

Licensing and Regulatory Sub-Committee



Title	Agenda
Date	Monday 3 October 2022
Time	10.00am (briefing/training for Members from 9.00am)
Venue	Room GFR14 West Suffolk House Western Way Bury St Edmunds IP33 3YU
Full Members	Roger Dicker Pat Hanlon Don Waldron
Substitutes	Patrick Chung
Membership is drawn from the full membership of the Licensing and Regulatory Committee and is politically balanced as far as is practicable.	
Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum	Three Members
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk

Hearing procedure

Pre-hearing matters

1. Declaration of interests
2. Legal Advisor will introduce members of the Hearing Panel
3. Legal Advisor will ask those present to introduce themselves in the following order:
 - Applicant and any person representing or assisting them (confirmation also should be given that copies of the relevant representations to be considered at the hearing have been received)
 - The officer of the licensing authority, the Democratic Services Officer and the Legal Advisor to the Hearing Panel
 - Responsible authorities that have made a relevant representation
 - Interested parties who have made a relevant representation (interested parties should confirm whether a spokesperson has been nominated and, if so identify them)
 - In the event of a review hearing, the respondent.
4. The Legal Advisor will ask all parties to the hearing whether they wish to withdraw their application or representation.
5. The Legal Advisor will ask the officer of the licensing authority to report:
 - Any requests from a party to the hearing for permission for a witness to appear in support of their representation. Any such requests will be determined by the Hearing Panel.
 - Any documentary or other information that a party to the hearing wishes to present. If there is any such material, the Chair will ask all the other parties to the hearing whether they consent to it being presented. If they agree, the material will be distributed. If not, the said material may not be distributed unless there are exceptional circumstances which in the Chair's opinion render it necessary and appropriate for the said material to be presented to the Hearing Panel. In this regard the Chair's decision will be final.
6. The Legal Advisor 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 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 Panel will determine the maximum period of time allowed for each party to put their case. This decision will be final.

The Hearing

Immediately the pre-hearing matters have been dealt with the hearing will commence.

1. The Chair will ask the officer of the licensing authority to summarise the matter under consideration.
2. The members of the Hearing Panel, the applicant, and those making representations may ask questions of the officer of the licensing authority.
3. Starting with the applicant and, in the event of a review, concluding with the respondent, each party will exercise their rights within the identified maximum time, as follows:
 - Each party to present their case, including responding to any points of which the licensing authority has previously given notice, and call any approved witness or witnesses in support of their case.
 - If given permission by the Chair, and only through the Chair of the Hearing, each member of sub-committee, officer of the licensing authority or any party may raise questions of any other party or witness/witnesses.
4. Starting with the applicant and, in the event of a review hearing, concluding with the respondent, each party will be asked to sum up their case.
5. All those present, other than the members of the Hearing Panel, their Legal Advisor and the Democratic Services Officer, will be asked to leave the meeting to allow members to determine the application.
6. All parties will be recalled. The Legal Advisor to the Hearing Panel will advise those present of any advice that has been provided during the determination. The Chair will then:
 - either announce the decision, together with the reasons for it if it is a Hearing in relation to an application for which the licensing authority may make its determination at the conclusion of the hearing; **or**
 - advise all the parties that the licensing authority will make its determination within five working days, in which case notification of the determination will be sent out in writing (including the rights of appeal) to all relevant parties not later than five working days after the hearing date.
7. In the event of the licensing authority making its determination at the conclusion of the Hearing the Chair will outline the rights of appeal. The decision and rights of appeal will also be confirmed in writing by the officer of the licensing authority forthwith.
8. Nothing within Paragraph 6. above will preclude a licensing authority from making its determination at the conclusion of **any** hearing, should the Hearing Panel so decide. It is entirely within the discretion of the members of the said Panel whose decision in this regard will be final.

Agenda

Part 1 – public

Procedural matters

1. Election of Chair

To seek nominations for the election of Chair for this sub-committee meeting.

