new licence.
- 3.10 Members of the Sub-Committee will be aware that the Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certification or authorisation concerned.

Nonetheless, the Licensing Act 2003 contributes towards a holistic approach to management of the evening and night-time economy (as outlined by the Secretary of State at paragraph 14.13 of the Guidance issued under section 182 of the Licensing Act 2003 and Babergh District Council's Statement of Licensing Policy at 1.9).

- 3.11 Members of the Sub-Committee will be aware of Statutory the Secretary of State's guidance at paragraph's 14.64 and 14.65, which states that planning and licensing are different regimes, and neither is bound by the others decisions. There are circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 3.12 The Licensing Authority's general approach to considering licensing hours is contained within section 6 of the local Statement of Licensing Policy, and section 7 guides on relevant representations.

#### **4. Representations**

- 4.1 The Licensing Authority has received no representation from a Responsible Authority under the Licensing Act 2003.
- 4.2 There have been 13 representations received made by 'other persons' (which includes local residents, businesses and residence association). These are attached as **Appendix D** to this report.

#### **5. Financial/Legal Implications**

- 5.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

#### **6. Risk Management**

- 6.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

#### **7. Consultations**

- 7.1 The application made has been subject to the statutory consultation period as prescribed by regulation. The notices advertising the application have been on display at the premises and published in the Suffolk Free Press – 26 October 2023 edition.

#### **8. Equality Analysis**

- 8.1 There are no equality impacts arising directly from the matters contained within this report.

## 9. Appendices

Title	Location
(a) Application for GRANT of NEW premises licence	Attached
(b) Steps to promote licensing objectives (part M)	Attached
(c) Plan showing the areas to be licensed	Attached
(d) Representations received from 'Other Persons'	Attached

## 10. Background Documents

10.1 The Licensing Act 2003

10.2 Guidance issued under Section 182 of the Licensing Act 2003

10.3 Babergh District Council's Statement of Licensing Policy



FINAL APPLICATION AFTER MEDIATION DURING THE CONSULTATION PERIOD

**Application for a premises licence to be granted under the Licensing Act 2003**

**Please read the following instructions first**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**We**

*The Marquis Of Cornwallis Ltd*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Marquis Suffolk Upper Street Layham Ipswich			
<b>Post town</b>	Ipswich	<b>Postcode</b>	IP7 5JZ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ N/A

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **Please tick as appropriate**

a)	an individual or individuals *	<input type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	

	i	as a limited company/limited liability partnership	X	please complete section (B)
	ii	as a partnership (other than limited liability)		please complete section (B)
	iii	as an unincorporated association or		please complete section (B)
	iv	other (for example a statutory corporation)		please complete section (B)
c)	a recognised club			please complete section (B)
d)	a charity			please complete section (B)
e)	the proprietor of an educational establishment			please complete section (B)
f)	a health service body			please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales			please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England			please complete section (B)
h)	the chief officer of police of a police force in England and Wales			please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) individual applicants** (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>	I am 18 years old or over		Please tick yes		
<b>Nationality</b>					

Current residential address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)
--

**Second individual applicant** (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old		Please tick yes or over	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town		Postcode			
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)

**(B) Other applicants**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

The Marquis of Cornwallis Ltd
Address Upper Street Layham Ipswich Suffolk IP7 5JZ
Registered number (where applicable) 9281401
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) (                    ,                    )
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start? DD MM      YYYY

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If you wish the licence to be valid only for a limited period, DD MM YYYY when do you want it to end?

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**A**

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <b>indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	X
				Outdoors	
Day	Start	Finish		Both	
Mon	08:00	23:59	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	08:00	23:59			
Wed	08:00	23:59			
Thur	08:00	23:59	<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)  New Years Eve Live Music Till 02:00 am		
Fri	08:00	23:59			
Sat	08:00	23:59	<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun	08:00	23:59			

**F**

Recorded music Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	X
Day	Start	Finish		Outdoors	
				Both	
Mon	08:00	23:59	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	08:00	23:59			
Wed	08:00	23:59	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)  New Years Eve- Recorded Music Till 02:00 am		
Thur	08:00	23:59			
Fri	08:00	23:59	<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	08:00	23:59			
Sun	08:00	23:59			

# G

Performances of dance Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	X
Mon	23:00	23:59	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	23:00	23:59			
Wed	23:00	23:59	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)  New Years Eve till 0200 am		
Thur	23:00	23:59			
Fri	23:00	23:59	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	23:00	23:59			
Sun	23:00	23:59			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	
				Off the premises	
Day	Start	Finish		Both	x
Mon	08:00	23:59	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  New Years Eve 02:00am		
Tue	08:00	23:59			
Wed	08:00	23:59			
Thur	08:00	23:59	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	08:00	23:59			
Sat	08:00	23:59			
Sun	08:00	23:59			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b>	
<b>Date of birth</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal licence number (if known)</b> 9281401	
<b>Issuing licensing authority (if known)</b> East Suffolk Council	

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**



<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)

## **M**

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

See Appendix A

**b) The prevention of crime and disorder**

See Appendix A

**c) Public safety**

See Appendix A

**d) The prevention of public nuisance**

See Appendix A

**e) The protection of children from harm**

See Appendix A

**Checklist:****Please tick to indicate agreement**

<input type="radio"/>	I have made or enclosed payment of the fee.	X
<input type="radio"/>	I have enclosed the plan of the premises.	X
<input type="radio"/>	I have sent copies of this application and the plan to responsible authorities and others where applicable.	X
<input type="radio"/>	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	X
<input type="radio"/>	I understand that I must now advertise my application.	X
<input checked="" type="radio"/>	I understand that if I do not comply with the above requirements my application will be rejected. [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	X X

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	28/02/2024
Capacity	Business Director

