

# Public Document Pack



## LICENSING SUB-COMMITTEE

DATE AND TIME OF HEARING:  
**THURSDAY, 16 DECEMBER 2021 AT 10.00 AM**

LOCATION OF HEARING:  
**VIRTUAL TEAMS MEETING**

## 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 and 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:** 27 October 2021

**Applicant:** Aldi Stores Ltd

**Premises:** Aldi, Girling Street, Sudbury, Suffolk CO10 1LZ

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

### Sub-Committee Members

#### Members

Sue Ayres  
Sue Carpendale  
Margaret Maybury

#### Reserve Member

John Nunn

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        **B/LASub/21/2 HEARING TO DETERMINE AN APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003 - ALDI, GIRLING STREET, SUDBURY CO10 1LZ**        5 - 36

Report from the Licensing Team 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)**

**Procedure to be followed at the hearing**

37 – 38

The procedure is attached.

**Right of attendance, assistance and representation**

Subject to regulations 14(2) - concerning exclusion of the public from all or part of a hearing where the Licensing Authority considers doing so to be in the greater public interest, and regulation 25 - concerning the exclusion of any person attending the hearing who is behaving in a disruptive manner:

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

At the hearing a party shall be entitled to –

- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representation or notice (as applicable,
- (b) if given permission by the authority, question any other party; and
- (c) address the authority.

### **Failure of parties to attend hearing**

- (1) If a party has informed the Authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may –
  - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the party's absence.
- (3) Where the Authority holds the hearing in the absence of the party, the Authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the Authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

### **Any points the Authority considers that it will want clarification on (if any):**

If any party is withdrawing their application or representation then please contact us at [LicensingTeam@babberghmidsuffolk.gov.uk](mailto:LicensingTeam@babberghmidsuffolk.gov.uk) without delay.

If any party is to rely on **documentary/video or other material** to support their representation or submission, please provide it as soon as possible in a legible/useable format (with any redactions having been made where appropriate). Late or on the day documentation/media production may not be admissible, in accordance with relevant regulations.

### **APPLICANT – LICENCE HOLDER – RESPONSIBLE AUTHORITIES – OTHER PERSONS**

**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.**

## 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.

### **Protocol for Virtual Meetings**

Live Streaming:

1. The meeting will be held on TEAMS and speakers will be able to join via invite only. Any person who wishes to speak at the meeting must contact Committee Services at: [committees@babberghmidsuffolk.gov.uk](mailto:committees@babberghmidsuffolk.gov.uk) at least 24 hours before the start of the meeting.
2. The meeting will be live streamed and will be available to view on the Council's YouTube page as detailed below:

[https://www.youtube.com/channel/UCSWf\\_0D13zmegAf5Qv\\_aZSg](https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg)

Recording of proceedings:

1. Proceedings will be conducted in video format.
2. A second Governance Officer will be present and will control the TEAMS call and Livestreaming.

Disclosable Pecuniary Interests:

A Councillor declaring a disclosable pecuniary interest will not be permitted to participate further in the meeting or vote on the item. Where practicable the Councillor will leave the virtual meeting, including by moving to a 'lobby' space and be invited to re-join the meeting by the Committee Officer at the appropriate time. Where it is not practicable for the Councillor to leave the virtual meeting, the Committee Officer will ensure that the Councillor's microphone is muted for the duration of the item.

Confidential items:

The Public and Press may be Excluded from the meeting by resolution in accordance with normal procedural rules. The Committee Officer will ensure that any members of the public and press are disconnected from the meeting and the livestream will cease.

# Agenda Item 5

## BABERGH DISTRICT COUNCIL

<b>From: Assistant Manager for Food Safety &amp; Licensing</b>	<b>Report Number: B/LASub/21/2</b>
<b>To: Licensing Sub-Committee</b>	<b>Date of meeting: 16 December 2021</b>

### HEARING TO DETERMINE AN APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003

#### 1. Purpose of Report

- 1.1 To report information to the Sub-Committee to enable the determination of an application made to vary premises licence BPL0229 - on issue in respect of Aldi, Girling Street, Sudbury, Suffolk CO10 1LZ.

