

Public Document Pack



LICENSING ACT 2003 SUB-COMMITTEE		Please ask for: Val Last Direct Line: (01449) 724673 Fax Number: (01449) 724696
DATE	12 May 2017	Our Reference E-mail: val.last@babberghmidsuffolk.gov.uk 26 April 2017
PLACE	Council Chamber, Council Offices, High Street, Needham Market	
TIME	10:00 a.m.	

A G E N D A

1. Welcome – Legal Advisor to the Sub-Committee
2. Reason for Hearing

Consideration of an application to Grant a New Premises Licence under the Licensing Act 2003 in respect of The Cyder House, Aspall Hall, Stowmarket IP14 6PD
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3. Procedure to be followed for the hearing and rights of a party (Regulations 15 and 16 of the Hearing Regulations)
4. Appointment of Chairman
5. Apologies for absence
6. To receive any declarations of pecuniary or non-pecuniary interest by Members
7. Chairman's Guidance
8. Licensing Act 2003: Hearing Report to determine an application made for the grant of a New Premises Licence

Report: LAC/01/17

Pages 1 to 51

9. RESOLUTION TO EXCLUDE THE PUBLIC

Recommended Motion

On the basis that the Panel considers that the public interest in excluding the public out-weighs the public interest in its deliberation being held in public it is resolved that:

Under section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for item 10 on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of schedule 12 of the Act on the grounds set out in Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005.

Note: Information is exempt only if:

It falls within one of the 7 categories of exempt information in the Act and;

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Categories for agenda item 10

6. *Information which reveals that the authority proposes-*

(a) to give under any enactment a notice under of by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment

The author confirms that the public interest in maintaining the exemption outweighs the public interest in disclosing the information

10. Consideration of decision by the Licensing Act 2003 Sub-Committee acting as the Mid Suffolk District Council Licensing Sub-Committee
11. Decision (given by either Chairman or Legal Advisor to the Sub-Committee will be given in open session)
12. The Legal Advisor will advise all parties that the decision and rights of appeal will be confirmed in writing
13. Chairman will close the meeting and thank all present for their attendance

Val Last
Governance Support Officer

Membership:

Councillors: Elizabeth Gibson-Harries
Mike Norris
Kevin Welsby

Reserve Member:

Councillor Paul Ekpenyong

Ward Member:

Councillor: Kathie Guthrie

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Agenda Item 8

MID SUFFOLK DISTRICT COUNCIL

From: Licensing Team	Report Number: LAC/01/17
To: Licensing Act 2003 Sub-Committee	Date of meeting: 12 May 2017

LICENSING ACT 2003 – HEARING TO DETERMINE AN APPLICATION MADE FOR THE GRANT OF A NEW PREMISES LICENCE

1. Purpose of Report

- 1.1 To report information to the Licensing Sub-Committee to enable the determination of an application made for the GRANT of a NEW premises licence for Aspoll Cyder Limited. The business does not currently benefit from any premises licence at the Aspoll Hall, Stowmarket site.
- 1.2 The new application seeks authorisation so as to facilitate the diversification of the current operation into online web sales of alcohol by retail directly to the public for consumption off the premises. For clarity, 'trade to trade' sales of alcohol are not licensable activities as specified within section 192 of the 2003 Act.

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.

The Sub-Committee shall ordinarily determine this type of application at the hearing.

3. Financial Implications

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

4. Risk Management

4.1 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.

5. Consultations

5.1 The application made has been subject to the statutory consultation period as prescribed by regulation. The requirement for notices advertising the application (press, on-site and Council website) have been confirmed.

6. Equality Analysis

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

7. Shared/Service/Partnership Implications

7.1 Not applicable.

8. Key Information

8.1 The hearing is to determine an application received 27 March 2017 for the GRANT of a NEW premises licence made under section 17 of the Licensing Act 2003. A copy of the application, including plans of the premises and any outdoor areas of the site, is attached as Appendix A.

8.2 The application has been submitted by:

Aspall Cyder Limited (registered company number 02032494)

For the proposed licensed premises at:

The Cyder House, Aspall Hall, STOWMARKET, Suffolk IP14 6PD

The proposed designated premises supervisor DPS is:

Mr Des Smith (a personal licence holder with South Norfolk District Council)

8.3 The licence application seeks the following authorisations:

- (a) Supply of alcohol (for consumption OFF the premises)
Hours proposed: 24 hours per day 7 days per week

There is no facility for the public to collect alcohol from the premises and despatch of off-sales would take place in accordance with the condition referenced at 9.3 of this report.

8.4 A hearing is necessary to determine the application following receipt of representations which have not been withdrawn.

8.5 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

- 8.6 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.
- 8.7 Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time where the local Statement of Licensing Policy is inconsistent with these revisions. In such circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance and its own Statement of Licensing Policy.

NATIONAL GUIDANCE (Section 182) CONSIDERATIONS

- 8.8 Part 2 of the Guidance under Section 182 refers to the Licensing Objectives.
- 8.9 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 13.19 of the Guidance issued under section 182 of the Licensing Act 2003).
- 8.10 Guidance on mobile, remote, internet and other delivery sales is contained within paragraphs 3.7 to 3.9 of the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 8.11 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 13.13 of the Guidance issued under section 182 of the Licensing Act 2003). There is currently no cumulative impact policy (CIP) or early morning restriction order (EMRO) in effect for any part of the district.

LOCAL POLICY (Statement of Licensing Policy 2016-2021) CONSIDERATIONS

- 8.12 Section 4 of the Council's adopted Statement of Licensing Policy 2016-2021 refers to the relationship between licensing and planning regimes. Paragraph 14.4.6 refers to steps to promote prevention of public nuisance. Paragraphs 9.44, 13.57 and 13.58 of the Guidance issued under Section 182 of the 2003 Act also make reference to such matters.
- 8.13 Whilst Members of the Sub-Committee will be making reference to the document generally, it is of note that section 7 'Relevant Representations' of the adopted Statement of Licensing Policy is of particular relevance to this application. The representations made in respect of this application refer to some broader matters (planning and highways) which are clearly beyond the scope of what this licence application may address. For new applications representations may be probative/speculative and it will be for the Licensing Authority in each case to determine what weight to attach to representations and any supporting evidence
- 8.14 Paragraph 7.2 of the Statement of Licensing Policy states that "In 'borderline' cases, the Licensing Authority will normally give the benefit of the doubt to the other person or responsible authority making the representation, and any subsequent

hearing would provide an opportunity for the person or body making the representation to amplify and clarify it. However, the Licensing Authority could decide not to take any action in respect of the application if, for example, the representation could not be supported.

- 8.15 The Sub-Committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 for the applicant and Articles 8 and 1 of Protocol 1 for those raising representations - when determining applications for the grant of a new licence.

9. Representations

- 9.1 The representations and supporting information are attached as Appendix B to this report. The Licensing Authority received no objections to the application from Environmental Health as a Responsible Authority, nor any other agency or authority entitled to comment (including the Police).
- 9.2 There have been three representations received from ‘other persons’ (which may include local residents, elected members as representatives of the local community, businesses and parish councils). One of these comments is from the local district council ward member.
- 9.3 Whilst planning is a separate matter, for clarity the Local Planning Authority have confirmed that the operations of the site fall under a long-established and historic planning use and it would not be possible for the Council as Local Planning Authority, within its development management functions, to apply controls in relation to the changes being sought under this licensing application. Further, that any intensification of such a use could not be considered a material change and therefore in their opinion no planning permission is required for the changes being sought; the current operations are not subject to any restrictions relating to opening or operating hours.
- 9.4 In response to some community feedback expressed during the application stage, the Applicant has voluntarily added the following extra step, which would translate to any licence granted as a condition –

“Fulfilment of off sales of alcohol to the public shall be facilitated by not more than one outbound vehicular delivery from the licensed premises per day between 12:00hrs and 15:00hrs. This fulfilment shall be combined with existing product despatch, and therefore result in no additional outbound traffic movements per day.”

