

Licensing and Regulatory Sub-Committee

Title	Agenda
Date	Wednesday 15 May 2024
Time	10.00am (briefing for Members at 9.30am)
Venue	Conference Room Mildenhall Hub Sheldrick Way Mildenhall IP28 7JX
Full Members	Roger Dicker Ian Houlder Don Waldron
Substitutes	Carol Bull
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, other registerable or non-registerable 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.
Quorum	Three Members
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email democratic.services@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 - 128 High Street, Newmarket

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Report No: **LSC/WS/24/004**

Application for the Grant of a Premises Licence – 128 High Street, Newmarket

Report No:	LSC/WS/24/004
Report to and date/s:	Licensing & Regulatory Sub-Committee 15 May 2024
Cabinet Member:	Councillor Gerald Kelly Portfolio Holder for Planning & Regulatory Services Tel: 07968 396389 Email: gerald.kelly@westsuffolk.gov.uk
Lead officer:	Dawn Diaper Licensing Officer Tel: 07977 712172 Email: Licensing@westsuffolk.gov.uk

Wards impacted: Newmarket West

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 The application for the Grant of a Premises Licence, made under the Licensing Act 2003 on 21 September 2023, but it was not accepted as complete by the Licensing Authority until 17 January 2024. The application form and associated plan are attached as **Appendix A** and **Appendix B** respectively.

1.2 The application, made by Newmarket Palace House Ltd, proposes to trade as a supermarket, selling alcohol and tobacco products as well as groceries, foods, drinks, and other items typically found in a supermarket.

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

- Alcohol Sales Off Premises
Monday to Sunday 07:00 – 01:00
(Amended to 07:00 – 23:00 – see 1.8 below)

1.3 The Licensing objectives which must be actively promoted by the holder of any Premises Licence issued under the Licensing Act 2003 are as follows;

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

1.4 A statutory consultation period started on 18 January 2024 and ended on 28 February 2024. Please note the consultation period was extended due the applicant missing the newspaper notice deadline. 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.

1.5 The details of the application were published in the local newspaper (Newmarket Journal 8 February edition), displayed on the exterior of the premises, and advertised on the Council's website during the consultation period, as per the regulations.

1.6 A hearing is necessary to determine the application following receipt of representations which have not been withdrawn. Please note, a Notification of the Extension of Time Limit for Hearing (The Licensing Act 2003 (Hearings) Regulations 2005) was issued because of ongoing related planning issues.

1.7 One representation was received by a responsible authority, West Suffolk Council's Private Sector Housing and Environmental Health in the interest of promoting the prevention of public nuisance licensing objective and is attached as **Appendix C**. Please note, the 'noise assessment survey' referred to within the representation is now complete and the planning application is still in progress at time of writing, the consultation end date being 10 May 2024. The accompanying supporting documents referred to within the representation are attached as **Appendix D** and **Appendix E** respectively.

1.8 Whilst no other representations were received from the Responsible Authorities, following a meeting with the Police, the applicant has agreed to amend the hours of sale of alcohol to finish at 23:00 in line with other similar

businesses in the area. The applicant has also agreed to adopt Police preferred wording of the conditions regarding age verification (Challenge 25), Staff Training, Refusals/Incidents Log, and CCTV. This is evidenced by way of:

- A follow up email to the applicant from the Police attached as **Appendix F**
- Police model conditions attached as **Appendix G**
- An email which includes the agent's confirmation that the applicant accepts the model conditions and revised hours attached as **Appendix H**.

- 1.9 The Licensing Authority received 3 representations made by 'other persons' namely Newmarket Town Council. However, as only comments specifically relating to the effect on the Licensing Objectives can be considered when determining the application, 1 of the 3 representations was rejected as it did not relate to the Licensing Objectives and could not be considered under Licensing Act 2003.

The 2 remaining representations were accepted under the licensing objective of the prevention of public nuisance and concerned the hours for sale of alcohol and noise control. These are both attached as **Appendix I**. Please note, the 'noise impact assessments' referred to within the representation is now complete and the planning application is still in progress at time of writing, the consultation end date being 10 May 2024.

Please note that Newmarket Town Council have been made aware that the applicant has agreed to reduced hours of sale of alcohol to finish at 23:00 but declined to withdraw their representation.

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.

3. 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 – Premises Licence Application
Appendix B – Plan of Premises
Appendix C – Representation - Private Sector Housing & Environmental Health
Appendix D - Supporting Document 1 – Newmarket Journal
Appendix E - Supporting Document 2 – Noise Complaint
Appendix F – Police Visit Follow Up Email
Appendix G – Police Model Conditions
Appendix H – Confirmation of Acceptance of Conditions and Hours Email
Appendix I – Representations - Newmarket Town Council

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/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.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>

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises is proposed to be used as a Supermarket, selling alcohol and tobacco products as well as groceries, foods, drinks, and other items typically found in a supermarket.

Continued from previous page...