#### 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 modify the conditions of the licence;
- to reject the whole or part of the application;

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

The Sub-Committee is able to determine the variation application.

#### 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 notices advertising the application have been on display at the premises and published (Suffolk Free Press: 4 November 2021 edition).

## 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 made to VARY an existing premises licence (number BPL0229) made under section 34 of the Licensing Act 2003. For ease of reference a summary of the existing premises licence permissions is attached as **Appendix A**.

8.2 The application has been submitted by the premises licence holder:

### **Aldi Stores Ltd**

For licensed premises:

**Aldi, Girling Street, Sudbury, Suffolk CO10 1LZ**

The Designated Premises Supervisor (DPS) is:

**Jason Smith** (personal licence holder BPA0672 with Babergh DC)

8.3 The variation application was submitted on 27 October 2021.

8.4 The premises licence holders are seeking to diversify and update their current premises licence entitlements. The main element of the variation seeks to alter the existing premises licence by extending authorised hours for the sale of alcohol and opening hours to commence from 06:00hrs and end at 00:00hrs Monday to Sunday. The full application attached as **Appendix B** specifies the full proposals of the variation.

8.5 Aldi, Sudbury has benefitted from a premises licence issued by Babergh District Council since 7 November 2005 (granted via Licensing Act 2003 Sub-Committee hearing) and prior to that from a Magistrates liquor licence under the 1964 Licensing Act.

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

8.7 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. The

adopted Statement of Licensing Policy does not contain any Cumulative Impact Policy for any specific area of the district, as there is no evidential basis for it. However, the Licensing Authority is empowered to create a special policy should circumstances require it. The Licensing Authority's approach to this is specified in section 5 of the local Statement of Licensing Policy.

- 8.8 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.
- 8.9 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 variation of an existing licence.
- 8.10 Section 1.9 of the Council's Statement of Licensing Policy guides that the licensing process can only seek to control those measures within the control of the licensee or certificate holder (and their staff/agents). Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from such premises and beyond the direct control of the licence holder, nor is it a cure-all for community problems. If a licence holder has taken all appropriate steps to promote the licensing objectives whilst carrying on authorised licensable activities, and there is no causal link established between problem issues in the locality and a specific premises then it is unlikely that licensing processes are the mechanism to address them.
- 8.11 Paragraph 14.19 of Secretary of State Guidance issued under section 182 of the Licensing Act 2003 states that "there can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.
- 8.12 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.

## **9. Representations**

- 9.1 Representations have not been received from any Responsible Authority under the 2003 Act.
- 9.2 There has been 2 representations received made by 'other persons'. These are attached as **Appendix C** to this report.

## 10. Appendices

Title	Location
A. Summary of premises licence BPL0229	Attached
B. Variation application (section 34)	Attached
C. Representations received from 'other persons'	Attached

## 11. Background Documents

- Licensing Act 2003
- Guidance issued by Secretary of State under Section 182 of the Licensing Act 2003 (April 2018)
- Statement of Licensing Policy (2021-2026)

### Authorship:

Katherine Green  
Licensing Officer

Tel: 0300 123 4000

Email: [licensingteam@baberghmidsuffolk.gov.uk](mailto:licensingteam@baberghmidsuffolk.gov.uk)





## Appendix A

BABERGH DISTRICT COUNCIL  
'The Licensing Authority'  
Endeavour House, 8 Russell  
Road, IPSWICH IP1 2BX  
Website: [www.babergh.gov.uk](http://www.babergh.gov.uk)  
Switchboard: 0300 123 4000

### Licensing Act 2003 Premises Licence Summary

# BPL0229

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Aldi Stores Ltd**  
Girling Street  
SUDBURY  
Suffolk CO10

#### POST TOWN

SUDBURY

#### POST CODE

CO10 1NB

#### TELEPHONE NUMBER

01827 710800 (Head Office)

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Supply of alcohol (for consumption OFF the premises only)**