10. Appendices

Title	Location
A. Application for GRANT of NEW premises licence and accompanying documents/premises plans	Attached
B. Representations received from ‘Other Persons’	Attached

11. Background Documents

- 11.1 The Licensing Act 2003

11.2 Guidance issued under Section 182 of the Licensing Act 2003 (March 2015)

11.3 Mid Suffolk District Council's Statement of Licensing Policy (2016-2021)

Authorship:

Lee Carvell

01449 724685

Corporate Manager – Open for Business/Licensing

licensing@midsuffolk.gov.uk

[Insert name and address of relevant licensing authority and its reference number (optional).]

**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.

I/We ASPALL CYDER LIMITED

(Insert name(s) of applicant)

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

Postal address of premises or, if none, ordnance survey map reference or description THE CYDER HOUSE, ASPALL HALL, STOWMARKET, SUFFOLK, IP14 6PD			
Post town	STOWMARKET	Postcode	IP14 6PD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£99000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership 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:

Please tick yes

- 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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(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.

Name ASPALL CYDER LIMITED
Address THE CYDER HOUSE, ASPALL HALL, STOWMARKET, SUFFOLK, IP14 6PD
Registered number (where applicable) GB02032494
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED 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
0 1	0 2	0 1 7

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 PRODUCER OF ALOCHOLIC BEVERAGES, IMPORTER OF ALCOHOLIC BEVERAGES,
 PRODUCER OF OTHER NON ALCOHOLIC BEVERAGES AND FOOD

LICENCE WOULD BE FOR OUR ONLINE WEB SALES

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			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 (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur						
Fri			<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> (please read guidance note 5)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<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> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<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> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE		
Mon	00:01	00:00			
Tue	00:01	00:00			
Wed	00:01	00:00			
Thur	00:01	00:00			
Fri	00:01	00:00			
Sat	00:01	00:00			
Sun	00:01	00:00			
			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 (please read guidance note 5) NONE		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name DES SMITH	
Address MILL HALL MILL LANE PULHAM MARKET NORFOLK	
Postcode	IP21 4XL
Personal licence number (if known) 16/01341	
Issuing licensing authority (if known) South Norfolk 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 8).
 NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) NONE
Day	Start	Finish	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 (please read guidance note 5) NONE
Mon	06:00	22:00	
Tue	06:00	22:00	
Wed	06:00	22:00	
Thur	06:00	22:00	
Fri	06:00	22:00	
Sat			
Sun			

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 9)

The premises licence holder shall ensure that the DPS, management and staff constantly assess any risks to the licensing objectives and shall work in partnership with the responsible authorities in this respect. Staff members will be properly authorised and trained including:

- A notice of authority record for all staff who sell or supply alcohol
- Suitable and sufficient training and refresher training at least once every 6 months for staff and records kept for inspection
- Contact details of the Designated Premises Supervisor available to staff and responsible authorities
- Deliveries of alcohol only to pre-arranged addresses
- The carrying and maintenance of records of orders on-board delivery vehicles
- Strict terms and conditions over purchase, ordering and delivery emphasising the right to and the duty to refuse alcohol sales or supplies where there are concerns over age, drunkenness, location or the vulnerability of customers.

No supply of alcohol for consumption OFF the licensed premises shall be in an opened bottle or glass. Customers shall not be permitted to consume any alcohol, on the licensed premises or in the immediate vicinity of the licensed premises.

b) The prevention of crime and disorder

The premises licence holder shall ensure that management and staff take appropriate steps to ensure that the business remains free from crime and disorder and neither creates nor contributes towards crime and disorder.

The premises licence holder shall operate a policy of:

- Maintaining staffing levels at an appropriate level to ensure adequate security both of the premises and within the delivery vehicles of the couriers and alcohol supplies
- No cash handling by delivery drivers
- Observing the duty to be a responsible alcohol retailer and always refuse to supply alcohol where there is a likelihood that such a sale might contribute towards crime and disorder.

c) Public safety

The premises licence holder shall ensure that management and staff have an effective policy to promote public safety. The DPS will liaise with responsible authorities to ensure that all aspects of public safety are adhered to. The policy will include:

- Any risk to safety shall be assessed before the premises are opened to the public and throughout the hours of operation
- Delivery vehicles being maintained and operated safely
- No sales or supplies of alcohol undertaken where it is reasonably considered that this might negatively affect the public safety licensing objective

- Ensuring that the entrance and any walkways within the premises are kept free from obstruction or hazard
- Public safety and fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff

d) The prevention of public nuisance

The premises licence holder shall ensure that the DPS and staff are mindful of the need to reduce the impact of nuisance caused by the operation of the business, and constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. Staff will ensure:

- Deliveries will be conducted in a responsible and considerate manner, ensuring no disturbance to local residents or businesses
- No sales or supplies of alcohol undertaken where it is reasonably considered that this might negatively affect the public nuisance licensing objective
- The premises and public areas nearby are kept free from waste or litter associated with the operation of the business
- Any noise, light pollution, vibration and any other potential nuisance is monitored and kept to an acceptable level
- Waste removal is undertaken at a time that does not cause disturbance.

e) The protection of children from harm

The premises licence holder shall ensure that the business is operated in such a way that reflects a commitment to be a responsible retailer. To protect children from harm there shall be a policy of:

- Strict terms and conditions stressing that the purchaser and those receiving a delivery of alcohol must be at least 18 years of age.
- The business and courier shall refuse a sale or delivery of alcohol when it is reasonably considered that such a sale or delivery might directly or indirectly undermine the child protection objective
- Staff training shall occur before a staff member is authorised to sell or deliver alcohol for the business

No person under the age of 18 shall be employed by the premises licence holder to act as the driver of a vehicle to be involved in the operation of the licensed business nor shall any person under the age of 18 have any responsibility for the delivery of alcoholic products from the licensed premises.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	23/3/17
Capacity	Managing Director

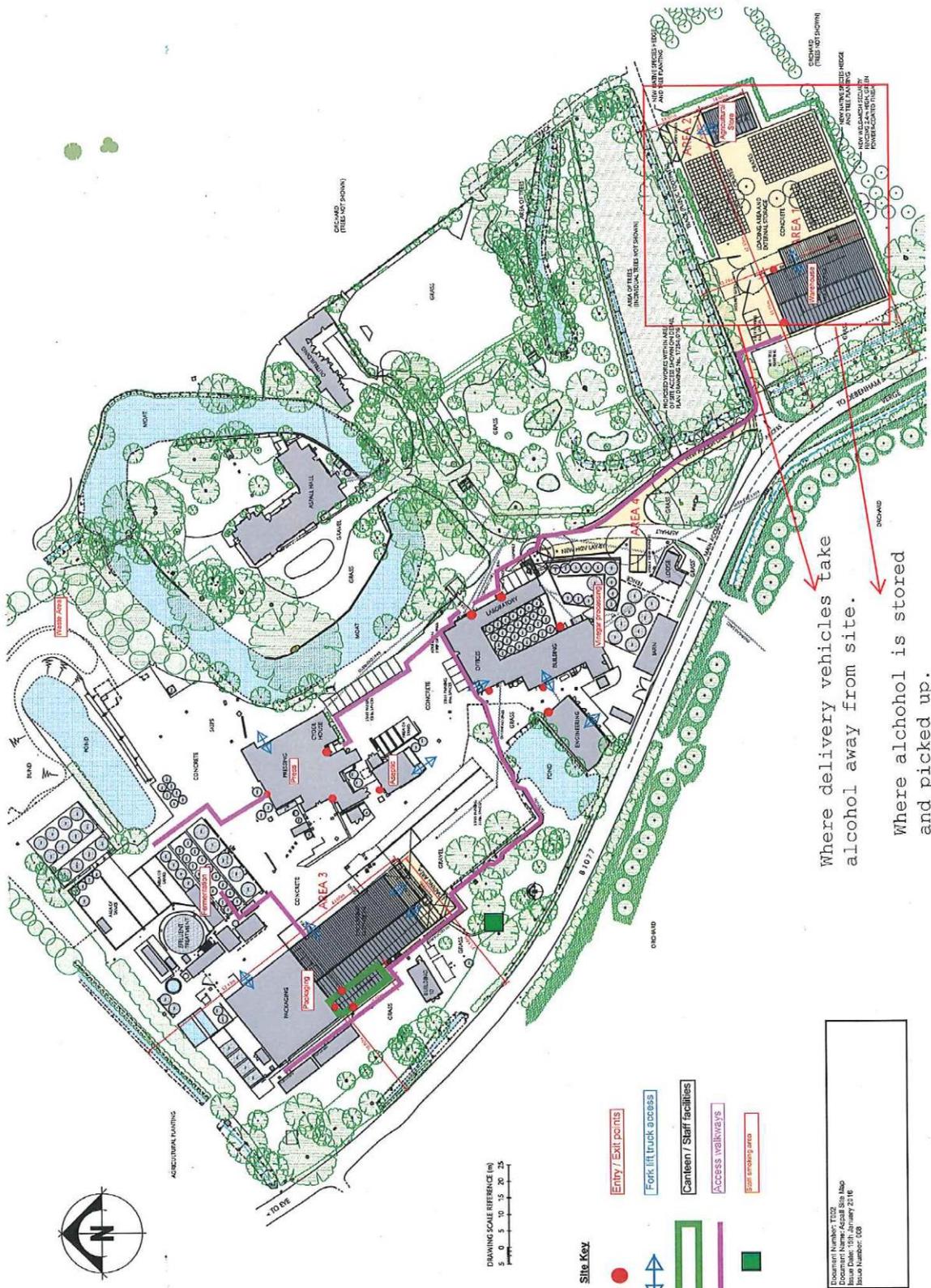
For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
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. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.
7. 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'.
8. 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.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Where delivery vehicles take alcohol away from site.
 Where alcohol is stored and picked up.