2. Apologies for absence

3. Substitutes

Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.

4. Declarations of interest

Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

The attached hearing procedure will be adopted in considering the undermentioned item:

5. Application for the Grant of a Premises Licence - 94 High Street, Newmarket, CB8 8JX

1 - 28

Report No: **LSC/WS/22/011**

Application for the Grant of a Premises Licence – 94 High Street, Newmarket, CB8 8JX

Report No:	LSC/WS/22/011
Report to and date/s:	Licensing & Regulatory Sub-Committee – 3 October 2022
Cabinet Member:	Councillor Andy Drummond Portfolio Holder for Planning & Regulatory Services Tel: 01638 751411 Email: andy.drummond@westsuffolk.gov.uk
Lead officer:	Haleigh Peters Licensing Officer Tel: 01638 719364 Email: Haleigh.peters@westsuffolk.gov.uk

Wards impacted: **Newmarket East**

Recommendation: **It is recommended that, in determining the application with a view to promoting the licensing objectives in the overall interests of the local community, Members give appropriate weight to, the steps that are appropriate to promote the licensing objectives; West Suffolk Council's Statement of Licensing Policy; Guidance issued under section 182 of the Licensing Act 2003; the representations attached to this report, and any further relevant information presented to the Sub-Committee on the day of the hearing.**

The steps may be:

- (a) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Authority considers necessary for the promotion of the licencing objectives; OR**
- (b) Exclude from the scope of the licence any of the licensable activities to which the application relates, OR**
- (c) Reject the application**

1. Background / Context

- 1.1 An application for the grant of a Premises Licence, made under the Licensing Act 2003, was received, and accepted by the Licensing Authority on 11 August 2022. The application form and associated plan are attached as **Appendix A** and **Appendix B** respectively.
- 1.2 The premises currently operates as a fast-food shop, and an application for a premises licence has been made by Mr Azhar Ali.

The licensable activities proposed under the authorisation of a Premises Licence are as follows;

- Late Night Refreshment
Sunday – Thursday 11:00 - 02:00
Friday – Saturday 11:00 – 04:00

Please note, the applicant has applied for a licence from 11:00 however, Schedule 2 of the Licensing Act 2003 defines the provision of late-night refreshment as the supply of 'hot food and hot drink' between the hours of 23:00 and 05:00.

The proposed opening hours are as follows:

- Sunday – Thursday 11:00 - 02:00
Friday – Saturday 11:00 – 04:00

- 1.3 The Licensing objectives which must be actively promoted by the applicant/holder of any Premises Licence issued under the Licensing Act 2003 are as follows;
- 1.4
- The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- 1.5 A statutory 28-day consultation period started on 11 August 2022 and ended on 8 September 2022. This enabled Responsible Authorities and 'Other Persons' to make representations towards the application. 'Other Persons' includes any individual, body or business whether or not they live in the vicinity.
- 1.6 The details of the application were published in the local newspaper, displayed on the exterior of the premises, and advertised on the Council's website during the consultation period, as per the regulations.
- 1.7 Two representations were received by the Licensing Authority within the statutory time frame from two Responsible Authorities, West Suffolk Council's Planning Development team and Suffolk Constabulary, resulting in the necessitation of this hearing. The details of the representations were provided to the applicant and are attached as **Appendix C**.
- 1.8 The premises is located within the Newmarket Town Centre Cumulative Impact Area. Details of the Cumulative Impact Area, is contained with the Council's Statement of Licensing Policy.

- 1.9 There have been two previous premises licences at this address. The first licence was granted in 2005 and continued until 2015, when the licence lapsed. The licence authorised late night refreshment 23:00 – 01:00 Thursday to Sunday and 23:00 – 23:59 Monday to Wednesday.

The second premises licence was granted in 2014 and lapsed in 2015. The licence authorised late night refreshment 23:00 – 02:00 Thursday to Sunday. 23:00 – 00:00 Monday to Wednesday.