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

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

Continued from previous page...

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

See detailed responses below for each objective.

b) The prevention of crime and disorder

CCTV Installation: We will install high-quality closed-circuit television (CCTV) systems both inside and outside the premises to monitor activities and deter criminal behavior. This will help create a safe and secure environment.

Staff Training: All staff members will undergo thorough training in responsible alcohol sales and customer service. They will be educated on recognizing and addressing potential issues related to alcohol-related crime or disorder.

Zero Tolerance Policy: We will adopt a strict zero-tolerance policy toward underage sales, anti-social behavior, and illegal activities on the premises. Signs conveying this policy will be prominently displayed.

Cooperation with Local Authorities: We will maintain open communication with local law enforcement agencies and cooperate fully in any investigations or initiatives aimed at preventing crime and disorder in the area.

c) Public safety

Fire Safety Measures: We will ensure that the premises comply with all fire safety regulations, including the installation of adequate fire alarms and extinguishing equipment.

Emergency Exit Plans: Clear emergency exit plans and routes will be displayed throughout the premises to ensure the safety of customers and staff in the event of an emergency.

Safety Inspections: Regular safety inspections will be conducted to identify and address any safety hazards or concerns promptly.

First Aid Provisions: Adequate first aid provisions and trained staff will be available on-site to respond to any medical emergencies.

d) The prevention of public nuisance

Noise Control: We will implement noise control measures, such as soundproofing, to prevent excessive noise that could disturb neighboring properties.

Waste Disposal: Proper waste disposal practices will be maintained to prevent littering and maintain cleanliness in the area.

Operating Hours: We will adhere to the stipulated operating hours and ensure that activities within the premises do not cause disturbances to the neighborhood.

Community Engagement: We will actively engage with the local community and promptly address any concerns or complaints related to the operation of the off-license.

e) The protection of children from harm

Age Verification: Strict age verification procedures will be in place to prevent the sale of alcohol or age-restricted products to minors. This includes checking identification for customers who appear under the legal drinking age.

Age-Restricted Product Placement: We will ensure that age-restricted products are prominently displayed away from the reach and view of children.

Staff Training: All staff members will be trained to recognize and verify valid identification and will be aware of the legal

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consequences of selling alcohol to minors.

Educational Initiatives: We will support local educational initiatives and campaigns aimed at promoting responsible drinking and preventing underage alcohol consumption.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises. Please see https://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Alcohol_and_entertainment/premiseslicence.cfm for more information.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

In all other cases, the premises shall be in Band A (i.e where NNDR does not apply) except where the premises is under construction, in which case it shall be in Band C.

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

Continued from previous page...

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

[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 licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

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, if appropriate (please see note 15).

* CHECKLIST

- * I have made or enclosed payment of the fee.
- * I have enclosed the plan of the premises clearly indicating the area in which the licensable activities will take place
- * I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- * I understand that I must now advertise my application and put up my blue notices
- * I understand that if I do not comply with the above requirements my application will be rejected

Privacy Statement: West Suffolk Council is a Data Controller and can be contacted at: West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU. Tel: 01284 763233. The Data protection Officer can be contacted at the same address. We are collecting your personal information in order to process your application under the Licensing Act 2003. Your data will not be shared with third parties unless used for Council purposes, in order to enquire and receive information relating to your licence, prevent or detect crime, to protect public funds or where we are required or permitted to share data under other legislation. Your data will be kept for 7 years post licence expiry/surrender in line with our retention policy. You have the right to access your data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances. Automated decision making and processing is not used during this application. Please contact the Data Protection Officer for further information or go to our website where your rights are explained in more detail. If you would like to receive an explanation of your rights in paper format please contact the Data Protection Officer. Any complaints regarding your data should be addressed to the Data Protection Officer in the first instance. If the matter is not resolved you can contact the Information Commissioner's Office at: Wycliff House, Water Lane, Wilmslow, Cheshire, SK9 5AF Tel: 0303 123 1113. If you do not provide the information required on the application form then we will not be able to process application for a licence. Your data must be kept up to date in accordance with the conditions of your licence. For further information on our Data protection Policies please go to our website: How we use your information or email: data.

Continued from previous page...

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, if appropriate (please see note 15).