Document Number: 2022
 Document Name: Alcohol Site Also
 Issue Date: 15th January 2016
 Issue Number: 1/06

REPRESENTATIONS RECEIVED FROM 'OTHER PERSONS'

1. District Councillor (Debenham Ward) Kathie Guthrie

From: Kathie Guthrie

Sent: 13 April 2017 12:35

Subject: RE: New Premises Licence Application

I refer to the application from Aspoll Cyder Ltd relating to the Sale by retail of alcohol by on line sales.

Understanding that Licensing's remit does not cover wider planning or highway issues, I would like it recorded that concerns have been raised by some in the local community with regard to a potential public nuisance if traffic disturbance increases and late night noise of working disrupts the enjoyment of their homes and gardens.

I further understand the applicants explanations that any perceived public nuisance will not arise as any deliveries will be covered by current pick up capacity.

This supersedes any previous enquiries/comments etc.

Kathie Guthrie
District Councillor
Debenham Ward

2. Peter Freeman (Local Resident)

PETER FREEMAN

Allegedly & Without prejudice

21 April 2017

MSDC Licensing Dept.,
Needham Market,
IP6 8DL.



Dear Sir/Madam

Licensing Application by Aspoll Cyder to MSDC Licensing Dept

Re: A new on line retail ordering & distribution business of alcohol proposed to be based at the Aspoll Cyder Factory, IP14 6DL on the B1077

I contend the above application if granted will not promote the Licensing Objectives

This representation to MSDC is based on the four prescribed criteria

- 1.Potential Crime and Disorder
- 2.Risk to Public Safety
- 3 Potential Public Nuisance
- 4 Safety of Children

Retail stores nation wide Tesco, Sainsbury, Waitrose & numerous other on line outlets already retail and supply Aspoll Cyder to the public directly from their stores and via their established online ordering and home delivery services. I contend another outlet is not therefore necessary to be licensed imposing public nuisance in the form of additional traffic upon this vicinity. Delivering cases of alcohol to the public directly from the Aspoll factory albeit ordered on line may lead to crime and disorder if a license is granted.

Aspoll Cyder have announced in the press an on going global expansion plan to 2028. Aspoll hamlet and this locality simply do not have the infrastructure to support the ever increasing amount of traffic servicing the ever expanding Aspoll Cyder factory site now and licensing a distribution business there if granted will undoubtedly in my opinion lead to further commercial vehicle increase in the future even if merely one is initially stated in the licensing application. Increased traffic on the inadequate and narrow B1077 will impact heavily on those living in the vicinity *if a license is granted*. It creates hazard to the public and road safety issues are a real problem especially at the entrance to the factory – *see photograph* – where the road is not wide and HGV dangerously swing right across the road, in and out. This is the main and only entrance/exit to the factory site and would also be shared with the extra delivery vehicle/s if a license is granted. An accident waiting to happen and a risk to public safety.

Any new Licensed distribution business to be set up by this multi million pound international business should surely be centred on a designated industrial site on a main route eg the FEZ at Stowmarket on the A14 with excellent nation wide links to the national road network per the SCC & MSDC Planning Strategy to 2031? Not in the heart of rural Suffolk where more

1

resulting traffic will indisputably create more unacceptable road 'safety problems' locally and so be a 'public nuisance' if a license is granted at the Aspoll factory.

It is of note only ONE van has been, we suggest, purposefully declared in this formal premises license application by this now huge international business, which does not realistically make logical sense. It is the considered opinion of residents of this hamlet and others in the vicinity that the gaining of a premises license is calculated a move to 'get one foot in the back door to MSDC planning'. It is feared if a premises license, especially without tight restrictions, is granted it will likely quickly lead on to a fleet of delivery vehicles being based at the factory. I contend and it is my opinion it is reasonable to assume this vagary is an attempt to hide the true agenda behind this license application and may be deemed misleading

An enormous warehouse/depot was proposed in a screening application to MSDC, the size of B&Q, but it did not proceed to planning because of much local opposition. It will, we suspect likely be again on the cards for a MSDC planning application with all its same unwelcome safety and public nuisance implications of the commercial vehicles if the site becomes a licensed distribution depot.

Can the license if granted specify and be limited to a part of the large factory site please? A petition was previously signed by virtually everyone in this village citing these same impacts in application to MSDC since production unexpectedly doubled over night upon a previous application being granted despite Aspoll Cyder had stated in their signed planning application statement that there would be no expansion! Sadly as a result we have no faith that what is stated on the Licensing application to MSDC will be upheld and request the granting officers be on their guard to take measures to protect local public interest from Public Nuisance which will compromise Public Safety if license is granted.

Traffic from Aspoll Cyder is already widely regarded as a 'public nuisance' locally frequently causing disruption and damaging the road surfaces – *see photograph* - which will increase if a license is granted and a licensed distribution depot becomes established. The narrow historic streets of Debenham and Eye already also endure much public nuisance imposed by commercial traffic from Aspoll Factory and both are frequently brought to a standstill and their ancient properties are vibrated by passing traffic through. The impact of more commercial traffic resulting from the granting of a license passing close by schools e.g. Debenham Primary & Stonham Primary which are on the SCC transport route to and from the A140 MUST be taken into account i.e the safety of local school age children is an issue – especially at lunch time and during school holidays. Debenham will soon have a swimming pool which local children will frequent. Every additional commercial vehicle if the premises is licensed presents danger to a child on a bike.

I would like to suggest the FEZ at Stowmarket is a much more suitable location for Aspoll Cyders to apply for new license for their proposed on line retail distribution business/depot than this rural hamlets factory site with its poor infrastructure. If Aspoll Cyders distribution was established at Stowmarket logistics would likely not cause public objection because there would be no public nuisance issues, public safety risk and minimal danger to school age children. That designated industrial area would save on food miles and new employees for the ever expanding Aspoll Cyder business could likely be recruited from Stowmarket with all its new houses and amenities for a new licensed site.

Cider is recognised as the preferred drink of many alcoholics. NICE highlights the evidence and recommends making it less easy to buy alcohol in quantity & the limiting of sales of high ABV ciders i.e. those of 5.5% and above [Beer is generally 4-6%].