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
    - Live music: no licence permission is required for:
      - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.
  15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:
- A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:
- does not have the right to live and work in the UK; or
  - is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

#### **Home Office online right to work checking service.**

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



### **Conditions proposed by the applicant on application to the team**

2.1 The premises licence holder shall ensure that all relevant members of staff shall receive suitable and sufficient training to ensure the promotion of the licensing objectives with particular regard to the prevention of sales of alcohol to underage or drunken persons. The premises licence holders shall ensure that all members of staff receive and complete suitable and sufficient training to include licensing law, offences in relation to prohibited sales and good practice in relation to promotion of the licensing objectives. Training records shall be accurately and legibly maintained and produced upon demand to an authorised officer of the Police or Licensing Authority. Refresher training shall be undertaken at least once every 12 months, with any new member of staff to be trained within six weeks of taking their position and prior to undertaking any direct duties in relation to the sale or supply of alcohol. For the avoidance of doubt this training may be administered in-house/on-line in accordance with the relevant criteria. 2.2 The premises licence holder shall operate and maintain an adequate CCTV system at the licensed premises which shall operate at all times whilst licensable activities are taking place. The premises licence holder shall ensure that at all times there is a member of staff able to download CCTV footage in a viewable format. Recordings shall be retained for a period of 31 days and made available to the Police or Licensing Authority for inspection upon request, subject to compliance with Data Protection legislation.

2.3 There shall be no restrictions to hotel residents or their bona fide guests for the supply of alcohol or late-night refreshment on the premises provided payment is debited to the room number of a guest residing there and paid as part of their bill on check-out.

2.4 Lighting and emergency lighting shall be installed and maintained so as to ensure that good levels of visibility are maintained whilst the premises are being used for licensable activities and the public are on the premises. External lighting should be of such specification and positioning so as to meet this objective without causing any public nuisance by light pollution.

2.5 The Designated Premises Supervisor, Manager or person nominated to act on their behalf, shall carry out regular checks of public areas to mitigate any potential risk to public safety.

2.6 Notices shall be prominently displayed and maintained on the licensed premises at each entrance/exit and in outdoor areas requesting customers leave the premises quietly and with consideration for local residents.

2.7 The premises licence holder shall ensure that there shall be no taking out of refuse, including glass bottles, or movement of refuse bins between the hours of 23:00 hrs to 07:00 hrs.

2.8 Customer arrival/dispersal shall be adequately managed by staff on duty at the premises so as to prevent disturbance to nearby residential properties.

2.9 The premises licence holder shall adopt a 'Challenge 25' proof of age scheme. The premises licence holder shall operate a requirement for the production of a passport, driving licence or other bona fide form of identity carrying a photographic image, where the individual requesting the supply of alcohol appears to be under the age of 25 (twenty-five).

2.10 The premises licence holder shall ensure that there is a personal licence holder present on the premises at all times whilst licensable activities are taking place.

2.11 There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.12 The premises licence holder shall ensure that volume levels from both live and recorded music are monitored by a responsible person throughout the duration of the activity. Monitoring shall take place both inside and outside of the licensed premises and due regard shall be had to whether the activity may lead to excessive noise at neighbouring properties. Appropriate remedial steps shall be taken in the event of any excessive noise levels being experienced.

2.13 Outdoor amplified music to cease at 21:00Hrs any day of the week. 2.14

The pool area will only permit the use of plastic drinking receptacles.

### **Mediated conditions agreed by applicant with the Police**

1. 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 will record: a) the date and time of the incident or refusal, b) names of staff and persons involved (if known), c) detail of the incident or refusal.
2. Incidents to be recorded should include (but are not limited to) – any crime or disorder, injuries to staff or customers, refusals 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.

### **Mediated Conditions agreed by applicant with Environmental Protection**

1. Prior to the commencement of any activities involving the emission of amplified sound A noise limiter, fitted with sockets to enable connection of amplified equipment within the premises must be fitted to the musical amplification system and set to limit the maximum level to 90dBA (within the Banquet hall as shown on the licence application drawing) so as to ensure that no noise nuisance is caused to local residents.
2. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Protection team and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Protection team. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Protection team.