2. Proposals

- 2.1 Members should seek to focus the hearing on the steps considered appropriate to promote the particular licence objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas.
- 2.2 Members should strongly consider the adopted Cumulative Impact Assessment held within the Council's Statement of Licensing Policy.

3.0 Legal Compliance

- 3.1 The Sub-Committee may take any of the steps set out below, provided they are proportionate and appropriate for the promotion of the licensing objectives:
- (a) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Authority considers necessary for the promotion of the licensing objectives
 - (b) Exclude from the scope of the licence any of the licensable activities to which the application relates, or
 - (c) Reject the application

A condition is modified where it is altered or omitted or any new condition is added.

- 3.2 Each application should be considered on its own merits, having regard to the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.
- 3.3 The decision may be appealed, by the applicant or any other party to the hearing, within 21 days of written notification of the determination made by the Sub-Committee. The Sub-Committee should state in reaching its determination those matters which it considered relevant, those matters which it did not consider as they were irrelevant, and its reasons for the decision.

4. Appendices

- 4.1 Appendix A – Application
Appendix B – Plan of Premises
Appendix C – Representations

5. Background documents

- 5.1 Licensing Act 2003 - <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Guidance issued under S.182 of the Licensing Act 2003 –
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

West Suffolk Council Statement of Licensing Policy –
<https://www.westsuffolk.gov.uk/Business/Licensing-and-regulation/Licensing/upload/WSC-Statement-of-Licensing-Policy.pdf>

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

(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 94, High Street Newmarket	
Post town	Newmarket
Postcode	CB8 8JX

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

Part 2 - Applicant details

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

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
	i as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)
	ii as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
	iii as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
	iv other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)

c)	a recognised club	please complete section (B)
d)	a charity	please complete section (B)
e)	the proprietor of an educational establishment	please complete section (B)
f)	a health service body	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	please complete section (B)

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

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

(A) individual applicants (fill in as applicable)

Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)			

Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY
02 08 2022

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

DD MM YYYY
02 08 2032

Please give a general description of the premises (please read guidance note 1)

FAST FOOD SHOP And We Chicken, Burger's, Potato and Peri Peri, Salad and Kebab and Drink.

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

N/A

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

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

Provision of regulated entertainment (please read guidance note 2)	Please tick all 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)	

5

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

In all cases complete boxes K, L and M

K	
L	
M	

A

start
11:00

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)
Day	Start	Finis h	
			Outdoors <input type="checkbox"/>
			Both <input type="checkbox"/>
Mon	11:00	02:00	<u>Please give further details here</u> (please read guidance note 4)
Tue	11:00	02:00	
Wed	11:00	02:00	<u>State any seasonal variations for performing plays</u> (please read guidance note 5)
Thur	11:00	02:00	
Fri	11:00	04:00	<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 6)
Sat	11:00	04:00	
Sun	11:00	02:00	

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
		h		Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
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 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			<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 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	-----	-----	<u>Please give further details here</u> (please read guidance note 4)		
Tue	-----	-----			
Wed	-----	-----	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
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 6)		
Sat	-----	-----			
Sun	-----	-----			

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finis h			
Mon	-----		<u>Please give further details here</u> (please read guidance note 4)		
Tue	-----				
Wed	-----		<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
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 6)		
Sat	-----				
Sun	-----				

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
Day	Start	Finis h	Indoors	
			Outdoors	
			Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)	
Tue				
Wed				
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)	
Fri				
Sat				
Sun			<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 6)	

H

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

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	02:00	<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	11:00	02:00			
Wed	11:00	02:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	11:00	02:00			
Fri	11:00	04:00	<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> (please read guidance note 6)		
Sat	11:00	04:00			
Sun	11:00	02:00			

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises		
Day	Start	Finish		Off the premises		
				Both		
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5)			
Tue						
Wed						
Thur				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 6)		
Fri						
Sat						
Sun						