Aspall Draught Cyder has an ABV of 5.5%, Aspalls Organic Cyder 7% ABV,, Dry Premier Cru 7% and the Vintage Imperial Cyder is one of the strongest at 8.2% ABV; all of which will undoubtedly be supplied if a license is granted.

Aspall Cyders proposed new online licensed business will obviously be supplying cases rather than single bottles of their strong cyders directly to the public. I contend the policing of supply of cases of alcohol to young persons under 18 will be extremely difficult if not impossible, wherever Aspall Cyder sets up their new on line licensed distribution depot. Simply asking an on line unknown purchaser if they are over 18 to confirm it by ticking a box is hardly reliable. If a license is granted it is of concern that it will be extremely easy for any under age persons or child to make false claim and acquire boxes of strong cyder which is pleasant tasting seemingly innocuous and easily drinkable and so popular with the young Sales of cases of alcohol directly to and made on behalf of persons under 18 may result in Public Disorder and lead to drunken Crime if premises license is granted.

The premises license if deemed appropriate to be granted to the Aspall Factory site by MSDC Licensing Dept must be in my opinion very tightly restricted with time constraints and number of vehicles etc. stated to safeguard the people living in this vicinity from the dangers presented by future increased commercial traffic, which is already a public nuisance and a danger to the public at large and safety of school age children and in particular safeguard young persons [children] under 18 acquiring easy access to cases of alcohol which may lead to crime and drunken disorder

Myself and the majority of residents of Aspall hamlet contend it is not in the public interest of this little rural community for MSDC Licensing Dept. to grant a premises license to Aspall Cyder Factory. This factory is an industrial site with registered B2 planning/ industrial production planning consent. It is not an amenity for the public nor a retail park. I contend it is not a logistically suitable location for a licensed retail distribution center so a license should not be granted here.

May I enquire what is the point of having a Suffolk County Council Planning Strategy in place if MSDC departments disregard it and do not adhere to it when considering representations

Having lived and farmed here in this little hamlet all my life I strongly object to this ill positioned factory premises being licensed and consequently used as a distribution depot for this multi million pound business new venture. Granting licensing will adversely affect the vicinity because of the poor road infrastructure. It would not promote the Licensing Objectives in fact quite the reverse.

Aspall Cyders license application should be refused in this location.

Peter Freeman



Aspoll Cycle Factory Entrance

Vehicles, ^{which} service the site are a hazard to other road users. The B1077 is not suitable ~~to~~ to support a National Retail On Line Distribution Depot at The Aspoll Factory. It does not have the infrastructure so is a safety issue. More traffic will be a public nuisance in the local villages eg Debenham & Eye. A ^{NEW} distribution centre should be located on a main route per SCC Transport Strategy to 2031.



Potholes on the B1077 are a safety issue. Licensing will result in more traffic issues



Inside food & drink manufacturing

Aspall invests £4.3M and doubles capacity

By Laurence Gibbons+, 14-Mar-2014

Related topics: Business News, Beverages, Packaging equipment, Processing equipment

Cider producer Aspall has pumped £4.3M into a new warehouse and packaging building to help double its capacity.

In this exclusive video, the firm's md Des Smith told FoodManufacture.co.uk about the investment in new facilities and equipment at its headquarters in the village of Aspall, Suffolk.

"We've invested in a new cider filler, also a new kegging line to go in the packaging building – which cost a quarter of a million pounds – and a new labeller," said Smith.

"This investment has enabled us to basically double our capacity overnight – we've already doubled on the packaging side and have further plans in place to double on processing next year."

Increased capacity

Aspall's new cider filler has increased its capacity from 50 bottles a minute to 115 bottles a minute.

Its new kegging line, set to be up and running on March 17 2014, has increased capacity from 30 kegs an hour to 120 kegs an hour.

Smith said the investment had allowed Aspall to stop using contract packaging and reduce its use of agency workers.

Watch this video to find out how the investment has improved efficiencies and learn what other investment plans the business has in place as it gears up for its 300th anniversary.

Meanwhile, look out for our feature on Aspall's anniversary preparations and future investment plans in May's *Food Manufacture* magazine.

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BUSINESS MEDIA

3. Joan Freeman (Local Resident)

MRS JOAN FREEMAN

Allegedly & Without prejudice

21 April 2017

MSDC Licensing Dept.,
Needham Market,
IP6 8DL.

Dear Sir/ Madam



Re: Premises Licensing Application to MSDC dated 28th March 2017 by Aspall Cyder , of The Cyder House, Aspall, Stowmarket, Suffolk, IP14 6DL.

Planning Issue in respect to the Premises Licensing Application -

Having read extensively around procedural matters on several council sites who all fall under the same legislation as MSDC and guidance sites e.g on 'Licensing Aid' in order to try correctly present an appropriate premises license application formal objection, I draw to your attention, it has become my conviction and I suspect, the Premises License Application made by Aspall Cyder may be void at this time? I raised issue about the validity of the application to Mrs Guthrie after she kindly notified me of the application. I also highlighted Aspall Hamlets continuing concerns in respect to likely future detrimental implication if a premises license is granted of obviously even more commercial traffic in the vicinity and the possibility of an enormous distribution ware house /depot being sited here which a license will facilitate

I wish to question whether the applicant should also have applied for Planning Permission in respect to a NEW on line retail business supplying and distributing cider/alcohol the public? It seems and it is my understanding that the warehouse from which the on line alcohol is sent in these circumstances requires planning permission before consent. The on line call center is not the premises. I will be looking into this further/before a hearing.

I do not believe there has been planning permission applied for, nor granted in respect to online retail sales and distribution to the public from the above factory premises/a warehouse? As far as I am aware under the 1987 Town and Country Act the site has only had B2 Planning 'granted with out restriction' by MSDC and the factory site is solely classed as an industrial premises/site for planning use purposes? As far as I am able to ascertain from enquiry to MSDC there has been no application made for Planning nor granted for change or variation of use at these B2 industrial premises. On line retail sales and retail distribution [licensed or not], and industrial use clearly fall into 2 distinctly separate planning bands A&B see planning.portal.gov.uk

Class B2 Planning is described on the gov.uk 'Planning Portal' as *general Industrial use for the use of carrying out industrial processes other than one falling in class B --*

There can be no doubt Planning and Licensing are closely allied. This is described as a 'complicated area' on the License Aid web site. I have made every effort & sought appropriate advice and evidence before raising this matter as an issue to you.

Kay at the MSDC Licensing Dept helpfully telephoned following my enquiries and confirmed that the application to them is a new application and no premises licence or person has been recorded as registered previously, and there is no record of Historic Grandfather rights [re:

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2003 licensing changes] registered 2003-2005 which would seem to indicate any former retail status at Aspull Hall, when odd bottles and flagons of cyder were last sold to the local public from the ancient cider press building, lapsed long ago. The Licensing team said they do not deal with nor comment on Planning matters yet planning matters are relevant to premises licensing.

A young lady MSDC rang last Tuesday and said she thought retail rights at Aspull Hall were historic to Aspull Cyder and the site B2 Planning is unrestricted so planning was not required. She did not offer any evidence nor mention any class. Then a spokesman for MSDC Planning Dept who telephoned about my query surprisingly declared he did not know anything about grandfather/historic planning/licensing rights and was rather dismissive indicating I should not phone with difficult involved questions which he could not answer directly! I contacted SCC who referred me back to MSDC and was then advised to look at other councils web sites to ascertain an overall opinion. A pleasant young man said he was unable to comment or provide access to records I asked him about and he referred me back to MSDC Licensing – again! MSDC departments continued passing the buck! It therefore now falls to the Licensing committee to appropriately investigate and make correct judgement please, as I do not have the legal expertise nor access to records to determine this technical point. I have discussed the matter with a number of others who suggest I am correct unless recorded documentation can show differently.

I thus contend the application for a Premises Licence to retail alcohol and distribute it directly to the public via on line sales from the stated premises at this time is [subject to confirmation] void as

'the activity sort to be licensed would amount to an unlawful use of the premises'?
ref: 'Guidance notes' herewith

If my above supposition is incorrect I apologise but I raise the issue in good faith.