CHECKLIST

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises clearly indicating the area in which the licensable activities will take place
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Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

MUSTAFA BASHKAL

* Capacity

AGENT

* Date

20 / 09 / 2023

dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/west-suffolk/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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APPENDIX B

Bashkal Associates

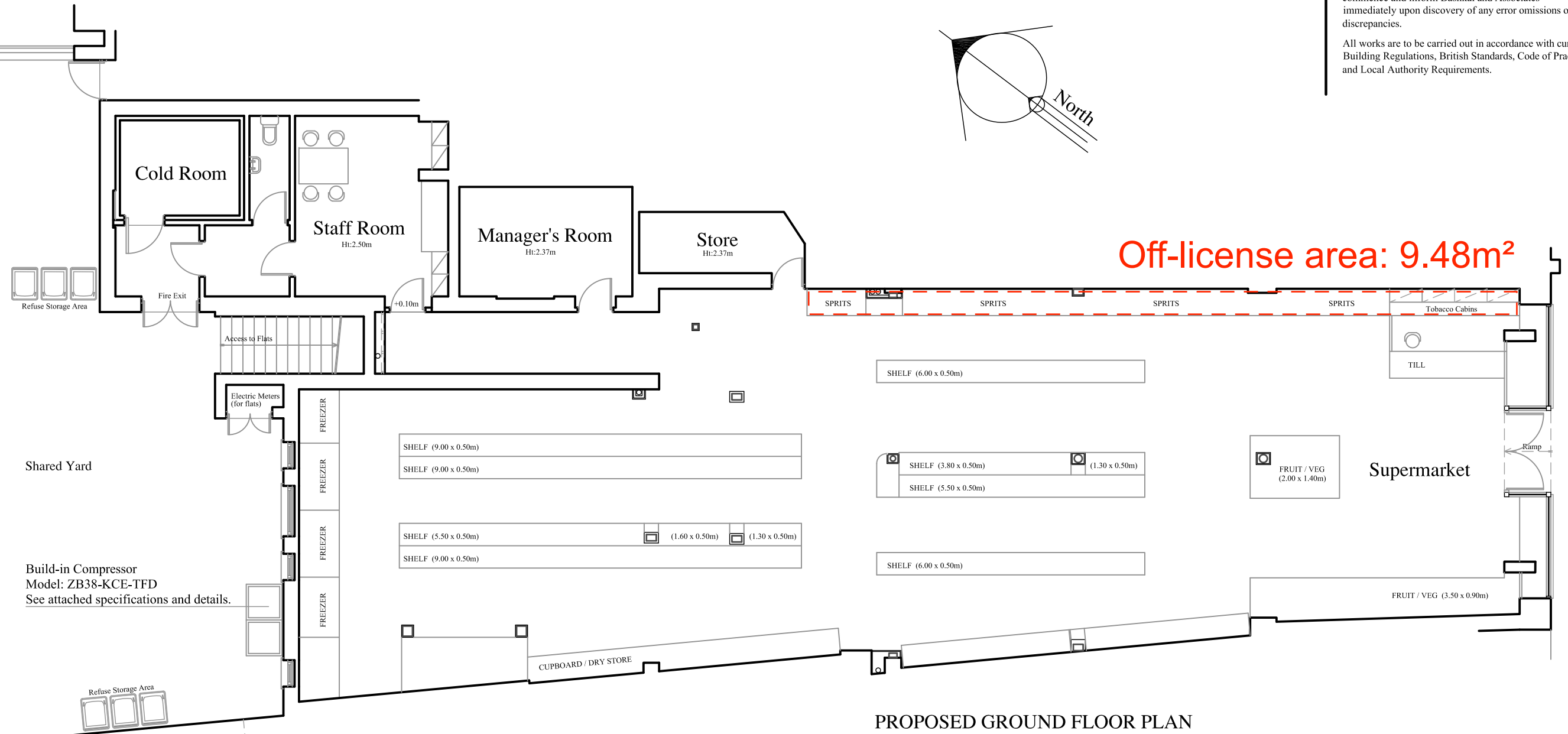
20-22 Wenlock Road,
London N1 7GU

Telephone: 020 740 7041
info@bashkal.co.uk

NOTES

The contractors are to check all the dimensions, levels, drain runs and general condition of the site before works commence and inform Bashkal and Associates immediately upon discovery of any error omissions or discrepancies.

All works are to be carried out in accordance with current Building Regulations, British Standards, Code of Practice and Local Authority Requirements.



Page 23



PROJECT
128 HIGH STREET
NEWMARKET
SUFFOLK CB8 8JP

DRAWING TITLE
PROPOSED
GROUND FLOOR PLAN

Drawn By: <i>J.B</i>	Ref. No. 230611-03
Date: Jul'23	Scale 1/100 @ A3

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Diaper, Dawn

From: Stagg, Dom
Sent: 22 February 2024 09:25
To: licensing
Cc: Diaper, Dawn
Subject: FW: New Premises Licence Application - 128 High Street, Newmarket, - My Ref: WK/202401225 - *** OBJECTION ***
Attachments: New Premises Licence Application - 128 High Street Newmarket.pdf; Plan - 128 High Street Newmarket.pdf; Public Notice - 128 High Street Newmarket.pdf; NJ20231123P3-Residents'-plea-to-planners-to-reject-'deafening'-aircon-units.pdf; Complaints of noise from Fan/Refrigeration unit at 128 High Street. Newmarket

Categories: Dawn

Dear Licensing,

I have reviewed the attached application and on behalf of the Private Sector Housing and Environmental Health (PSH & EH) Team need to advise that I **OBJECT** to this application on the grounds of promoting the prevention of public nuisance licensing objective for the following reasons. Apologies for the length of this email, but I feel it's important I set out the context to my objection.