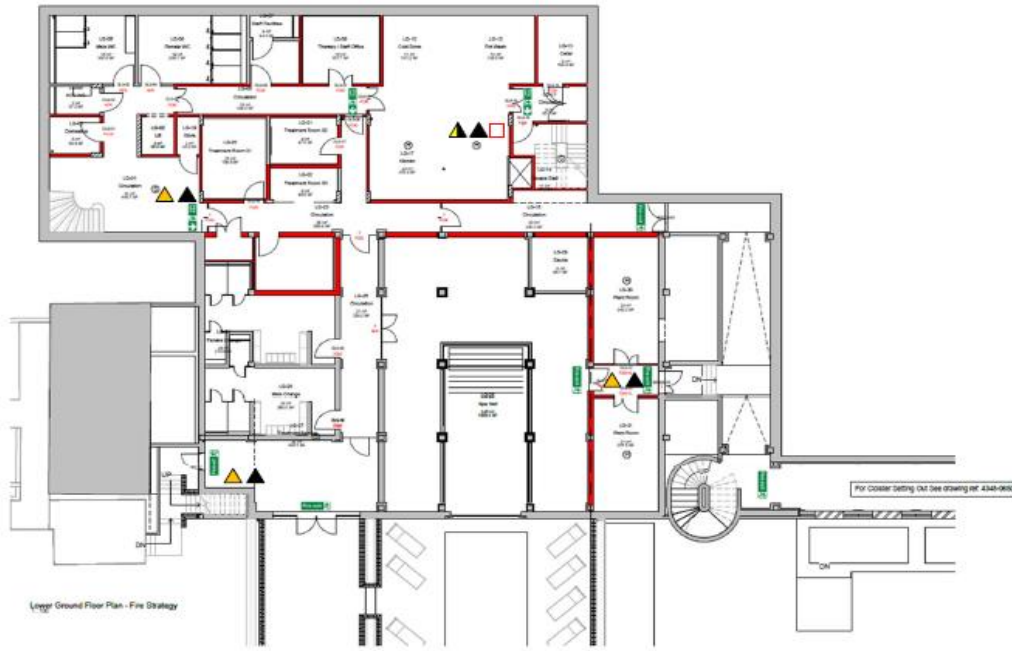
3. No additional sound generating equipment shall be brought into the venue or used within the Banquet Hall on the premises without being routed through the sound limiter device.
4. Thereafter such devices shall be retained and operated in accordance with the approved specification and working order.
5. Access to the sound limiter and /or other equipment capable of emitting amplified sounds shall be afforded to Authorised Officers of the Environmental Protection team at any time and the levels reduced as directed by them if there are justified complaints substantiated.
6. Admission to the Banquet Hall shall be through the premises foyer and lounge bar (indicated as G-10 on the plan) only.
7. A noise management plan to address the issues raised and requiring control as identified in the Sharps Redmore Acoustic assessment held on file for the venue, ref 1919251 dated 3 March 2020 shall be submitted for approval and implemented prior to the commencement of any activities involving the emission of amplified sound.
8. This noise management plan will be reviewed, and the review recorded in writing annually by Jan 1st and each successive year detailing any complaints, concerns, actions and training completed.
9. No collections of waste or recycling materials (including bottles) from the premises shall take place between 1800 and 0800 on the following day.

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LOWER GROUND FLOOR

- Foam or Water Extingulsher
- Carbon Dioxide Extingulsher
- Wet Chemical Extingulsher
- Fire Blanket



Lower Ground Floor Plan - Fire Strategy

**FIRE STRATEGY LEGEND - ESCAPE**

- RUNNING MAN DIRECTION SIGN (STRAIGHT ON)
- RUNNING MAN DIRECTION SIGN (DOWN)
- RUNNING MAN DIRECTION SIGN (DOWN LEFT)
- RUNNING MAN DIRECTION SIGN (DOWN RIGHT)
- RUNNING MAN DIRECTION SIGN (LEFT)
- RUNNING MAN DIRECTION SIGN (RIGHT)
- RUNNING MAN INDICATING FINAL FIRE EXIT DOOR

**FIRE STRATEGY LEGEND - GENERAL**

- FIRE PROTECTION
- FIRE PROTECTION
- NON FIRE RATED DOOR
- FIRE DOOR - FIRE DOOR - SMOKE SEAL - SELF CLOSER
- FIRE DOOR - FIRE DOOR - SMOKE SEAL - SELF CLOSER - HOLD OPEN
- FIRE DOOR - FIRE DOOR - SMOKE SEAL - SHUT SIGN
- FIRE DOOR - FIRE DOOR - SMOKE SEAL - KEEP LOCKED SIGN

REFER TO THE FOLLOWING FIRE ALARM DRAWINGS FOR FIRE ALARM DETECTORS

- LP-20-024 FA-01
- LP-20-024 FA-02
- LP-20-024 FA-03
- LP-20-024 FA-04

- SMOKE DETECTORS
- HEAT DETECTORS



DISABLED REFUGE SPACE  
SEE 2.1.10.01  
To be used with emergency voice communication (EVC) in accordance with BS 5833-3 and to comply with BS 5833-3 with mandatory clear signage - keep clear signs.



**FIRE STOPPING/SEALS - CAVITY BARRIERS**  
CAVITY BARRIERS TO CAVITY VOIDS AT FLOOR JUNCTIONS - HORIZONTAL  
FIRE STOPPING/SEALS TO BE FITTED TO ALL SUTUREWORK PASSING THROUGH COMPARTMENT WALLS

Plan Information			
The Marquis of Cornwallis Upper Street Layham, Suffolk, IP7 5JZ			
FORMER: LICENSING PLAN THE MARQUIS OF CORNWALLIS 2023.1 CND-VSDX			
DESCRIPTION: Fire Extinguisher Locations			
DETAIL: Lower Ground Floor			
DRAWN BY: JLS	DATE: November 2023	PAGE: 1 OF 3	
DRAWING NUMBER: FFEM1/22/1129	ISSUE: 0 / 200	SCALE: 1:200	
These plans provide reference to the fire precautionary arrangements detailed in the fire risk assessment carried out by Essex Fire Safety Ltd. They are not to scale and may not be entirely accurate.			
Essex Fire Safety Ltd www.essexfiresafety.com info@essexfiresafety.com 01255 815538			



### Rep 1

I would like to comment in support of this application by the Marquis.

I have no conflicting interests and am just a resident of Layham who feels that this will only add to the attractiveness of this area. There should be more entertainment so this can only be a good thing.

Julian Davies  
Portmans farm  
Stoke road  
Lower layham  
IP75RB

### Rep 2

I object to this application because I strongly believe 11.30 is in keeping with the original dwelling, the property is in a small rural village situated just 10ft from residential dwellings. its not just the fact that the music could be playing till 12.59pm it's the people leaving the property after that time.

The current closing time already has an impact on our personal wellbeing as we must shut our windows in the summer due to the rowdy noise from the patrons of the marquis.

This could also increase residents complaining of noise pollution and put a strain on already limited public resources ie: police.

The Marquis has made it quite uncomfortable living next door to it due to the current light pollution and the disgusting smells from their cooking and current noise from patrons, but having to endure longer late night noise, be it from music or rowdy patrons would have a detrimental effect on peoples mental health, especially as some people have to get up early to go to work or have young children.