OBJECTION

If the above application is deemed valid then I now wish to make representation and object to the premises license application being granted - .

This representation to MSDC Licensing Dept is presented on the four prescribed criteria

1. Potential Crime and Disorder - *ready availability of cases of strong cyder*
2. Risk to Public Safety - *mainly in respect to increased traffic*
3. Potential Public Nuisance - *mainly in respect to increased traffic hazard detrimental impacts and pollution*
4. Safety of Children - *mainly in respect to increased traffic & ready availability of high % AVB alcohol*

The back entrance to this property, my home, is off the B1077. From my front and back drive I have view of the Aspull Hall cider factory and Aspull Cyders dreadful ugly VATS which multiply with every business expansion. They are a public nuisance marring the LLA. We residents in the vicinity of the factory site, are deeply suspicious of likely underlying intentions of Aspull Cyder on past experiences. The impact of further large expansions of this multi million pound international business in this hamlet if a premises license is granted for what will obviously grow and become their national on line retail distribution centre requiring even more production to be serviced is profound.

Declaring a ONE van operation is laughable. I have contacted MD Des Smith by e mail – copy herewith - to see if there was an error on the application and suggested a distribution depot for this new venture could be set up in the same IP14 post code at Stowmarket on the designated industrial FEZ site with little adverse impact on the local community.

Less than a year ago a petition was formally submitted to MSDC signed by virtually every person living in this hamlet – see copy herewith with names and addresses - citing the detrimental impact and safety concerns in respect to the ever increasing traffic etc. from the factory creating multiple public nuisances. Local opinion has not changed..

There are ever increasing traffic travelling to and from the site through the narrow historic streets of Debenham and Eye vibrating ancient buildings and in other local villages frequently causing chaos. It is considered a public nuisance by most in the vicinity, and others when travelling along the inadequate narrow B1077 where two vehicles can barely pass in many places. The Aspoll traffic creates safety issues to other road users notably at the factory entrance – see photograph. School children and particularly cyclists as well as horse riders are intimidated and endangered by the ever increasing numbers of commercial vehicles travelling to and from the factory site along our country roads now. Few local people now risk cycling along the B1077. In view of the perceived public nuisance and traffic dangers and safety issues as a village, Aspoll residents have formally requested more traffic calming signage from SCC highways to be erected.

I am sorry to comment but I am of the opinion the premises license application is intended as a foot in the back door for future planning as part of Aspoll Cyders already announced ambitious global expansion to 2028 - refer to Food Magazine video link & the Des Smith Claiming merely one van for the new venture to be set up by this multi million pound national and international business is clearly suspect. I note that when a premises license application is made for an online distribution business it is the warehouse/supply depot that is actually licensed once planning has been granted [see 'Guidance notes' herewith]. I suspect the huge warehouse and depot on Leywood Field Aspoll as presented to MSDC in screening proposal but was not then proceeded upon because of so much local opposition is likely again on the cards to be built here if a license is granted. An already licensed warehouse would ease the way & benefit a future planning application and help the on going unrestricted expansion plans I would suggest but that is a planning issue.

If a license is granted I have reservations about 'cases' of cyder with high ABV being distributed by online orders as I do not see how the age of purchasers can be readily determined and distribution policed. Drink is recognised to lead to crime and public disorder among the young /children under 18 in particular and compromises their health and their safety. A licensed retail distribution depot is not necessary at the factory when so many retail outlets nation wide eg Waitrose Tesco Sainsbury with their own established distribution network already in place are already supplying Aspoll Cyder to the public sparing food miles. Pollution is created by delivery vehicles which in itself is a public nuisance and a health/safety issue.

I do not consider the proposed conditions of the operating schedule offer sufficient safeguards. I request strict limitations to be imposed, if the license is granted to the factory site, in respect to the size of the operation/warehousing/ number of vehicles times of operation etc etc. with time imposition and limits stated to reduce public nuisance and safety issues that Aspoll Cyders traffic causes/will cause in this locality. The 21 April 2005 order changes are declared to be helpful in preventing unrestricted changes in activities in circumstances like this.

The site does not have adequate infrastructure to safely support this Licensing Application. Nor in the future see the announced and well publicised global expansion plan to 2028 . The change that licensing may, or will in the future, likely lead to evermore increasing traffic accessing and leaving the factory indisputably creating hazard and safety issues on the on inadequate narrow local rural roads passing through villages and past schools. Such issues will not arise if licensing is not granted The B1077 is not wide enough for the huge juggernauts servicing the site to enter and exit the factory site without dangerously swinging right across the road – see photograph The site entrance/exit is approached by blind curves in

the road from both ways. In the interest of safety concerned residents of this hamlet have already formally requested in writing warning signage and a speed limit to be imposed by SCC Highways Department.

Despite some reservation I do not object to Aspall Cyder looking to licensed on line retail & distribution branch of their hugely successful business by selling alcohol directly to the public but any licensed depot and distribution centre MUST be located per SCC & MSDC Planning Strategy to 2031 on a main route for logistical reasons to spare their neighbours, the vicinity and the locality the nuisance of more traffic disturbance and safety hazard and reduce food miles.

I strongly object to a premises Licence being granted to the Aspall Cyder factory here on the grounds it will compromised Public Safety and create Public Nuisance

If the application is valid, I contend it does not promote the Licensing Objectives.

Yours faithfully,

MrsJoan Freeman

HARD COPY TO FOLLOW.with the below ATTACHMENTS

Photograph of HGV entering the factory unavoidably and dangerously swinging right across the road and holding up delivery vans and traffic Safety issues if the license is granted are indisputable

Copy of petition to MSDC made within the last year and signed by the vast majority of this hamlet i.e those in the vicinity of the factory

Notes on Premises licensing stated on an official council web site

The proposed vast ware house plan as presented for screening to MSDC that was shelved but is we believe on the cards to be submitted for planning again for the new online distribution depot if a license is granted.

E- mail to MD Des Smith questioning the details of the application

Letter from SCC Transport with photo

Food Magazine articles with video link interview with MD Des Smith

between licensing and planning control.

PREMISES LICENSE GUIDANCE NOTES

Licensing is concerned with the fitness of the operator and detailed issues concerning the operation and management of the premises that are not addressed by the planning process, which relates to the use of the premises.

It will be expected in general that the grant or variation of planning permission would be resolved before a licence application is made. The licensing committee may refuse to grant a licence following representations from the local planning authority if the:

- Activity sought to be licensed would amount to an unlawful use of the premises
- Hours being sought exceed those authorised by any planning permission

It will be for the applicant to demonstrate any special circumstances to justify a departure from this policy in face of representations from the local planning authority.

Land

Despite the fact that more than one licence may be granted for a parcel of land or that a temporary event may be served for land, most operators of licensable activities are expected to abide by the law of trespass and will not seek to use public land without prior permission.

If the land is owned by Medway Council you will need to seek written permission prior to applying for a licence. If the location may already be licensed. If the land is owned for example a farmer then you will need to seek permission to use the site for licensable activities.

Open land, temporary structures (marquees) and streets form part of land. You must clearly state the location where you wish licensable activities are to take place for example road names, the field between the roads (Way and New Road, the size of the area you wish to use for licensable activities for example you may have a 1 acre field but only wish to use a small area in the top right of the field you will need to explain the exact location (from the river to the public walkway).

Temporary Structures

You can licence a temporary structure but the plan must show the exact location of where the structure will be positioned and the size of the structure.

Temporary structures may include marquees, beer tents and mobile bars.

Internet and mail order sales

In considering applications for a Premises Licence involving internet or mail order sales, the place from which alcohol is sent will require the licence: that is, the location of the stock. This means, for example, that a call centre would not be the premises to be licensed, but the warehouse from which alcohol is sent.