The premises are currently the subject of an extant application for planning permission (*DC/23/1182/FUL a. Installation of timber shop front; b. compressor unit to rear external wall*) – see <https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RYEQJ7PDKN500>, which was validated in **July 2023**.

Environmental Health has objected to the planning application on the basis of insufficient information having been submitted in order to assess the impact of noise on current and future occupants at the nearest sensitive receptors from a proposed refrigeration compressor unit to the rear external wall.

In fact, two separate units have been installed, contrary to the submitted plans for the planning application.

Our original comments in respect of the above were submitted on **11 October 2023**, in summary requesting that a Noise Impact Assessment is undertaken to establish the impact of the proposed compressor(s), prior to the planning application proceeding.

I expanded upon these comments on **23 November 2023** (see https://planning.westsuffolk.gov.uk/online-applications/files/512C6F0C22CB79AC10971862DB087BCE/pdf/DC_23_1182_FUL-PRIVATE_SECTOR_ENVIRONMENTAL_HEALTH_-_FURTHER_COMMENTS-2203689.pdf) further to a media alert that day, specifically in respect of a story on Page 3 of the Newmarket Journal '*Residents' plea to planners to reject 'deafening' aircon units*' (copy attached).

As a consequence of residents contacting the Planning Team about this application, we were passed details of 3 complainants about the noise from the units that have been installed.

A colleague emailed points of contact for the business that we had been provided by the Planning Team on **10 December 2023** bringing these complaints to their attention (copy attached).

Furthermore, that colleague and I visited two local residents on the evening of **14 December 2023** to assess the noise from the units – this was our feedback to the Planning Team the following day:

- *The two units in question generate noise levels which were audible inside the rear bedrooms with the windows open, and within the external amenity of one of the properties. When the windows were closed the noise became less intrusive and what we would describe as barely audible (although still noticeable).*
- *The units kicked in at different intervals, and the unit on the right-hand side as you face them from the outside has a particularly loud 'rumbling' sound, which only lasted for a few seconds at a time but recurs frequently. Our opinion was that because the noise levels fluctuate and that the units stop / start frequently makes them more likely to attract attention and thereby makes it easier to become sensitised to them.*
- *We discussed our enforcement powers and the concept of statutory nuisance with the residents and that based on our observations we were of the opinion that what we had witnessed was on the threshold of being regarded as a statutory nuisance, given the complainants right to ventilation i.e. not to have to close their widows to block the sound out. We would need to undertake further visits to confirm our opinion on this. Both of the complainants we have visited have been briefed on Statutory Nuisance and the difference between loss of amenity and annoyance, that being that Statutory Nuisance is a higher level of disturbance [than the threshold for having an impact on residential amenity in Planning terms].*

We didn't receive any response to our email of 10 December 2023 to the business about the noise complaints received until **24 January 2024**, which was from the Agent for the planning application, in which he stated, "*I wanted to inform you that the applicant has instructed a Noise Impact Assessment to form part of the current live planning application which relates to the installation of the refrigeration units to the rear elevation of the property*".

I replied to that email on **30 January 2024** to acknowledge receipt, likewise the Planning case officer responded too on **1 February 2024**. At the time of writing, no further correspondence has been received by Environmental Health and no noise impact assessment has been submitted in respect of the planning application.

I appreciate, of course, that the Planning and Licensing regimes are intended to be kept separate to avoid duplication and inefficiency. Each regime involves consideration of different (albeit related) matters, and decisions made by either authority (negatively or positively) don't convey any responsibility on the other to follow suit. However, paragraph 9.45 of the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022) states:

9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

Environmental Health have been in regular contact with the Local Planning Authority (LPA) about the extant planning application and, at the time of writing, I think it's fair to say that both do not currently view the situation as being acceptable as it stands. I appreciate, of course, that the LPA is a responsible authority under the Licensing Act 2003 so has the opportunity to make its own representations in this regard.

Furthermore, it is also evident from the Home Office Guidance that Licensing cannot 'override' Planning – for example:

14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

Likewise:

10.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and **planning**) [my emphasis].

My concern here, and therefore the grounds for my objection to this Premises Licence application, is that, in my opinion, to date the Applicant has demonstrated 'bad faith' in the course of their planning application, as set out above i.e. in summary, they have installed two rather than one refrigeration compressors contrary to submitted drawings for the application and, indeed, have opened and are trading from the location without the correct planning consent. Furthermore, they have failed to engage properly with Environmental Health in connection with noise complaints brought to their attention in early December 2023. It is also my understanding that they have failed to engage with Planning until very recently in respect of requirements they have requested since November / December 2023.