I appreciate the person who owns this seems to have a lot of influence, but I would greatly appreciate it if you would consider the little folks when deciding upon this application.

Regards

Mr I & Mrs.S.Dodson 8 Old  
Orchard, Layham, IP7 5LB

### Rep 3

I am emailing regarding the licensing application of the Marquis Public House, IP7 5JZ of live and recorded music and serving alcohol up to 1am and (2am on NYE) 365 days a year. As I live opposite the Marquis, Butterfly Hall, IP7 5JZ, this is of great concern as the proposed hours are contrary to the current permission of 11.30pm

We object to this application because an extra 1.5 to 2.5 hours drinking will increase the danger of drunkenness and thus causing CRIME and DISORDER as parties end.

PUBLIC SAFETY and NUISANCE with very late nights potentially 365 days a year of noise and light pollution with an increase of traffic, car lights and engines, as well as loud voices would be insufferable to ourselves.

PROTECTION OF CHILDREN FROM HARM is a concern particularly as it is important that children and young people need to sleep well particularly if they have exams. Mental health is a key issue in young people and so late night noise and light pollution would impact anxiety and stress levels.

As we have animals, such late licensing laws would make an impact, as well as impacting on the environment and ecosystems of wild animals, again late night noise and light pollution.

Both noise and light pollution carry and would have negative effects on the residents of this rural community. We understand that to make this business viable music and refreshments are needed but the current permission is late enough

I wholeheartedly object to this application for the above comments made.

Yours sincerely

Matthew Jervois (Mr]  
Butterfly Hall  
Upper Layham  
IP7 5JZ



#### **Rep 4**

We are strongly opposed to the application for the Marquis to increase its hours of operation from 11pm until 1am. The Marquis is located in a small rural village whose inhabitants should be able to enjoy a level of peace and quiet particularly late at night and in the early hours of the morning .

As residents of Raworth Lodge, Upper St in Upper Layham we will be adversely affected by any increase in noise from any loud music and more importantly from vehicles leaving the venue in the early hours of the morning. As a wedding venue there would undoubtedly be a considerable increase in the amount of traffic leaving at what is considered to be an unsociable hour. Under law the ambient background noise level after 11pm is meant to be no greater than 34dBA. The noise level of a car going at approximately 30mph is around 62dBA and considerably louder if that speed is exceeded.

As our property is situated on Upper street this level of noise is totally unacceptable and would undoubtedly interfere with our ability to enjoy a good nights sleep. A potential issue is antisocial behaviour due to the consumption of large amounts of alcohol over a sustained period of time. Of course this is a possibility and therefore we cannot quantify how this might affect us directly.

We are therefore opposed to this application.

Mr and Mrs C Leftwich  
Raworth Lodge  
Upper St  
Upper Layham  
IP7 5JZ

## Rep 5

We are writing in connection with the New Premises Licence application relating to The Maquis Suffolk.

Grant of the licence with the conditions as requested would personally impact us as close neighbours of the premises as it would result in public nuisance, specifically excessive and intrusive late night and early hours noise. We therefore respectfully request that the application is refused.

The potential for public nuisance arising from noise was recognised by the inclusion of the acoustic report prepared by Sharps Redmore, dated 3/3/20 (Project no. 1919251), which formed part of the submission supporting the planning application (ref DC/20/01517). This potential was acknowledged in the decision of the planning committee, Section 26 of which specified that "A Noise Management Plan shall be developed and submitted" and that said "plan shall be undertaken in accordance with the recommendations in the Sharps Redmore report".

We note that the licence application seeks approval for the following;

1. Live music from 08:00 - 23:59 daily
2. Recorded music from 08:00 - 23:59 daily
3. Late night refreshment from 23:00 - 23.59 daily
4. Supply of alcohol from 08:00 - 23:59 daily

These are incompatible with the noise management recommendations contained in the acoustic report, and hence with the decision of the planning committee.

Section 3.22 of the acoustic report, dealing with mitigation from timing of events, explicitly states the following; "Music is proposed to finish at 2330 with guests leaving the site by midnight, unless resident at the hotel."

With regard to supply of alcohol and late-night refreshment, residents would be covered by section 2.3 of Appendix A of the licence application - non-residents only need to be supplied up until a time consistent with leaving the site by midnight.

The venue is situated in a rural area with multiple residential properties close by, including ours. The hours sought under the licence application would not be appropriate in any event, never mind being inconsistent with planning permission as granted.

Hence we request that the application is refused on the basis of prevention of public nuisance.

Our details are as follows;

Mark Stevens, Holly Lodge, Upper Street, Upper Layham, Ipswich, IP7 5JZ.

Beverley Stevens, Holly Lodge, Upper Street, Upper Layham, Ipswich, IP7 5 JZ.

**Rep 6**

Dear Sir/Madam,

**Re: Proposed licensing at The Marquis, Upper Layham, Ipswich, Suffolk IP7 5JZ**

This letter relates to the licensing application at The Marquis Public House, Upper Laham. The application relates to the allowance of live and recorded music up to 01:00 (02:00 on New Years Eve) and late night refreshments to 01:00 (02:00 of New Years Eve). I am the resident of The Barn, Holly Lodge Farm, Upper Layham, IP7 5JZ, and as a neighbour of the premises wish to raise an objection to the suggested times as a result of the public nuisance that these hours of operation were cause to myself.

**Background**

Planning permission was granted under reference number DC/20/01517 for the 'Erection of extensions to provide additional facilities including reception, banquet hall, wellness centre and additional bedrooms. Change of use of agricultural land to create new car parking and formal gardens, including the removal of the existing over spill car parking and associated landscaping works.'