Vessels

Where a Premises Licence is sought in connection with a boat or ship, the primary focus will be on the licensable activities and not the safe navigation of the vessel. This is covered under separate legislation. The Maritime

PETER FREEMAN

From:
Date:
To:
Attach: ATT00020.html
Subject: att Des Smith
Allegedly & without prejudice

Dear Mr Smith

Mrs Guthrie, our local councillor, suggested Aspall Cyder should be contacted directly in respect to the Premises License application for the proposed new on line retail business venture for Aspall Cyder being set up at the factory site which has B2 planning - refer to Gov. Planning Portal for definition It is acknowledged notices are posted on the B1077 and a press announcement has been made as required.

I personally am not sure if there is perhaps a typo on the submitted formal application considering the size of Aspall Cyders now national and international business with a multi million pound turn over - shown on the Company's House Register - ? It should surely indicate one FLEET of distribution vehicles not ONE van?! An one van enterprise would, I doubt, hardly be viable or worth bothering about as Aspall Cyder is already available to the public for delivery by on line retail order nationwide via your established retail outlets like Tesco Sainsbury Waitrose etc as is stated on your web site. Else, in view of Aspalls already well publicized global expansion plans to 2028 there are suspicions that this is one small step for a new business venture but a giant leap for Aspall Cyder in respect to their announced ambitious future expansion plans at the Aspall factory. Claiming a one van operation to my mind if intended is possibly misleading

Whatever, the rurally located hamlet of Aspall is not a suitable location for a new distribution center for this new online retail business venture because of the indisputably inadequate road infrastructure which will obviously not safely support the, to be expected, future on going expansion without the increasing additional traffic becoming a further public nuisance to those whom live in the vicinity and particularly in the narrow historic streets of nearby Debenham and Eye with their ancient buildings and along the inadequate B1077 These issues and local concerns were brought up when I attended a meeting with you, Henry and Barry in the Aspall Hall dining room.

Despite some reservation about cases of alcohol, some over 5.5 % ABV being freely available when sold via the internet [so possibly to under 18 year olds/children] I am certainly not against this new on line business being set up by Aspall Cyder but NOT here. I have not mentioned Food miles which must be an environmental consideration when locating a distribution center,

You may like to refer to SCC & MSDC Planning Strategy to 2031 available on line for guidance as to where a business the size of Aspall Cyder might like set up a new business enterprise with a distribution depot that will not impact upon those living in the immediate vicinity and the locality in general. The FEZ industrial site on the A14 is in the same IP14 post code so would be easy for any current employees to relocate to if necessary. There are grants available I believe - contact MSDC. I do hope this a constructive suggestion and compromise as you would get you new business and distribution set up in a logistically sensible location and this locality and community would be spared more dangers and unwelcome traffic impact without further ado.

23/04/2017

If your new on line retail business and distribution venture is launched ELSEWHERE, I wish it every success

Yours faithfully

Mrs Joan Freeman

cc MSDC Licensing Dept
Councillor Mrs Guthrie

22/04/2017



Your Ref:
Our Ref: 310/C00202/RP/NS
Date: 26 May 2016
Enquiries to: Central Area Highways
Tel: 01473 341414
Email: central.area@suffolk.gov.uk



Mrs Joan Freeman
Hill House
Aspal
Stowmarket
IP14 6NU

Dear Mrs Freeman

HGV Report: B1077 – Aspal cider factory.

Thank you for your HGV report regarding the B1077.

We are fully aware of the issues surrounding increased traffic flows along the B1077 between Debenham and Eye and are continuously monitoring the situation.

Unfortunately there are no actions that we can take to solve this issue. As you will no doubt be aware, there are no weight restrictions in either direction restricting the movements of heavy goods vehicles. Therefore vehicles entering and leaving the Aspal site are entitled to use this road as much as any other vehicles.

The B1077 in places is narrow, however, in Occold and Rishangles there are speed restrictions in place. Widening of the road is, I am afraid, completely impractical both from an engineering and financial perspective.

We simply don't have the funds for such a large project, added to the fact that in many places along this road there is a very deep and wide watercourse. This in itself would make any widening scheme very onerous and incredibly expensive.

Additionally, there are currently no plans to erect signage in the area or to introduce traffic calming measures.

Whilst I expect this reply will not be to your liking, I have a duty to explain the situation as it is.

Richard Porter
Area Technician

The B1077 is not suitable to support a National on time retail
Licensed distribution depot, damage by traffic is
already a safety
issue



Asphalt situated in the heart of rural Suffolk has a poor

PETITION TO MID SUFFOLK & BABERGH DISTRICT COUNCIL.

The undersigned residents of ASPALL PARISH draw to the attention of MSDC the potential further expansion of the Aspoll Cyder business at Aspoll Hall.

B2 Planning Permission was granted to Aspoll Cyder ref 3777/12 by MSDC without notice or the prior knowledge of the residents of Aspoll village. Immediately upon completion of the project Aspoll Cyder unexpectedly “doubled production overnight” last year and the ensuing detrimental impacts now on the local community are unacceptable in terms of increased factory & traffic noise, other pollution, more HGVs and unsightly tall Vats blighting property and lives in the village, & impacts upon visual amenity. The intrinsic environmental value and character of the Local Landscape Area has been compromised. Residents contend if any future planning applications for expansion were granted in Aspoll particularly under B2 planning more modern automation would facilitate further limitless and uncontrolled amounts of production [but less jobs] and again impact heavily upon the local community. Only by-roads and the inadequate and narrow B1077 give access to Aspoll which do not allow safe & free traffic flow particularly through the historic streets of Debenham & Eye where ancient and listed building are already vibrated and where hazard & chaos is frequently caused by huge juggernauts. The prospect of hundreds of commensurate extra HGV movements locally to service any further increased production is alarming to residents and local Parish Councils. If applied for, any future planning permission sort from MSDC at Aspoll Hall should not be granted for further expansion as this small rural hamlet set in the heart of traditional High Suffolk simply does not have the infrastructure to support it.

There are suitable designated industrial sites in the locality with good A road access to accommodate any further expansion plans Aspoll Cyder or affiliated businesses may have and that would not impact upon the community.

- **We request the petitioners are individually consulted if, as and when any planning application is submitted to MSDC from Aspoll Cyder/ or at Aspoll Hall please.**
- **We request the petition to be reported to full council and minuted.**
- **We understand that there will be no debate or comment on these matters at the Council Meeting and that any future Planning application will be considered on its merits.'**

Thank You.

LEAD NAME	SIGNATURE	ADDRESS
<p>MRS JOAN FREEMAN Tel: 01728 860599 cjrfreeman@btinternet.com</p>		

NAME	SIGNATURE	ADDRESS
Mr Kevin Bibby Mrs Bibby	A A	
Mr David Wood * Mrs Janet Wood *		
Mr Justin James Mrs James Master James		
Mr Baskerville Mrs Baskerville		
Mr Peter Dyer Mrs Elaine Dyer		
Mr Roger Lewis *		

NAME	SIGNATURE	ADDRESS
Mr Paulo Buono Mrs Buono Miss Buono		§ / §
Mr Leonard Munter Mrs Sally Munter		/ / §
Mr Mark Yates Mrs Yates		 / §
Mr James Harvey Mrs Harvey		/ / §
Mr David Perry • Mrs Hayley Perry •		/ / §
Mr Tim Reeve • Mrs Lucie Reeve •		/ / §

To MSDC

Please add the below named new residents to the submitted Aspoll Petition.

We confirm we have read copy of the Petition statement.

NAME	SIGNATURE + DATE.	ADDRESS
Mr John Appell & Mrs Lauren Appell		
Mr Ray Robinson & Mrs Joan.Robinson Mr James Robinson		
Ms Mary Uthwatt - Bouville		
Mrs Michelle Bartholomew		
CERIE JENKINS		
Miss Jessica Bloomfield Mr Isaac Rushforth		

NAME	SIGNATURE	ADDRESS
Mr Steven Laurence Miss Rachel Moore		
Mr James Faulds Mrs Naomi Faulds		
Mr Luke Levene Miss Kady Hughes		
Mr Peter Freeman		

⊙ = MOVED 7

25 Parishioners who signed the petition in 2015 remain in
 Aspall. All are aware the petition has been submitted

10 New Parishioners have additionally signed in 2016



Inside food & drink manufacturing

Aspall invests £4.3M and doubles capacity

By Laurence Gibbons+, 14-Mar-2014

Related topics: Business News, Beverages; Packaging equipment, Processing equipment

Cider producer Aspall has pumped £4.3M into a new warehouse and packaging building to help double its capacity.