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

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11:00 A.M	02:00 A.M	<p>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 6)</p>
Tue	11:00 A.M	02:00 A.M	
Wed	11:00 A.M	02:00 A.M	
Thur	11:00 A.M	02:00 A.M	
Fri	11:00 A.M	02:00 A.M	
Sat	11:00 A.M	02:00 A.M	
Sun	11:00 A.M	02:00 A.M	

M

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

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

EVERYTHING FROM CCTV DOWN TO
MAKING SURE FLOOR IS SAFE.

b) The prevention of crime and disorder

- INVEST IN INTERNAL VIDEO SURVEILLANCE (CCTV)
- REVIEW BUILDING SECURITY
- REINFORCE IN-HOUSE SAFETY AND SECURITY PROTOCOLS
- SMART MONEY MANAGEMENT POLICIES

c) Public safety

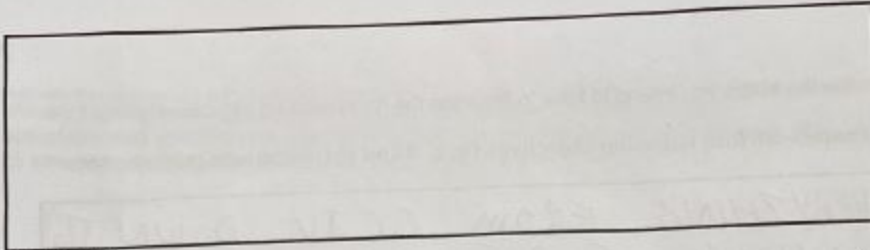
MAKING SURE FLOOR IS ALWAYS
SAFE NO DENTS.

d) The prevention of public nuisance

CAMERAS, SECURITY AND POLICE

e) The protection of children from harm

CHILDREN CAN ONLY BE IN
SEATED AREA.



Checklist:

Please tick to indicate agreement


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

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

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

Part 4 – Signatures (please read guidance note 11)