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

##### Supply of alcohol for consumption OFF the premises only:

Monday to Saturday	08:00hrs until 23:00hrs
Sunday (other than Christmas Day)	10:00hrs until 22:30hrs
Christmas Day	12:00hrs until 15:00hrs and 19:00hrs until 22:30hrs
Good Friday	08:00hrs until 22:30hrs

#### THE OPENING HOURS OF THE PREMISES

In accordance with any legislative controls on trading hours

#### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

Supply of alcohol for consumption OFF the premises only

#### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

**Aldi Stores Limited**  
Holly Lane, ATHERSTONE, Warwickshire CV9 2SQ

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

**Registered Company number: 2321869**

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

**Mr Jason Smith**

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

**No restrictions or prohibition applicable**

**AUTHORISED**  
Last printed 08/05/2018 12:49



BABERGH DISTRICT COUNCIL  
'The Licensing Authority'  
Endeavour House, 8 Russell  
Road, IPSWICH IP1 2BX  
Website: [www.babergh.gov.uk](http://www.babergh.gov.uk)  
Switchboard: 0300 123 4000

Licensing Act 2003  
**Premises Licence**

**BPL0229**

**Part 1 - Premises Details**

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**Aldi Stores Ltd**  
Girling Street  
SUDBURY  
Suffolk CO10

**POST TOWN**

**SUDBURY**

**POST CODE**

**CO10 1NB**

**TELEPHONE NUMBER**

**01827 710800 (Head Office)**

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

**Not applicable**

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- Supply of alcohol (for consumption OFF the premises only)**

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

**Supply of alcohol for consumption OFF the premises only:**

Monday to Saturday	08:00hrs until 23:00hrs
Sunday (other than Christmas Day)	10:00hrs until 22:30hrs
Christmas Day	12:00hrs until 15:00hrs and 19:00hrs until 22:30hrs
Good Friday	08:00hrs until 22:30hrs

**THE OPENING HOURS OF THE PREMISES**

**In accordance with any legislative controls on trading hours**

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

**Supply of alcohol for consumption OFF the premises only**

## Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND E-MAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

**Aldi Stores Limited**  
Holly Lane, ATHERSTONE, Warwickshire CV9 2SQ

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

**Registered Company number: 2321869**

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

**Mr Jason Smith**

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

**Personal Licence number: BPA0672**  
Issued by: BABERGH DISTRICT COUNCIL



**AUTHORISED**  
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**CONDITIONS ATTACHED TO THE ISSUE OF:  
PREMISES LICENCE No: BPL0229 Aldi Stores, SUDBURY**

**ANNEX 1 - MANDATORY CONDITIONS:**

*The following conditions in Annex 1 are mandatory under the provisions of the Licensing Act 2003:*

1. Alcohol shall not be sold or supplied:
  - (a) At any time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) At any time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended
2. Every sale or supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (a) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
    - i. a holographic mark, or
    - ii. an ultraviolet feature
4. The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979, “permitted price” is the price found by applying the formula -

$$P = D + (D \times V)$$

where - (i) **P** is the permitted price, (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

[“value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994]

**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE:**

*The following conditions in Annex 2 are conditions consistent with the operating schedule submitted by the applicant within the application. These will include, where required, existing expressed conditions and embedded restrictions contained within existing authorisations and enactments as specified by the Secretary of State, in accordance with Schedule 8 of the Licensing Act 2003:*

1. Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:
  - a. On weekdays other than Christmas Day, 8.00am to 11.00pm
  - b. On Sundays, other than Christmas Day, 10.00am to 10.30pm
  - c. On Christmas Day, 12 noon to 3.00pm and 7.00pm to 10.30pm
  - d. On Good Friday, 8.00am to 10.30pm.

2. The above restrictions do not prohibit:

- a. During the first 20 minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b. The ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered;
- c. The sale of alcohol to a trader or club for the purposes of the trade or club;
- d. The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of Her Majesty's naval, military or air forces.

3. Alcohol shall not be sold in an open container or be consumed on the licensed premises.

**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY:**

Not applicable.

**ANNEX 4 - PLAN:**

Attached.