This 'bad faith' may not be deliberate or malicious (and as set out below the planning application does seem to be progressing now), however, it does give me cause for concern that the Premises Licence applicant could, potentially, be equally non-compliant within the Licensing regime too, specifically with respect to complying with Licence conditions. It is, in part, for this reason too that I feel I must object to this application, rather than recommend conditions for the promotion of the prevention of public nuisance licensing objective.

The Licensing Team will be aware that it's very unusual for Environmental Health to object to an application outright, it normally being the case that conditions to promote the prevention of public nuisance can allay any concerns we might have. In that context, I don't make this objection lightly.

That said, I understand the Agent has (email dated **1 February 2023**) acknowledged the residents' concerns regarding the installed compressor units and therefore indicated "*The intention now, having considered the current circumstances and feedback, is to submit a new proposal for an alternative, safer and more discreet location for these units, further away from nearby neighbours, instead of submitting a proposal for the 'as existing' arrangement as previously discussed*".

The latest information I have from Planning is an email from the Agent dated **14 February 2024**, as follows:

*"Please note that the initial noise assessment survey has been carried out but the assessor, Peak Acoustics, needs to return to take further sound level measurements with the refrigerator units turned off. This has been scheduled for **21st February** [my emphasis] - their earliest available date.*

Once the noise impact assessment is completed and provided to us, I will forward this to you together with the updated drawings taking their recommendations into consideration. As previously mentioned to Tamara, the noise assessment will provide mitigation measures to reduce noise impact".

However, at the time of writing (**22 February**) no updated or new design proposal, drawings or noise impact assessment have been submitted.

Respective of the above, the Environmental Health Team has an existing noise complaint related to the premises, which from the preliminary investigation undertaken on the evening of 14 December 2023 could be likely to be regarded as a statutory noise nuisance under the Environmental Protection Act 1990. This preliminary opinion is based on the noise from the compressors being frequent (every day, 7 days a week), prolonged (intermittent but essentially 'constant' due to high repetition) and at times most likely to have an adverse impact (i.e. throughout the night, as well as throughout the daytime). In that context, I can't in all good professional judgement not object to this application at this time.

The noise impact assessment and intended mitigation measures to reduce the noise impact may well resolve my concerns and enable me to withdraw this objection. I can confirm that I don't have any other 'in-principle' objections to this retail store having a Premises Licence for the sale of alcohol, and am mindful that the Home Office Guidance makes it clear that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

However, the deadline for response to this Premises Licence consultation is **28 February**, and at the time of writing it feels unlikely that the noise impact assessment report, with its recommendations, will be received before this deadline. In any event, I am on annual leave **from 23 February to 4 March 2024** so won't have any opportunity to review anything submitted to Planning before then.

In summary / conclusion, I currently object to this Application for a Premises Licence in the interest of promoting the prevention of public nuisance licensing objective.

However, I am prepared to consider any submissions provided by the Applicant / their Agent in respect of the extant Planning Application, specifically the noise impact assessment we (Environmental Health) have requested and, of course, any recommended mitigation measures. Subject to receiving and reviewing these, without prejudice I **may** be in a position to consider withdrawing this objection. Should that be the case, I would be satisfied no Hearing would be necessary in respect of these comments, although whether a Hearing is necessary may, of course, also be dependent on any other relevant representations made by the other responsible authorities / interested parties.

As noted above, I am on annual leave from Friday 23 February until Monday 4 March, however I will be contactable from then and am happy to work with the Licensing Team / Applicant to try and find a way forward on this matter. But, for the avoidance of doubt, for my purposes this is dependent on receiving and reviewing a noise impact assessment with suitable and sufficient mitigation measures in respect of the refrigeration compressor(s) for the store such that these won't have an adverse impact on noise sensitive receptors. This objection is therefore to promote the prevention of public nuisance licensing objective.

Kindest regards,

Dom

Dom Stagg
Environmental Health Officer
Private Sector Housing and Environmental Health
Regulatory Services
Direct dial: 01284 757043
Email: Dom.Stagg@westsuffolk.gov.uk
www.westsuffolk.gov.uk
West Suffolk Council
#TeamWestSuffolk

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[Report, pay and apply online 24 hours a day](#)
[Find my nearest for information about your area](#)

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Ursula 'was just a lovely person'

▶ continued from page 1

"From all of us at Godolphin our thoughts are with Kevin, and the family, and we look forward to welcoming him back when he is ready."

As well as her racing life, Ursula was well-known in local running circles. She was an accomplished distance runner and a member of Newmarket Joggers.

Kevin said she had competed in the London Marathon three times and had also completed the Berlin Marathon in 2014 when she recorded her best time for the distance, three hours and 23 minutes.

Kate Warboys, chairman of Newmarket Joggers, said: "Ursula was an integral part of the club. She was not only a fantastic runner but an inspiration to all members and particularly supportive of those just starting out. She was the first woman to win our champion performer award.

"She was just a lovely person and although very focused on her running it was not to the exclusion of everything else. She always had time to help others because she could remember what it was like when she first took up running."