In this exclusive video, the firm's md Des Smith told FoodManufacture.co.uk about the investment in new facilities and equipment at its headquarters in the village of Aspall, Suffolk.

"We've invested in a new cider filler, also a new kegging line to go in the packaging building – which cost a quarter of a million pounds – and a new labeller," said Smith.

"This investment has enabled us to basically double our capacity overnight – we've already doubled on the packaging side and have further plans in place to double on processing next year."

Increased capacity

Aspall's new cider filler has increased its capacity from 50 bottles a minute to 115 bottles a minute.

Its new kegging line, set to be up and running on March 17 2014, has increased capacity from 30 kegs an hour to 120 kegs an hour.

Smith said the investment had allowed Aspall to stop using contract packaging and reduce its use of agency workers.

Watch this video to find out how the investment has improved efficiencies and learn what other investment plans the business has in place as it gears up for its 300th anniversary.

Meanwhile, look out for our feature on Aspall's anniversary preparations and future investment plans in May's *Food Manufacture* magazine.

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William Reed 
BUSINESS MEDIA

FEATURE

Aspall invests ahead of 300th anniversary

By Laurence Gibbons+, 15-May-2014

Related topics: Manufacturing, Beverages, Packaging equipment, Processing equipment

Cider maker Aspall has ambitious plans to differentiate its brand, reports Laurence Gibbons

Key points

- Investment
- New products

In 14 years' time the Chevallier family would have been brewing cider at Aspall Hall in Suffolk for 300 years. Jersey-born Clement Benjamin Chevallier, the founder of the firm, moved to the east of England after he inherited the hall from his cousin Temple Chevallier in 1722 and planted apple trees in 1728 when he struggled to find his favourite tippie – cider. Five generations later, in the 1970s, John Chevallier started making cider vinegar. The firm now produces 14,250 litres of cider and 3,250 litres of vinegar a year.

Today, the business is run by his sons Henry and Barry Chevallier Guild – and their ambitions are to have real cause for celebration in 2028. The aim, according to Barry Chevallier Guild, is to invest in increased production capacity, new product development and re-designing the brand to propel it into a category of its own. By using the heritage of the brand, which honours the family's ancestors, he wants the business to become a category leader.

"There are three categories of cider – premium, mainstream and plastic bottled. But we see four," claims Chevallier Guild, who aims to differentiate the firm from its competitors. *"We would sit in the premium category; the aim is to move gently but surely away from everybody else so we are in a category of one."*

Over the past two years, Aspall has invested £4.3M in a new warehouse and packaging hall to help double its capacity. This has increased production from 50 to 115 bottles a minute and from 30 to 120 kegs/h. Aspall md Des Smith said this is just the tip of the iceberg of what is planned. The business intends to boost kegs to 240/h and bottles to 180 a minute.

Investment (Return to top)

"We are looking to invest £2.8M in the year ahead to automate our packaging lines. To reach our target of 180 bottles a minute we are looking to spend £1M in the back of the factory – putting in automatic keg [handling] and automatic tray packaging systems. We may also be putting in a new vinegar filler as well."

The firm will also invest £320,000 on five fermentation tanks to improve efficiency by reducing manual work from three to two shifts, Smith says. A second clarity filtration machine will be added to handle the increased capacity and £150,000 will be spent on a stock control system. In addition, a new bag in a box line will be installed and a new laboratory will be built.

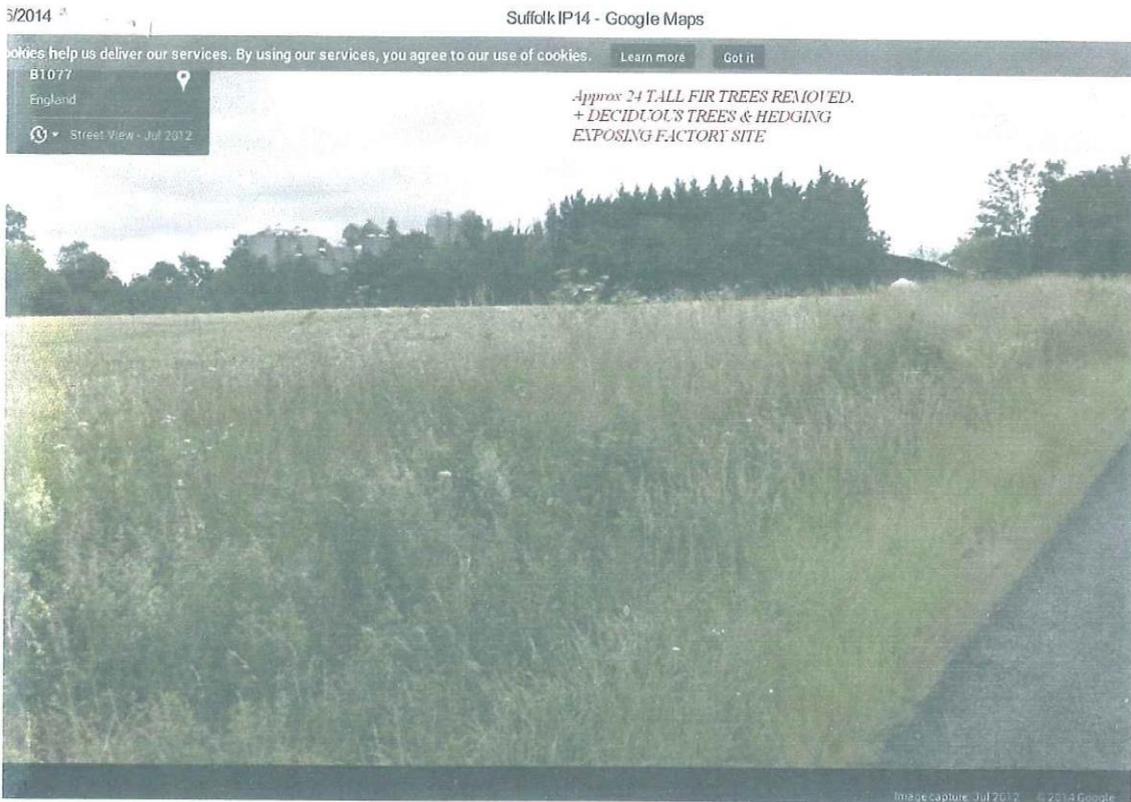
"We are looking to move our laboratory so it's in the centre of the production process," says Smith. *"We are spending £160,000 on that this year. The bag in a box line will go in the kegg building."* Aspall currently outsources packaging of its bag in box mulled cider product to a contractor. *"We are bringing this in-house so we will be self-sufficient in that area."*

To meet the increased energy requirements of the additional production facilities, a new steam boiler will be needed. Looking further ahead, £6M will be spent on an apple pressing facility, to be built on a newly re-acquired piece of land at Aspall Hall, Smith adds. The firm will continue to invest in its orchard and has budgeted £250,000 for this.

New products (Return to top)

Along with the infrastructure investments, the firm has developed a number of new product ranges. This month Aspall will launch products inspired by the idiosyncrasies of the Chevallier family. Aspall is the 10th oldest family-owned business in Britain, which it believes gives the brand a point of difference from other ciders on the market, Chevallier Guild says. New labels will be produced which carry stories explaining how the family's heritage has influenced each product. For example, Perronelle's Blush pays homage to Peronelle Guild (née Chevallier), a founding member of the Soil Association in 1946 and known for her rosy cheeks and love of foraging. The label will be adorned with her image and the cider includes blackberry liquor.