**AUTHORISED**  
Last printed 08/05/2018 12:48

## Application to vary a premises licence 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 Aldi Stores Limited

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> BPL0229
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### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Aldi Store Girling Street			
Post town	Sudbury	Postcode	CO10 1NB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£231,000

### Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Holly Lane		
Post town	Atherstone	Postcode	CV9 2SQ

### Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

The proposed variation is to amend the hours for the sale of alcohol and opening hours to 06:00 to 00:00 every day of the week.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:



#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b> |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>          |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>          |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>          |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>          |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>          |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>          |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>          |

**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 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed			<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 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed			<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> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<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> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Tue					
			<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 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur			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 (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<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> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Indoors <input type="checkbox"/>
Day	Start	Finish	
Mon			Both <input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)
Thur			<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 7)
Fri			
Sat			
Sun			



H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 5)</p>		
Wed					
Thur			<p><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 6)</p>		
Fri					
Sat			<p><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 7)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)					
Mon	06:00	00:00						
Tue	06:00	00:00						
Wed	06:00	00:00						
Thur	06:00	00:00				<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 7)		
Fri	06:00	00:00						
Sat	06:00	00:00						
Sun	06:00	00:00						

K

<p><b>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</b> (please read guidance note 10).</p> <p>N/A</p>
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L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon	06:00	00:00	
Tue	06:00	00:00	
Wed	06:00	00:00	
Thur	06:00	00:00	
Fri	06:00	00:00	
Sat	06:00	00:00	
Sun	06:00	00:00	
			<b><u>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</u></b> (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

N/A

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

None are required.

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

None are required.

**c) Public safety**

None are required.

**d) The prevention of public nuisance**

None are required.

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

None are required.

Checklist:

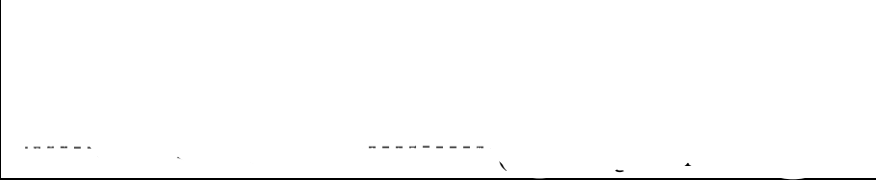
**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**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.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	26 October 2021
Capacity	Solicitors for the Applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>			

**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state 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.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

8. 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.
9. 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'.
10. 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.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Objection to variation of License: -

2)

The proposed variation is to amend the hours for the sale of alcohol and opening hours to 06:00 to 00:00 every day of the week.

We would like to register our objections to this proposed variation of license, for the following reasons: -

A) the store is immediately adjacent to a residential area.

B) The noise levels at these times (6:00am to 0:00) WILL be disruptive to sleep, causing an adverse effect on our health and wellbeing.

C) It would appear that this would also entail further noise and disruption, by refrigerated delivery lorries, PRE the 6:00am opening and AFTER the current 10pm Closing time, up to, and beyond 0:00 midnight.

D) the additional noise and car lights in the carpark at the proposed new times, the noise and disruption of shoppers, banging their car doors and car boots, plus their shopping trolleys etc would be stressful in the extreme.

We trust you will take these objections seriously when considering the matter, and see fit for the proposed variations to be rejected accordingly.

Many thanks for your considerations.

Kind Regards

Debbie Mansfield,  
Brian Mansfield,  
David Finnigan.

17, Queens Road,  
Sudbury,  
Suffolk,  
CO10 1UH

Good evening,

I have recently seen the small poster regarding the change in opening hours. However nearby properties have not been informed.

This is primarily a residential area. There is a significant impact on residents already with deliveries being made at various times, sometimes by refrigerated lorries as early as 5.30am and ground maintenance being carried out early on Sundays and bank holidays.

The steps leading to queens road often have a congregation of young people, sometimes drinking , I am concerned that this will increase with the extended opening hours.

I see no benefit to customers, residents or staff by allowing this licence to be approved.

Regards,

Vanessa Savine

2 Suffolk Square  
Sudbury  
CO10 1UJ



## **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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