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

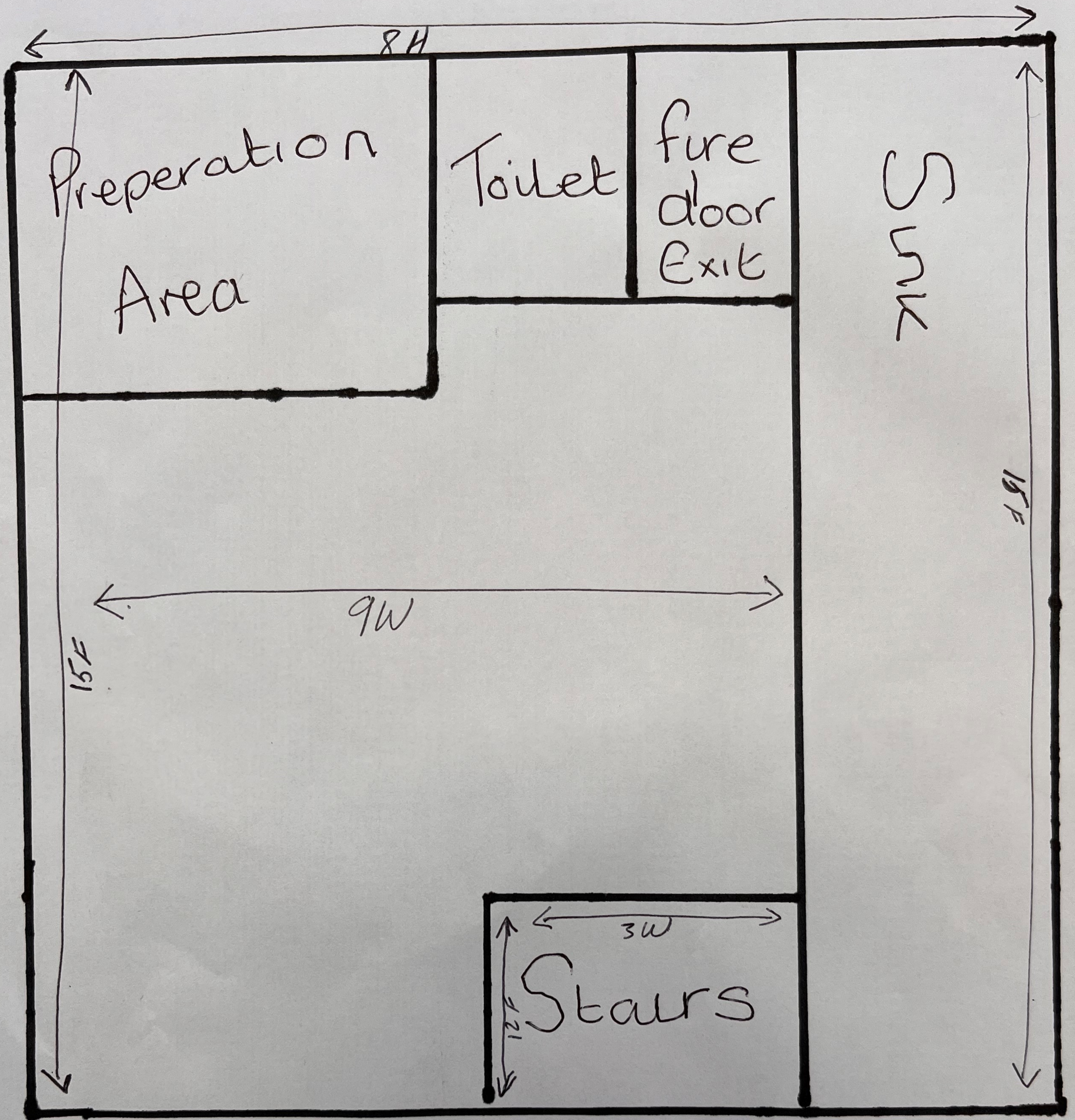
 Declaration	<ul style="list-style-type: none">[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a responsible activity) and that my licence will become invalid if I cease to be entitled to live and work in
---	--