The new products which will include contemporary twists on the family's heritage, such as Temple Moon, after a cousin who was an astronomer and professor at Durham University and Harry Sparrow, a full bodied cider to reflect the rich



*VISTA OF LEYWOOD FIELD FROM B1077 NEW
ROAD JUNCTION TOWARDS FACTORY SITE
BEFORE TREE REMOVAL*





Image capture: Oct 2015 © 2016 Google

England
Street View - Oct 2015



Google Maps

THE EXPOSED FACTORY SITE

known as 'Manhattan on the Hill'

obviously

Premises License if granted will lead to further expansion at the Aspsall site with detrimental impact on the amenity of the area causing Public Nuisance to those in the vicinity.

Notice of Hearing

Licensing Act 2003 (Hearings) Regulations 2005, reg. 6

Name of Applicant: **Aspall Cyder Limited**

Name of Premises: **The Cyder House**

Postal Address of Premises (or description of premises):

Aspall Hall, Stowmarket, Suffolk IP14 6PD

Premises Licence: Application for Section 17/New Premise Licence

Date of Hearing: **12th May 2017**

Time of Hearing: **10.00am**

N.b. This is the commencement time of the hearing, your application may be one of a number listed to be heard in this hearing. The agenda will indicate the order in which applications are listed.

Place at which Hearing to be held: The Council Chamber*
Mid Suffolk District Council
131 High Street
Needham Market
Ipswich Suffolk IP68DL

*** Please report to Reception at Mid Suffolk District Council and ask for the Licensing team.**

You should now complete and return the Attendance at Hearing Notice.

Failure of Parties to attend the hearing

If you notify the authority that you do not intend to attend or be represented at a hearing, it may proceed in your absence.

If you have not indicated that you intend to attend the hearing, or be represented, then the licensing authority may either:

- Hold the hearing in the party's absence, taking into account their application, representation, or notice; or
- Where it considers it necessary for the public interest, adjourn the hearing to a specific date and notify all the parties accordingly

Please refer to the accompanying enclosures in respect of the following:

- Rights of a party provided for in regulations 15 and 16
- The procedure to be followed at the hearing
- Any particular points on which the (Licensing) authority considers that it will want clarification at the hearing from a party

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Licensing Team
Mid Suffolk District Council
 131 High Street, Needham Market
 IPSWICH, Suffolk IP6 8DL
 Main Switchboard: **0300 123 4000**
 Website: www.midsuffolk.gov.uk

ATTENDANCE AT HEARING NOTICE

(Section 17 NEW application)

For completion by Licensing Authority:

Application type:	Section 17 for GRANT of NEW Premises Licence	Application received:	27 March 2017
Premises/Applicant:	Aspall Cyder Limited		
Address:	The Cyder House, Aspall Hall, STOWMARKET, Suffolk IP14 6PD		

For completion by YOU:

Please tick box to indicate whether you are:

Applicant:	<input type="checkbox"/>
Objector:	<input type="checkbox"/>
Other (please state):	<input type="checkbox"/>

		YES	NO
Q1.	Do you intend to attend the hearing? (Note: If you wish to withdraw your representation, you should notify the Licensing Authority as soon as possible)	<input type="checkbox"/>	<input type="checkbox"/>
Q2.	Will you be bringing someone to speak on your behalf? (If YES to above please specify name and occupation of speaker):	<input type="checkbox"/>	<input type="checkbox"/>
Q3.	Do you consider the hearing to be necessary? (Note: The Licensing Authority may dispense with the hearing if all parties agree)	<input type="checkbox"/>	<input type="checkbox"/>
Q4.	Please give an estimate (in minutes) of how long you believe you will need to make your points concerning this application? minutes	

If you want any other person to attend as a witness to support you (other than the person whom you intend to represent you), complete the box below in order to comply with the hearings procedure:

Describe in the space below the matter(s) on which this person be giving evidence on in relation to this application, representation or notice. Please use continuation sheet/reverse if necessary:	
YOUR NAME:	
SIGNATURE:	Date:

Please complete and return this form not later than
FIVE WORKING DAYS before the hearing date

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Rights of a Party

Licensing Act 2003 (Hearings) Regulations 2005, regs. 15 & 16

15. Right of Attendance, assistance and representation at the hearing

Hearing to be public The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

Party to the hearing This is a person to whom the notice of hearing is given. This may be the applicant, or a person or body who has made a relevant representation or submitted an objection notice.

Assistance A party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

Disruptive Behaviour The licensing authority may, if they consider any person attending the hearing is behaving in a disruptive manner:

- Require them to leave the hearing
- Refuse to permit that person to return
- Permit the person to return only on such conditions as the authority may specify.

A person who is excluded may submit (in writing, before the end of the hearing) any information which they would have been entitled to give orally, had they not been required to leave.

16. Representations and Supporting Information

At the hearing a party will be entitled to:

- If you have been notified of any points upon which the Licensing Authority is seeking clarification, you will be entitled to respond, giving any further information in support of your application, representation or notice.
- Address the hearing.
- If given permission by the authority, question any other party.

For more information, please see the guidance sheet on "**Making an effective relevant representation**".

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LICENSING ACT 2003 – HEARING PROCEDURE

Pre-Hearing Matters

- 1. Welcome and the Reason for the Hearing**
- 2. The procedure to be followed**
- 3. Appointment of a Chairman**
- 4. Welcome by the Chairman including domestic arrangements/filming**
- 5. Apologies for absence/substitutions**
- 6. Declarations of interest by Members (if any)**
- 7. The Chairman will introduce the Members of the Hearing Sub-Committee**

The Chairman will introduce the Officer of the Licensing Authority, the Committee Officer and the Legal Advisor to the Sub-Committee;

Chairman will ask the Applicant and any person representing or assisting them to introduce themselves. (Confirmation also should be given that copies of the relevant representations to be considered at the hearing have been received);

The Chairman will then ask those present which have been deemed by the Licensing Authority to have made a valid representation to introduce themselves in the following order:

- (a) Responsible Authorities;**
 - (b) Other Persons (Other Persons should confirm whether a spokesman or spokesmen have been nominated and, if so identify them).**
- 8. The Chairman will ask all parties to the Hearing whether they wish to withdraw their application or representation.**
 - 9. The Chairman will ask the Officer of the Licensing Authority to report:**
 - (a) Whether any requests from a party for the Hearing has asked for permission for a witness to appear in support of their representation/application. (The Hearing Sub-Committee will determine any request.)**
 - (b) Whether any documentary or other information that a party to the Hearing wishes to present. If there is any such material, the Chairman will ask all the other parties to the Hearing whether they consent to it being presented. If they agree, the material will be distributed.**

10. **The Chairman will invite the Applicant or his representative to estimate the time required to present their case and ask questions of other parties to the Hearing. He/She will then ask the other parties to the hearing whether they will require a longer period to present their representation and question the applicant. The Hearing Sub-Committee will determine the maximum period of time allowed for each party to put their case.**

The Hearing

Immediately the Pre-Hearing Matters have been dealt with the Hearing will commence.

11. **The Chairman will ask the Officer of the Licensing Authority to summarise the matter under consideration.**

The Sub-Committee, Applicant, and those making representations may ask questions of the Licensing Authority Officer.

Starting with the Applicant, each party will exercise their rights within the identified maximum time, as follows:

- (a) **Each party will present their case, including responding to any points of which the Licensing Authority has previously given notice, and call any approved witness in support of their case.**
- (b) **If given permission by the Chairman, and only through the Chairman of the hearing, each party may raise questions for any other party or witness.**

The Applicant or his representative will be asked to give a closing statement.

12. **The Chairman will put forward a motion to exclude the public to enable the Sub-Committee to deliberate in private session.**
13. **Members of the Hearing Sub-Committee, their Legal Advisor and the Committee Officer, will leave the meeting to allow the Sub-Committee to determine the application.**
14. **Members of the Hearing Sub-Committee will return. The Chairman or Legal Advisor will announce the decision, together with the reasons for it or (alternatively) may announce that judgement is reserved and written reasons for decision will be provided at a later time.**
15. **The Legal Advisor will confirm that the decision and rights of appeal will be confirmed in writing.**
16. **The Chairman will close the meeting.**