This permission was subsequently varied under Section 73 of the Town and Country Planning Act 1990 - Variation of Condition 2 (Approved Plans and Documents) reference number DC/22/06149. This permission related mainly to alterations to the roof form of the approved development. Both of these applications were approved subject to a number of conditions, including 25, 26 and 27 which related to noise. These conditions are detailed as follows:

*25. Before the building hereby permitted comes into beneficial use, a Noise Management Plan shall be designed and submitted to the Local Planning Authority to its satisfaction. The plan shall be undertaken in accordance with the recommendations in The Sharps Redmore report, Ref:1919251 dated 3 March 2020. The plan shall ensure that Prior to 23:00 the MNL ( Maximum Music Noise level) at the nearest noise sensitive premises do not exceed the LA90 (1Hour) by more than 5dB(A) in any 15 minutes and not to exceed the LA90 (1Hour) in any 15 minutes at the boundary of the nearest noise sensitive premises from 23:00-23:59.*

Reason - To protect the existing nearby residential amenity.

*26. There shall be no amplified music permitted outside of the approved building. This shall include the balcony/terrace area.*

Reason - To protect the existing nearby residential amenity

*27. The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.*

Reason - To minimise detriment to nearby residential amenity.

The proposed hours are contrary to those restricted and controlled as part of the planning permission, and therefore both licencing permission and planning permission are required should the applicant seek to extend the hours of music beyond 23:59. The current permission controls the volume of music beyond 23:00.

Notwithstanding the above, as outlined below, the proposed and suggested live and recorded music activities would result in public nuisance as a result of the noise and disturbance from extending the hours of music beyond which has formally been approved.

### **Reason for Objection**

#### Public Nuisance

Planning application DC/20/01517 was submitted with a suite of supporting reports and surveys to justify the acceptability of the approved development. One of the reports reviewed and considered as part of the submission was the Sharps Redmore Noise Report, Ref:1919251 dated 3 March 2020. The report concludes in Section 4, that :

- Subject to certain physical mitigation and management measures, music noise breakout can be controlled to meet strict thresholds at the nearest property, such that there would be no significant impact from this source of noise.
- Noise from external activity in the garden area, related to a busy daytime period during a wedding, would be well within the guideline values at the nearest property and well below the existing noise climate, such that there would be no significant impact from this source of noise.

These conclusions were based on restrictions in terms of timings of events which were detailed in section 3.22 of the report. This section notes that timing of the events will ensure that any impacts and minimised and controlled. This report and the conclusions were based on music finishing at 23:30 with guests leaving the site by midnight, unless a resident of the hotel.

The proposal to exceed times controlled for both late night refreshments and hours of music will result and encourage guests to leave beyond midnight, contrary to the conclusions and recommendations of the acoustic consultant and environmental health professionals. Based on the conclusions of these professionals, the hours suggested as part of this license would result in a form of noise and disturbance which would result in public nuisance, causing noise and disturbance to myself as a neighbouring resident.

The following restrictive condition was imposed on both subsequent planning applications to ensure that there was limited public nuisance as a result of the use of the building:

*'Before the building hereby permitted comes into beneficial use, a Noise Management Plan shall be designed and submitted to the Local Planning Authority to its satisfaction. The plan shall be undertaken in accordance with the recommendations in The Sharps Redmore report, Ref:1919251 dated 3 March 2020. The plan shall ensure that Prior to 23:00 the MNL ( Maximum Music Noise level) at the nearest noise sensitive premises do not exceed the LA90 (1Hour) by more than 5dB(A) in any 15 minutes and not to exceed the LA90 (1Hour) in any 15 minutes at the boundary of the nearest noise sensitive premises from 23:00-23:59.'*

The imposition of this condition not only followed the advice and conclusions detailed within the Sharps Redmore report, but also the advice provided by the Environmental Health team. The proposed hours of operation would exceed the hours detailed within this condition, and therefore require formal review by planning officers and the environmental health team, which based on the conclusions of the consultant report, are unlikely to be supported.

There has been no change in material circumstances to suggest that operating music beyond 23:59 would now be acceptable. As such, it can be evidenced that approving the license would result in a form of public nuisance which would be unacceptable in this location.

The report makes direct reference to the impact of noise from music and opening times on neighbouring amenity. The suggested event times, times of amplified music, times of departure and the noise management plan suggested were all based around protecting the amenity of these residents, and avoiding public nuisance. The conclusions and professional advice provided have been ignored by the applicant in suggesting the revised times of operation.

These revisions, suggested as part of this licensing application would result in a form of noise and disturbance caused by music, along with the noise associated with people leaving the venue at a later time, car engines starting beyond midnight, noises associated with exiting the site and headlights from cars which would result in public nuisance in this quiet, rural location, where background noise levels are at a minimum.

### **Conclusion**

The proposed times for the live and recorded music activities would result in public nuisance by reason of noise and disturbance to myself as a neighbouring resident. These conclusions are supported by professional acoustic reports submitted with the planning application.

On the basis of the forgoing, it is respectfully requested that the licensing application is refused.

Yours sincerely,  
David Cresswell

The Barn, Holly Lodge Farm, Upper Layham, IP7 5JZ.

## **Rep 7**

Dear Sir/Madam

This application for an extended licence for the serving of alcohol and music **must be rejected outright.**

Layham is a rural Hamlet and the development of The Marquis to include a Wedding Venue and Spa is not in an Urban area.

The original planning application for this development apparently took account of the impact that it would have on local residents and also the traffic through the Hamlet.

Reassurances were given to limit the impact and it was intended that all activity of this sort would be permanently terminated at the usual licensing hours limit of 11.00 p.m.

Extending activities to 1.00 a.m. would cause a massive increase in noise and light pollution (from music and also probable accompanying light displays and fireworks for events such as weddings).

With such extended drinking times, it may be expected that there would be additional antisocial behaviour at the end of events.