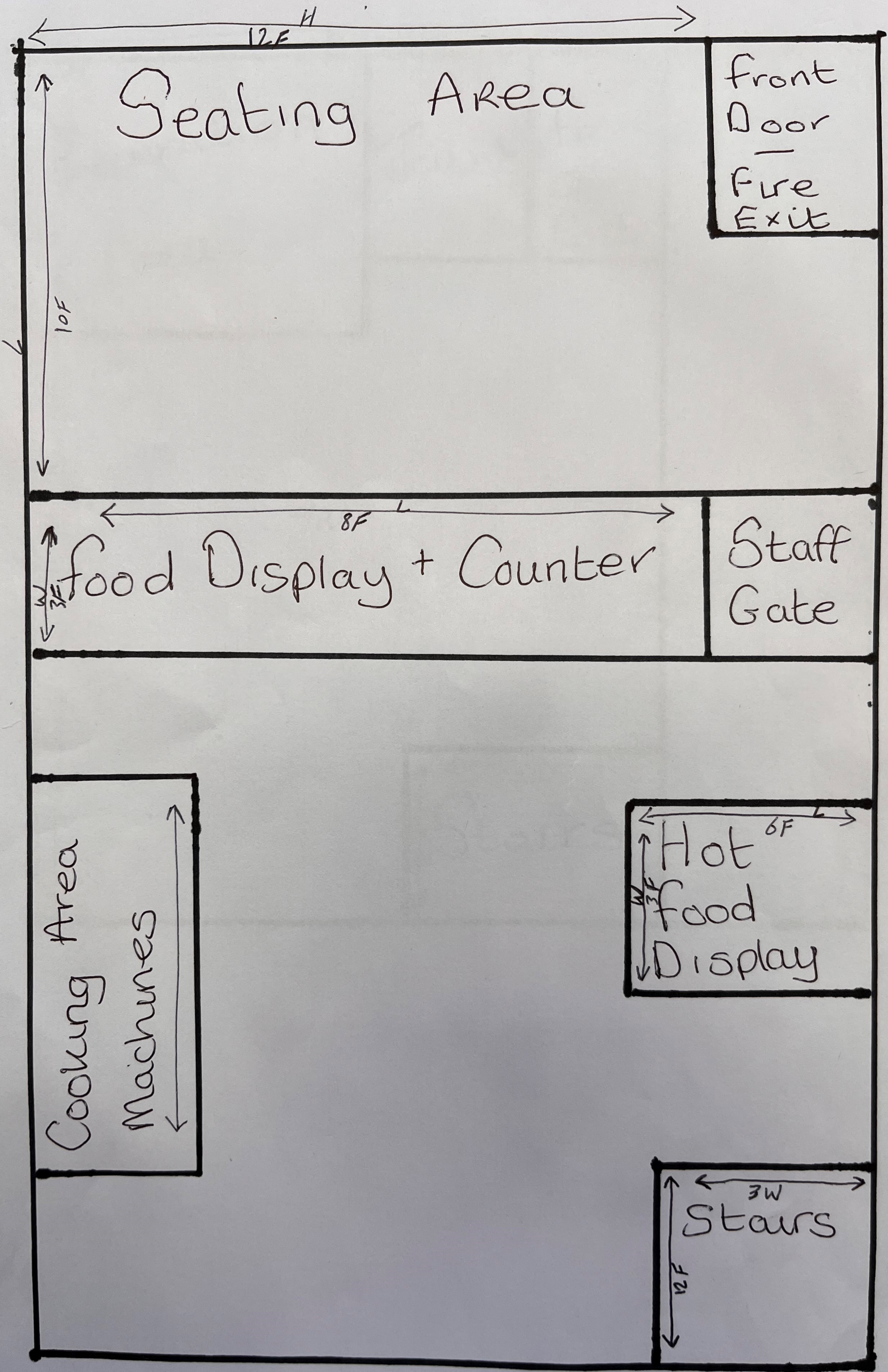
✓	<p>the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	
Capacity	

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

Signature	
Date	
Capacity	

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





APPENDIX C

Representation 1 – Responsible Authority: West Suffolk Council Planning Development team
Received 17/08/2022

Good afternoon,

I have checked out the planning history for this property. The proposed hours far exceed the opening hours approved under planning application F/2003/171, condition 4 (8am – 11pm Mon – Sat, 8am – 10.30pm Sundays and closed on Bank holidays). I have advised [redacted] accordingly (see attached email). We did have a planning application to vary this condition to enable later opening hours (not as late as what is now proposed) but it was refused (F/2003/0679/FUL). They are already breaching the Sunday Hours which are stated on their website as:

Opening Hours

Monday	17:00 - 23:00
Tuesday	17:00 - 23:00
Wednesday	17:00 - 23:00
Thursday	17:00 - 23:00
Friday	17:00 - 23:00
Saturday	17:00 - 23:00
Sunday	17:00 - 23:00

[USA Fried Chicken & Burgers - Newmarket - Chicken \(usafriedchicken-and-burgers.co.uk\)](http://usafriedchicken-and-burgers.co.uk)

The application to vary their opening hours was refused for the following reason:

The **REASONS** for the Council's decision to refuse planning permission are:

NO.	REASONS
1	The proposed hours of use of the A3 unit would be likely to result in conditions, including increased noise, activity and general disturbance at unsocial hours, harmful to the amenities of persons occupying the approved residential accommodation at the first and second floor levels of the building. Approval of the application would, therefore, be contrary to the proper planning of the area.

Our concerns would remain in terms of impact on amenity for adjoining residential properties, causing public nuisance with the proposed hours set out within the licensing application.

