



LICENSING SUB-COMMITTEE

Monday 4 July 2022

APPLICATION DETAILS

Type:	Variation – Premises Licence
Name of Applicant(s):	Central England Co-operative Ltd
Address of Applicant(s):	Central house, Hermes Road, Lichfield, Staffordshire, WS13 6RH
Type of applicant (Premises Only):	Company
Name of Premises:	Central England Co-operative
Address of premises:	Hillside Road East, Bungay, NR35 1RX
Description of Premises:	Supermarket

EXECUTIVE SUMMARY:

- This is an application to vary an existing premises licence.
- The application seeks to extend the times that off sales of alcohol are permitted.

Is the report Open or Exempt?	Open
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Wards Affected:	Bungay
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Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer:	Leonie Hoult Licensing Officer 01502 523624 Leonie.Hoult@eastssuffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Supply of Alcohol (off sales)

Existing – Monday to Saturday 08:00 to 23:00

Existing – Sunday 10:00 to 22:30

Proposed - Monday to Sunday 07:00 to 23:00

2. PROPOSED OPENING HOURS

Existing – No current times listed for opening hours.

Proposed – Monday to Sunday 00:00 to 23:59

3. OPERATING SCHEDULE

3.1 The following steps have been proposed in order to promote the four licensing objectives. These are proposals offered by the applicant and in their own words. Some submissions may already form part of the licence, as mandatory conditions; others may be re-worded by officers to form meaningful, enforceable conditions on the licence.

3.2 None, other than the existing conditions on their current licence.

General

All existing licence conditions are capable of upholding the licensing objectives.

Prevention of crime and disorder

As above.

Public safety

As above.

Prevention of public nuisance

As above.

Protection of children from harm

As above.

3.3 The applicant seeks to remove the following 'grandfathered' embedded conditions:

Annex 2 – Conditions consistent with the operating schedule

Where previous licence is "off licence" or "off sales" alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:-

- a) On weekends other than Christmas Day, 08:00 to 23:00hrs;
- b) On Sundays, other than Christmas Day, 10:00 to 22:30hrs;
- c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30hrs;
- d) On Good Friday, 08:00 to 22:30hrs.

The above restrictions do not prohibit:

- a) During the first twenty 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 also 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 canteens 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 members of Her Majesty's navel, military or air forces; supplied except during permitted hours."

The updated plan of the premises which accompanies the variation application is attached as **Appendix A**.

The current premises licence is attached as **Appendix B1** and the current plan is attached as **Appendix B2**.

4. REASON FOR HEARING

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

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

4.3 Summary of grounds for representation:

That nearby residents would be disturbed due to the increased trading hours and additional deliveries. There is already a problem with antisocial behaviour in the car park, late at night and with an increase in hours this would push any antisocial behaviour to even later at night.

5. POINTS FOR CONSIDERATION

5.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

5.2 The attention of the Sub-Committee is drawn to the following:

- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
 - Guidance Issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

- b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused

or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights, the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

- 5.3 The relevant notices about this hearing have been served on the applicant and other persons and they have until 27 June 2022 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

6. CONCLUSION

- 6.1 The applicant has been advised of the representations that have been made and there may be mediation between the applicant and the other persons before the hearing in order to achieve agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to determine this application by:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

- 6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

- 6.3 Depending on the decision of the Sub-Committee, the applicant and / or responsible authority and interested parties that have made representations have rights of appeal to the Magistrates Court.

- 6.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

APPENDICES	
Appendix A	Plan of the premises which accompanies the variation application
Appendix B1	Current Premises Licence
Appendix B2	Current Plan
Appendix C	Representations (private document for the Sub-Committee only)

BACKGROUND PAPERS	
None	