Extending the timing of events would also cause very disruptive traffic through the Hamlet during the small hours of the night. Residents are entitled to quietness through the night. When combined with the risk of excess drinking of alcohol, one may consider that there may be an inevitable increase in road traffic accidents in Upper Street - a recognised problem already.

This application is unacceptable as it aims to overturn the restrictions considered necessary to protect the quiet nature of the Hamlet and the lives of the local residents.

I, and my wife, respectfully request that this application is rejected outright with a direction that the local residents must not be adversely affected more than was permitted by the original planning application. The local residents must not be overridden.

Yours sincerely,

Dr. Simon Daunt  
Tracton Barn, Upper Street, Layham, IP7 5JZ

p.s. I am copying this to the Clerk of the Parish Council as I understand that this application is to be discussed at its next meeting. Hopefully this will mean that this objection will be also noted at the meeting.

Rep 8

Dear Licensing Officer,  
Regarding Application for Grant of New Premises Licence; Marquis  
Suffolk, made by Marquis of Cornwallis Ltd.

The proposed activities are sale and supply of alcohol for consumption on and off the premises, live music and recorded music (indoors,) late night refreshments, (indoors and outdoors.) I refer to planning application documents DC/20/11518, 120 of which are on the planning application website of Babergh. The specific document I refer to is the Acoustic Report of Sharps Redmore, Project 1919251, dated 03/03/2020. This report was submitted as part of the application for the current development. It clearly states indoor music is to finish at 11.30pm (23.30hrs.) with guests leaving the site by midnight, that is the basis on which the planning approval was considered and approved. I had no objection to the hours as stated in the 2020 applications made by The Marquis of Cornwallis. I would have objected had the hours been as in the current application. The proposed hours in the current licensing application are stated as 11.59pm (23.59hrs) every day of the year except New Year when the hours are to 2am (02.00hrs.) The proposed hours are clearly contrary to those approved as part of the planning permission granted previously. They are also at variance with the information you sent to me this week which stated 23.30hrs and was the basis of my withdrawal of the previous objection I made. I am also surprised that you have only given me three days to review and make this objection, surely the timescale for review, reconsideration and resubmission should reflect a

reasonable timescale for those affected by your error to respond effectively. I note you have apologised for this error.

In appendix A of the current application at paragraph 2.13, it is stated outdoor acoustic music will cease at 9pm (21.00hrs,) I presume outdoor live music will cease at 11pm (23.00hrs.) as I understand is allowed as an unlicensed activity.

I am currently experiencing excessive noise from some cars leaving the site and travelling through the village at speed, though antisocial, the effects of this are mitigated by the fact that this takes place earlier and the current premises are a small hotel and a restaurant with relatively small numbers of guests compared to the extensive premises currently being constructed.

I am aghast at the application to enable a potential increase in antisocial behaviour through noise and public nuisance during the hours when most people neighbouring the site of The Marquis are asleep. The proposed application should therefore be **refused**.

The reasonable person accepts the need to ensure an ideal of eight hours of quiet at night, this application reduces this period of quiet to a maximum of five and a half hours between midnight and 5.30am (the period during which delivery trucks and vans for the Marquis can start arriving,) which is completely unacceptable. Though not ideal, I would accept a period of six hours quiet a night.

The Marquis' own application documentation for the planning permission in 2020 recognised the need for sensitivity to neighbouring residents by stating that noise should avoid giving rise to significant adverse impacts on health and quality of life. It went on that there was a need to identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. I believe the current licensing application paradoxically, may well be a disservice to the Marquis if approved, as guests may well find that the



peace and tranquillity of the Brett Valley site they sought has disappeared.

I note also from previous documentation submitted by The Marquis that their staff must monitor the egress of public as they exit the site to facilitate minimising the disruption to neighbours, even with this provision it is likely that a licensing end time of 23.59 will mean the potential for disruption after midnight, however a licensing end time of 23.30 should ensure potential disruption is finished by midnight.

World Health Organisation Guidelines, also reproduced in the Acoustic Report, followed by a statement to the effect that compliance with the lowest observed adverse effect level compliance is ideal, led me to the conclusion that The Marquis was serious about ensuring local residents were not to be exposed to noise, disturbance, disorder and nuisance, all of which are made more likely unless this application is **refused**.

Previously the Environmental Protection Team were consulted on the application and recommended that entertainment noise conditions were included on any permissions granted to protect the amenity of neighbouring residents. The report makes reference to the amenity value, this is all apparently ignored in the present application.

I am supportive of the concept of the venue, I recognise the amenity value of the development as a prestige hotel, restaurant, wedding location and health and wellbeing venue, providing employment opportunity to local people.

What I am not supportive of is this current application which in addition to the issues I envisage, if approved, is likely to result in much more traffic with associated noise and light pollution (we do not even have street lights in Layham, with

beautiful dark skies at night,) increased potential for public disorder through drunkenness and noise and a significant adverse change in the character of the village. For these reasons too, this licensing application should be **refused**.

Yours faithfully,

Robert Keeble, BSc (Hons.), Dip. HSM, FCMI, FIBMS.

The Red Cottage, Upper Street, Layham, Ipswich, Suffolk IP7  
5JZ

**Rep 9**

Dear Sir/Madam

I have just been informed by our Parish Council that the Marquis pub in our village have asked for a new licensing Application to sell alcohol and play music until 1am every day of the week, and on News Years until 2am.

As a 71 year old this would be intolerable, I already suffer from anxiety which affects my eye lids and make them close ( I can supply hospital details on my condition if needed ) so having to live with music which could be every night until 1am I would have to move.

Its been a pub for many years so the village always understood there will be some noise, but the pub has now been turned into a wedding and social event unit which again we understand but not music until 1am, thats not acceptable for people in our small village many who are retired.