Kind regards



SUFFOLK CONSTABULARY

OFFICIAL

Licensing Officer, Western Area Command, Police Station
Acton Lane, Sudbury, Suffolk, CO10 1QN. Tel: 01284 774330
Email: policealcohollicensing@suffolk.police.uk

West Suffolk Licensing Team
West Suffolk House
Western Way
Bury St Edmunds
Suffolk IP33 3YU

24/08/2022

Re: New Premises Application – USA Chicken – 94 High St, Newmarket, CB8 8JX

Police Representation under the Licensing Act 2003.
Application for a new premises licence.
USA Chicken – 94 High St, Newmarket, CB8 8JX

Dear West Suffolk Licensing,

As a Responsible Authority under the Licensing Act 2003, Suffolk Constabulary has received a copy of the application for a new premises licence at 94 High St, Newmarket, CB8 8JX. After consideration, we wish to make a representation in respect of this application under 'The Prevention of Crime and Disorder' and 'Public Nuisance' objectives under the Act.

As the application stands, it is our opinion that:

1. The end time requested for late-night refreshment on Fridays and Saturdays (0400) is excessive, out of alignment with other takeaway premises operating in the town centre (none of which appear to be licensed for late night refreshment beyond 0200) and presents an unacceptable risk to the licensing objectives. It is police experience that such premises with outstanding hours of operation in the early hours of the morning attract drunk and disorderly persons, leading to crime and disorder, noise, and general public nuisance. Police ask that the hours granted for the service of late-night refreshment on Fridays and Saturdays finish no later than 0200, which is already the final time of service under the previous, suspended licence.
2. In section M of the application, there is insufficient detail to provide any assurance that the licensing objectives will not be compromised if the application is approved in its current form. Police wish to see far more specific wording related to:

- a. CCTV – specifically police would wish the following wording included:

"The premises shall install and maintain a comprehensive CCTV system. CCTV will cover all public areas within and immediately outside the premises. The CCTV system shall continually record whilst the premises is operating and when customers remain on the premises. All recordings shall be stored for a minimum period of 30 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or an Authorised Officer. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member will be able to show recordings to Police or an Authorised Officer with minimum delay when requested and be able to download relevant footage onto a disc or memory stick, which can be played back on a computer or other digital retrieval system, within 24 hours of a

request for download. The CCTV system will be checked daily to ensure that it is functioning correctly."

- b. Reporting of crime and serious disorder - specifically police would wish the following wording included:

"Staff will report to police, by either 999 or 101 as appropriate, any crime or serious disorder within, or immediately outside the premises. In the event of any injury deemed serious or likely to require immediate medical attention, staff will also call an Ambulance"

- c. Incident/Refusals Log- specifically police would wish the following wording included:

"An Incident log will be kept at the premises, recording all significant incidents at the premises – including any of crime or disorder. It will be made available to an authorised officer of the Police or Council on request. It must be completed within 24 hours of the occurrence and must record: a) the date and time of occurrence, b) names of staff and persons involved (if known), c) details of all incidents, and any crimes reported, and d) any visits by relevant authorities or emergency services, and the purpose of the visit.

- d. Monitoring to prevent overcrowding and public nuisance - specifically police would wish the following wording included:

"Staff will monitor numbers of customers and take action to prevent any overcrowding within the store that might give rise to a risk of disorder. Staff will refuse service to any person who is drunk and disorderly."

3. In relation to any consideration of points 1 and 2 above, the police note that the current management appear to have knowingly and recently breached the Licensing Act 2003. Specifically, they have engaged in licensable activity (the provision late night refreshment) when not licenced to do so (i.e., while their licence was suspended). Police have already provided detail of this to the Licensing Authority. It is police opinion that the premises operators have shown a disregard for the requirements of The Licensing Act 2003, and that they should therefore be considered as presenting a significant risk of further failure to support the licencing objectives. As such they should be subject to tight requirement and monitoring under any future licence, if such a licence is granted.

Police object to the application as it currently stands for the reasons given above. Please accept this as our representation.

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