



East Suffolk House, Riduna Park, Station Road,
Melton, Woodbridge, Suffolk, IP12 1RT

Licensing Sub-Committee

Members:

Councillor Linda Coulam
Councillor Mark Newton
Councillor Russ Rainger
Councillor Colin Hedgley (Reserve)

Members are invited to a **Meeting of the Licensing Sub-Committee**
to be held in the Deben Conference Room, East Suffolk House,
on **Monday, 04 July 2022 at 2.30 pm**

This meeting will be broadcast to the public via the East Suffolk YouTube
Channel at <https://youtu.be/IsKnw9AooTU>

An Agenda is set out below.

Part One – Open to the Public

Pages

-
- 1 Election of a Chairman**
To elect a Chairman for the Licensing Sub-Committee
 - 2 Apologies for Absence**
To receive apologies for absence, if any.

3 **Declarations of Interest**

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

4 **Declarations of Lobbying and Responses to Lobbying**

To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.

5 **Variation of Premises License, Central England Co-Operative, Hillside Road East, Bungay ES/1192** 1 - 13

Report of the Licensing Officer

Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

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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
Wards Affected:	Bungay
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.

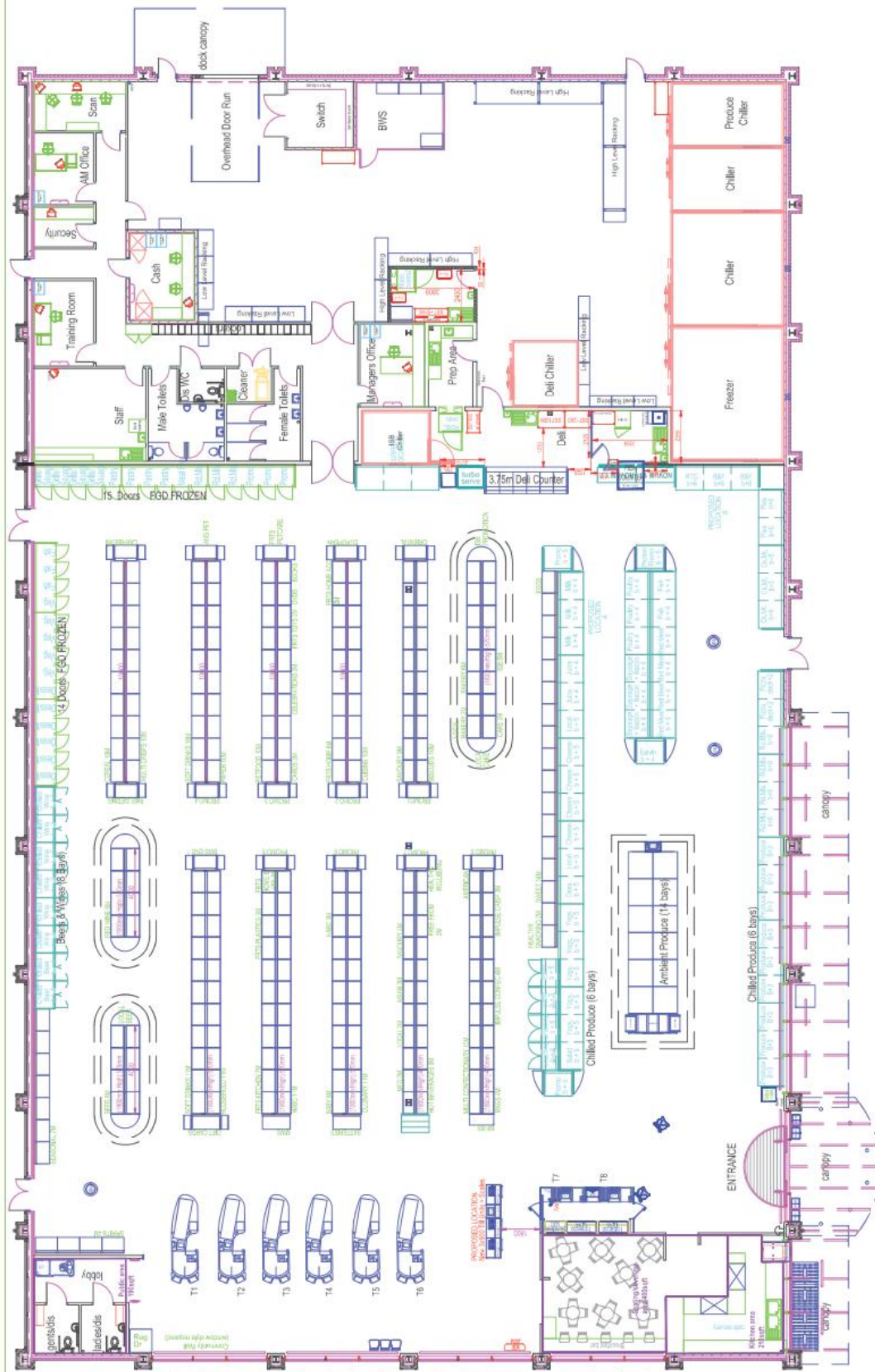
- 6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to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