Thank you

Best regards

Derrick Mowles

PS I would be happy to meet with you if you need more information  
Willow Bank, Mill Lane Upper Layham, Ipswich Suffolk, IP7 5JT

## Rep 10

This email relates to the licensing application at The Marquis Public House, Upper Layham. The application relates to live and recorded music up to 1am (2am on New Years Eve) and late night refreshments to 1am (2am on New Years Eve), 365 days a year. I live within walking distance of the Marquis in Lower Layham. While I appreciate the investment and amenities into our village, I have concerns about the negative impacts of extended licensing hours.

As a parent to young children, the noise is a concern (especially during warmer months when sleeping with windows open is a necessity). As our house is directly behind the Marquis, noise carries across the field. Late night drinkers and singing has been heard in the past.

The proposed hours are contrary to those restricted and controlled as part of the current planning permission. The current permission controls the volume of music beyond 23:00.

The proposed and suggested live and recorded music activities and serving late night refreshments would result in increased likelihood of crime, eg drunkenness, disorder, public safety issues and public nuisance, namely noise and light pollution, with demonstrable harm to neighbouring amenity and the character of the area, and therefore should be refused.

### Noise and Disturbance

The current permitted regime is for music and refreshments to 11.30pm with guests leaving the site by midnight, unless a resident of the hotel.

The proposal to exceed times controlled for both late night refreshments and hours of music will result and encourage guests to leave beyond midnight, contrary to the conclusions and recommendations of the acoustic consultant and environmental health professionals.

### Crime and Disorder

Allowing refreshments to 1am (2am on New year's eve) just extends the drinking time by 1.5 or 2.5 hours, leading to increased danger of drunkenness and disorder, which often occurs as parties break up.

### Public safety and nuisance

There will clearly be very late nights, potentially 365 days a year, of noise and light pollution, followed by unincreased traffic from the site. There are clear public safety issues in extending drinking to 1 or 2am.

### Impact on residential amenity

The Environmental Protection Team were consulted on the application and recommended that entertainment noise conditions were included on any permissions granted to protect the amenity of neighbouring occupiers.

The report makes direct reference to the impact on neighbouring amenity. The suggested event times, times of amplified music, times of departure and the noise management plan suggested were all based around protecting the amenity of these residents. The conclusions and professional advice provided have been ignored in suggested the revised times of operation.

These revisions in times would exceed the noise and disturbance caused by music, along with the noise associated with people living the venue at a later time, car engines starting beyond midnight, noises associated with exiting the site and headlights from cars.

#### Impact on Character of the rural landscape

The Marquis is located wholly within a Special Landscape Area and is within an elevated position above the River Brett, with far reaching views.

Noise generation beyond daylight hours is uncharacteristic in this area, however it is appreciated that in order to support the viability of the business in providing a venue for weddings and other events, that music is required. However, the times suggested go beyond what would be considered reasonable in this remote and rural location.

#### New Year's Eve

The focus of all NYE celebrations is always midnight, there is absolutely no need to extend refreshments or music after 12.30pm, with guests leaving by 1am. I have been woken up with fireworks several years in a row now.

Regards,  
Randall Dawson  
Nettlesedge Church  
Lane  
Lower Layham  
Suffolk IP7  
5LY

## Rep 11

This email relates to the licensing application at The Marquis Public House, Upper Layham. The application relates to live and recorded music up to 1am (2am on New Years Eve) and late night refreshments to 1am (2am on New Years Eve), 365 days a year. I live close to the Marquis at Water House Farm.

The proposed hours are contrary to those restricted and controlled as part of the current planning permission. The current permission controls the volume of music beyond 23:00.

The proposed and suggested live and recorded music activities and serving late night refreshments would result in increased likelihood of crime, eg drunkenness, disorder, public safety issues and public nuisance, namely noise and light pollution, with demonstrable harm to neighbouring amenity and the character of the area, and therefore should be refused.

### Noise and Disturbance

The current permitted regime is for music and refreshments to 11.30pm with guests leaving the site by midnight, unless a resident of the hotel.

The proposal to exceed times controlled for both late night refreshments and hours of music will result and encourage guests to leave beyond midnight, contrary to the conclusions and recommendations of the acoustic consultant and environmental health professionals.

### Crime and Disorder

Allowing refreshments to 1am (2am on New year's eve) just extends the drinking time by 1.5 or 2.5 hours, leading to increased danger of drunkenness and disorder, which often occurs as parties break up.

### Public safety and nuisance

There will clearly be very late nights, potentially 365 days a year, of noise and light pollution, followed by unincreased traffic from the site. There are clear public safety issues in extending drinking to 1 or 2am.

### Impact on residential amenity

The Environmental Protection Team were consulted on the application and recommended that entertainment noise conditions were included on any permissions granted to protect the amenity of neighbouring occupiers.

The report makes direct reference to the impact on neighbouring amenity. The suggested event times, times of amplified music, times of departure and the noise management plan suggested were all based around protecting the amenity of these residents. The conclusions and professional advice provided have been ignored in suggested the revised times of operation.

These revisions in times would exceed the noise and disturbance caused by music, along with the noise associated with people living the venue at a later time, car engines starting beyond midnight, noises associated with exiting the site and headlights from cars.

### Impact on Character of the rural landscape

The Marquis is located wholly within a Special Landscape Area and is within an elevated position above the

River Brett, with far reaching views.

Noise generation beyond daylight hours is uncharacteristic in this area, however it is appreciated that in order to support the viability of the business in providing a venue for weddings and other events, that music is required. However, the times

suggested go beyond what would be considered reasonable in this remote and rural location.

### New Year's Eve

The focus of all NYE celebrations is always midnight, there is absolutely no need to extend refreshments or music after 12.30pm, with guests leaving by 1am.