Ursula had first been diagnosed with cervical cancer in 2019.

"Her reaction to that was to do what she could to raise awareness of how important it was to make sure women got themselves tested for it," said Kevin.

"She suffered a lot as a result of the radiotherapy treatment but she was clear of it for 18 months. It came back and in 2022 had spread to her lungs. She did her best to keep going and we got on with our lives.

"She wanted to try and live her life to the full and she did that. In August we went to see The Who at Sandringham and when we got back she complained of a headache. The cancer had spread to her brain but she dealt with that by getting an 18-month old cocker spaniel puppy, Fergal, to keep her going."

Kevin was full of praise for the staff at St Nicholas Hospice Care who cared for Ursula at the end of her life. "They were marvellous, not just for Ursula but for us," he said.

And donations made at her funeral, which will be on Monday, December 4, at 1pm at West Suffolk Crematorium will go to the hospice.

He also thanked the community in Fordham and all those at Godolphin for their support.

Academy students' awards for their efforts in careers expo



Winners Grace Woollard and Emel Kurian Jacob with Josh Schunmann and Tracy Grew and Nick Carson of Yutree

Two Newmarket Academy students have received recognition for the part they played in a careers event held at the Exning Road school last month.

Year 8 pupil Grace Woollard and Emel Kurian Jacob, who is in Year 10, received Lego set prizes given by town firm Yutree Insurance.

More than 800 students at the academy took part in the careers expo organised by the Newmarket Charitable Foundation and involving some 24 town businesses and organisations.

The foundation's new director, Josh Schunmann, who was at the prize presentation, said: "We asked attending organisations not to talk just about specific jobs but to help students to understand the array of available careers within their sector.

"We wanted to open their eyes to what is out there, raising aspirations and making it clear that all of this is right on their doorstep. The feedback from the students and businesses has been fabulous and we are already discussing ways of making it even better next year."

Residents' plea to planners to reject 'deafening' aircon units

Tina Murray
news@newmarketjournal.co.uk

Residents living close to Newmarket town centre claim council planners have ignored their pleas to intervene after the owner of a neighbouring building installed unsightly compressor and air conditioning units within five metres of their homes.

People living in Church Lane said the machinery, at the rear of a new Turkish supermarket, in the former Blockbuster video shop at 128 High Street, was completely different to what was shown on an application for planning permission submitted to West Suffolk Council and had been installed before permission was granted.



The units which have been attached to the rear of a High Street premises

"We have objected on the basis that the location, the size and the number of these units is not what is shown on the council's own planning portal," said one neighbour, whose front sitting room and bedroom look straight out on the equipment.

"Our homes were built in 1900, and are in a conservation area, but this

shows a complete disregard for our heritage," she added.

"We have also asked the council to carry out a noise impact assessment because we believe the compressor's noise could be as high as 120 decibels, 40 decibels higher than the highest permitted level, which would be deafening," she said.

"To the best of our knowledge, no-one from the council has ever been out to look at this site."

The residents are also concerned about the installation of the equipment.

"It was initially held up with ropes but has since been welded on to brackets. Nothing has been put in to prevent the transmission of noise and when they're turned on I fully expect my windows to vibrate.

"Our proposal is that they should

be taken down to ground level and fenced around to dampen the noise but the council has made no response to our comments. This is pushing everybody to breaking point."

The application to the council also included changes to the front of the building to install a timber frame to conform with West Suffolk shop front policy but, to date, although the supermarket appears to be stocked, no work on the front has been carried out and it remains closed.

A council spokesperson said: "The council is working with the property owner to understand and address the noise issues raised by neighbours. A new planning application has been submitted and comments from neighbours and consultees are being considered carefully as part of the planning process."

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Newmarket Journal

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Diaper, Dawn

From: [REDACTED]
Sent: 06 December 2023 14:09
To: [REDACTED]
Subject: Complaints of noise from Fan/Refrigeration unit at 128 High Street, Newmarket

Good Afternoon

**Environmental Protection Act 1990 Section 79/90 – Statutory Nuisance
Noise Complaints arising from a Fan/Refrigeration Unit at 128 High Street Newmarket.
128 High Street, Newmarket, Suffolk, CB8 8JP**

I write to inform you that we have received a complaints regarding alleged noise disturbance caused by a fan/refrigeration unit located at the above address. I understand you are currently responsible for the premises.

Although we do not know whether the level of noise is excessive, the Council is required to investigate all complaints where noise significantly and unreasonably affects neighbouring premises. This will depend on the type of noise, the volume, the duration and the time of day or night the noise occurs. Further information is available through the link below: www.westsuffolk.gov.uk/noise

If the alleged noise disturbance continues, we will require the person(s) affected to provide further details of how and when they are disturbed before we can make further enquiries and gather evidence. If it is deemed appropriate, this may take the form of visits to properties neighbouring the source of the noise and the use of digital recording equipment.