Drawing Revisions	
#	Revised
Central England Co-operative	
Central House, Hermes Road, Lichfield, Staffordshire, WS13 6RH Tel: 01543 411140	
Site Address	
HILLSIDE ROAD, EAST BUNGAY NR35 1JU	
Project Type	
SCO's INSTALLATION	
Drawing Title/Stage	
EXISTING STORE	
Scale	1:200 @ A3
Date	JAN '12
Drawn by	21-139-M19
Check & Approved Date	21-139-M19
Drawn by	SJ. LEWIS
Check & Approved	SJ. LEWIS
Blockup Area	6250 sqft
Net Area	14660 sqft
Plot Area	200 sqft

Agenda Item 5
ES/1192

This drawing is copyright. Contractors must check all dimensions on site, which are only from grid and figured dimensions. Any discrepancy must be reported before commencement of work.

Licensing Act 2003 Premises Licence

WPREM2440

ES/1192

LOCAL AUTHORITY



East Suffolk Council
East Suffolk House Riduna Park
Station Road Melton
Woodbridge
Suffolk
IP12 1RT

tel: 01394 444802
web: www.eastsuffolk.gov.uk

Part 1 - Premises Details

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

Central England Co-operative

Hillside Road East, Bungay, Suffolk, NR35 1RX.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday to Saturday	8:00am	11:00pm
	Sunday	10:00am	10:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Central England Co-operative Ltd
Central House, Hermes Road, Lichfield, Staffordshire, WS13 6RH.
Telephone 01543 414140

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

Central England Co-operative Ltd 10143R



Licensing Act 2003

Premises Licence

WPREM2440

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

Denise Ann LEE

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

Licence No. WPERS2272

Issued by Waveney



ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Where a premises licence authorises the sale of alcohol, the licence must include the following conditions:

1. (1) No supply of alcohol may be made under the premises licence -

- At any time when there is no designated premises supervisor in respect of the premises, or
- At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) 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.

(3) 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-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

3. A relevant person 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.

3.1 . For the purposes of the condition set out in paragraph 1

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "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 amount 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;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3.2 . Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.



ANNEXES continued ...

3.3 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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 weekdays, other than Christmas Day, 8 am to 11 pm.
- b) On Sundays, other than Christmas Day, 10 am to 10.30 pm.
- c) On Christmas Day, 12 noon to 3 pm and 7 pm to 10.30 pm
- d) On Good Friday, 8 am to 10.30 pm

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 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 members of Her Majesty's naval, military or air forces; supplied except during permitted hours.

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

N/A



LOCAL AUTHORITY



East Suffolk Council
 East Suffolk House Riduna Park
 Station Road Melton
 Woodbridge
 Suffolk
 IP12 1RT

tel: 01394 444802
 web: www.eastsuffolk.gov.uk

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

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NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Central England Co-operative Ltd	Central House, Hermes Road, Lichfield, Staffordshire, WS13 6RH.
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REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Central England Co-operative Ltd	10143R
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NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Denise Ann LEE



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



ES/1192