Richard Cranfield  
Water House Farm, Layham IP7 5RA



## Rep 12

I am emailing regarding the licensing application of the Marquis Public House, IP7 5JZ of live and recorded music and serving alcohol up to 1am and (2am on NYE) 365 days a year. As I live opposite the Marquis, Butterfly Hall, IP7 5JZ, this is of great concern as the proposed hours are contrary to the current permission of 11.30pm

We object to this application because an extra 1.5 to 2.5 hours drinking will increase the danger of drunkenness and thus causing CRIME and DISORDER as parties end.

PUBLIC SAFETY and NUISANCE with very late nights potentially 365 days a year of noise and light pollution with an increase of traffic, car lights and engines, as well as loud voices would be insufferable to ourselves.

PROTECTION OF CHILDREN FROM HARM is a concern particularly as it is important that children and young people need to sleep well particularly if they have exams. Mental health is a key issue in young people and so late night noise and light pollution would impact anxiety and stress levels.

As we have animals, such late licensing laws would make an impact, as well as impacting on the environment and ecosystems of wild animals, again late night noise and light pollution.

Both noise and light pollution carry and would have negative effects on the residents of this rural community. We understand that to make this business viable music and refreshments are needed but the current permission is late enough

I wholeheartedly object to this application for the above comments made. Yours sincerely

Sallie Jervois (Mrs)  
Butterfly Hall  
Upper Layham  
IP7 5JZ

**Rep 13**

Licencing Team  
Babergh District Council  
(As Licencing Authority)  
Endeavour House,  
Ipswich, IP7 2BX.

9 Old Orchard  
Upper Layham, Ipswich,  
Suffolk. IP7 5LB

24<sup>th</sup> March 2024

Dear Sirs,

Re: Marquis Suffolk, Upper Street, Layham, Suffolk, IP7 5JZ

I have lived at the above address for 37 years – I am an 88yr old widow and my property runs along the Marquis' boundary from Upper Street to the River Brett and, due to its proximity, I feel this new application to extend their Licencing Hours totally unacceptable and unreasonable.

When one considers the above Application of the Sale and Supply of Alcohol (ON or OFF) the premises - i.e. to the following activities:

**Hotel/Restaurant/Spa Wellness Centre/Events Hall**

**Plus: Late Night Refreshments & Alcohol (Indoors & Outdoors)**

All of which are accompanied by ***Recorded Music Indoors and Live Music Outdoors.***

All the activities mentioned above will virtually result in Alcohol being served and sold along with music of one kind or the other and loud behaviour which, goes without saying, occurs at any such gatherings **possibly from say 12pm through to next day at 1a.m; Totalling 13 hours out of a 24 Hour clock!....**

However, that said, I know from previous years the disturbance and intrusion suffered by this village as a whole, doesn't end there. There is also the time it takes for clients or guests to disperse, saying goodnight and parting from friends and family – this can become a very long and noisy process followed by numerous cars driving off in all directions. Not many families from this village would get much sleep whatsoever if this extension was granted on a day-to-day basis. The sheer thought of it happening is frightening to say the least and probably detrimental to all our general health in the long term.

Finally, I feel the current Licencing guidelines should stay as they are currently - **with the exception of the Weddings category, which in my view is a very special celebration and be allowed a 1a.m. extension.**

Yours faithfully,

  
P.M. HOGSDÉN (MRS)

licencing team 24032024

## **NEW OR VARIATION APPLICATION HEARING PROCEDURE (PREMISES OR MEMBER'S CLUB)**

**NOTE:** References to the 'Applicant' may also apply to an existing licence holder if the hearing consideration relates to a licence already on issue (for example a variation)

1. The Council's Licensing Officer will present a report to the Sub-Committee outlining details of the application and reasons for the hearing including representations/objections made. The Licensing Officer may then, through the Chair, be questioned on his report by any party to the hearing.
2. The Applicant (and/or his advocate/representative) will then present their case in support of the application they have made. The Applicant calls any witnesses (if applicable). The Applicant and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
3. Responsible Authorities (and/or his advocate/representative) will then present their case in support of their representations. The Responsible Authorities call any witnesses (if applicable). The Responsible Authorities and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
4. REPEAT STEP 3 FOR EACH RESPONSIBLE AUTHORITY.
5. Other Persons objecting (and/or his advocate/representative) will then present their case in support of their representations. Other Persons call any witnesses (if applicable). Other Persons and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
6. REPEAT STEP 5 FOR EACH OTHER PERSON OBJECTING.
7. The Chairman may then allow additional questioning/ clarification of any of the parties in the order indicated by him.
8. The Council's Licensing Officer gives any closing comments to the Sub-Committee.
9. The Applicant (and/or their advocate) gives any closing address to the Sub-Committee.
10. The Sub-Committee retires to deliberate in private session. All parties will then be called back into the meeting for the announcement of the decision and reasons for the decision will be given by the Chairman or Legal Advisor to the Sub-Committee (in some cases the Sub-Committee may decide to defer making a decision in accordance with any regulatory timeframe). The full written notification of the decision and rights of appeal will follow forthwith.

### **NOTES:**

- (a) The hearing will take the form of an informal discussion led by the Licensing Authority.
- (b) The Sub-Committee Chairman and, with his consent, any Member of the Sub-Committee may at any time question the Applicant, Responsible Authorities, Other Persons, Licensing Officer or any witnesses. The Sub-Committee Chairman may deviate from this procedure as he considers necessary or appropriate, to allow a discussion to flow and to allow all parties fair and equal opportunity to raise all points they may wish to make.
- (c) At all times during proceedings due regard shall be had to The Licensing Act 2003 (Hearings) Regulations 2005.

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