It is important to inform you at an early stage that a complaint has been made, at this stage we have not substantiated it. This enables you to consider whether the complaint being made is justified and whether you can reduce the noise levels. If you do not consider you are making any unreasonable noise you need take no further action.

The Council, however, is under a legal obligation to serve an abatement notice if the noise is unreasonable, excessive and causing a statutory nuisance. Such a notice requires the person responsible to ensure there is no recurrence of the statutory nuisance or face further enforcement action. No further action will be taken if noise is kept or reduced to a reasonable level.

If you require any further information, wish to discuss this letter, or feel that it has been sent to you in error, please contact us using the details above.

Kind Regards

[REDACTED]

[REDACTED] [REDACTED]
Environmental Health Officer
Private Sector Housing and Environmental Health
Regulatory Services
Direct dial: 01284 757069

Email: [REDACTED]
www.westsuffolk.gov.uk

West Suffolk Council
#TeamWestSuffolk

West Suffolk Council supports our staff to work flexibly and we respect the fact that you may also be working at different times to suit you and your organisation's needs. Please do not action or respond to this message outside of your own working hours.

[Report, pay and apply online 24 hours a day](#)
[Find my nearest for information about your area](#)

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Diaper, Dawn

From: [REDACTED]@suffolk.police.uk>
Sent: 14 February 2024 08:55
To: [REDACTED]
Cc: [REDACTED] licensing
Subject: Police Licensing Officer Visit 13/02/2024
Attachments: Police Model Conditions _ CURRENT_0224.pdf

[REDACTED] [REDACTED]

[THIS IS AN EXTERNAL EMAIL]

Dear Mr Avci,

Thank you and your business colleagues for your time and understanding in our meeting today, and thank you for the tour of your premises.

The main points:

- Page 55
- 1) Premises - The premises appear secure, well lit, well organised and recently renovated. CCTV coverage is comprehensive.
 - 2) Conditions – I noted that the wording offered in Section 18 of the application did not meet our ideal wording in 4 key areas – Age verification (Challenge 25), Staff Training, Refusals/Incidents Log, and CCTV. I provided you with a hardcopy of the Police preferred wording for these four conditions (which I attach again to this email). In our view, this wording would provide both police and yourself with clear definitions of how each of these conditions should operate. Please review our proposed wording, and if you are happy to have it included in your licence please let us know by return email, and we'll advise West Suffolk Licensing, who can then include them on your licence.
 - 3) Hours – I noted that you've applied for hours for supply of alcohol of 0700-0100. A cursory search shows that this appears out of line with most other licenced convenience stores in Newmarket, who appear to generally supply alcohol no later than 2300. In the opinion of police, the sale of alcohol from your location on the High Street after this time would tend to increase the risk of late night anti-social behaviour and crime and disorder in the town centre, and to reduce that risk I advised you to consider altering your application to end the supply of alcohol at 2300. Please let us know what you decide.

Thank you again for your time. Please let us know your response on points 2 and 3 above as soon as possible. If you have any questions, please email me, also copying in my colleague [REDACTED] (email cc'ed above). Note I have also cc'ed West Suffolk Licensing on this email.

[REDACTED]

[Redacted text]



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Police Model Licensing Conditions (CURRENT as at 05/02/2024)

1. A Challenge 25 policy will be implemented requiring all customers who appear to be under the age of 25 to produce photographic identification in the form of a passport, driving licence or proof of age scheme (PASS) approved identification, before alcohol can be supplied or sold to them. All staff will be instructed, through training, that alcohol cannot be supplied or sold unless valid identification is produced. The premises licence holder shall ensure that notices are prominently displayed in the premises to advise patrons and staff that a 'Challenge 25' scheme operates in the premises.
2. All staff engaged in the sale of alcohol will be trained in Responsible Alcohol Retailing on commencing employment at the premises. This training can be administered in-house by the DPS. Training records shall be kept on the premises and produced to the Police/Local Authority on request. Training will be reviewed every 6 months to ensure that staff are up to date with the latest legislation and their training records endorsed accordingly.
3. A log will be kept at the premises, recording any significant incidents or any refusal of the sale of alcohol. 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 the incident or refusal, b) names of staff and persons involved (if known), c) detail of incident or refusal. Incidents to be recorded should include (but not be limited to) – any crime or disorder, injuries to staff or customers, refusal of the sale of alcohol, ejections, banning of customers, seizures of drugs/weapons, or any visit by relevant authorities or emergency services, and the purpose of the visit.
4. A CCTV and associated recording system shall be installed and maintained. CCTV shall cover all areas of the premises open to the public, including entry and exit points, and must be capable of providing images of quality sufficient to support facial identification. The system must always operate during hours of licensable activity and/or when customers are on the premises. Equipment must be maintained in good working order, be correctly time and date stamped, and recordings must be kept for a period of 30 days. The Premises Licence Holder must ensure a DPS or appointed member of staff, able to operate the CCTV system is always present when the premises are open to the public. That person will show video to Police or an Authorised Officer with minimum delay when requested. A download of CCTV video in a viewable format on disc or storage device will be provided to the Police or an Authorised Officer as soon as possible, and in any case within 36 hours of the request. The CCTV system will be regularly checked to ensure that it is functioning correctly.

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Diaper, Dawn

From: [REDACTED]@suffolk.police.uk>
Sent: 14 February 2024 15:00
To: [REDACTED]
Cc: [REDACTED]; licensing
Subject: RE: Police Licensing Officer Visit 13/02/2024

[REDACTED] [REDACTED]

[THIS IS AN EXTERNAL EMAIL]

Dear [REDACTED]

Thank you for your prompt and supportive response, and please thank Mr Avci for his attention to the matter.

I've also cc'ed West Suffolk Licensing for their attention. They will add the conditions agreed and modify the application hours.

Thank you again.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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#

From: [REDACTED] >

Sent: Wednesday, February 14, 2024 1:49 PM

To: [REDACTED]@suffolk.police.uk>

Cc: [REDACTED]

Subject: Re: Police Licensing Officer Visit 13/02/2024

You don't often get email from mustafa@bashkal.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organisation.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon, [REDACTED]

I hope you're well.

Following your recent site visit and following email, I confirm on behalf of Mr Vefa Avci his acceptance to the revised wording for section 18. Thank you for your assistance in this matter.

With regard to the suggested hours for the sale of alcohol, I have forwarded your comments to Suffolk's licensing department and will request for the hours to be amended accordingly.

If you have any other queries, please do not hesitate to contact us.

Kind regards,

[REDACTED]

On Wed, 14 Feb 2024 at 08:54, [REDACTED]@suffolk.police.uk> wrote:

Dear Mr Avci,

Thank you and your business colleagues for your time and understanding in our meeting today, and thank you for the tour of your premises.

The main points:

- 1) Premises - The premises appear secure, well lit, well organised and recently renovated. CCTV coverage is comprehensive.
- 2) Conditions – I noted that the wording offered in Section 18 of the application did not meet our ideal wording in 4 key areas – Age verification (Challenge 25), Staff Training, Refusals/Incidents Log, and CCTV. I provided you with a hardcopy of the Police preferred wording for these four conditions (which I attach again to this email). In our view, this wording would provide both police and yourself with clear definitions of how each of these conditions should operate. Please review our proposed wording, and if you are happy to have it included in your licence please let us know by return email, and we'll advise West Suffolk Licensing, who can then include them on your licence.
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Thank you again for your time. Please let us know your response on points 2 and 3 above as soon as possible. If you have any questions, please email me, also copying in my colleague [REDACTED] (email cc'ed above). Note I have also cc'ed West Suffolk Licensing on this email.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[Redacted]

[Redacted]



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Diaper, Dawn

From: Townclerk <Townclerk@newmarket.gov.uk>
Sent: 08 February 2024 11:59
To: licensing
Cc: Councillor Hood; Councillor Drummond; Councillor Kavanagh; Councillor Nobbs
Subject: Objection to new application for a Premises Licence: 128 High Street, Newmarket

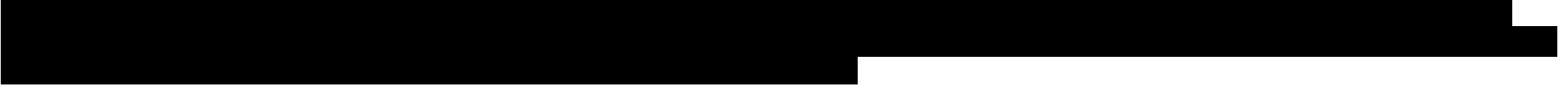


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[THIS IS AN EXTERNAL EMAIL]

Dear Licensing Team, please find the submission from Newmarket Town Council below.

“Newmarket Town Council strongly objects to this application for 128 High Street under the licensing objective of ‘prevention of public nuisance’.
Excessive hours for sale of alcohol – this would be likely to lead to an increase in anti-social behaviour in the area with on-street drinking; this is not allowed on the High Street and environs.
• Noise Control – the applicants have repeatedly ignored WSC planning officers’ requests for noise impact assessments to be done (reference email of 22/12/23 from Sarah Bone); therefore no noise abatement measures have been put in place regarding the installation of one compressor unit and one HVAC unit, which is already causing nuisance to the neighbouring residences of Rockingham Villas. The applicant has yet to submit amended planning permission for that installation. Therefore their statement that they can and will control any nuisance noise which may arise should this licence be approved should be called into question.



Regards,

Clerk to Newmarket Town Council
I am working flexibly so may send emails outside of normal office hours.
There is no expectation that you will respond outside of your normal working hours.





Photo credit Philip Fuller

King Edward VII Memorial Hall
High Street
Newmarket
Suffolk CB8 8JP
Tel: 01638 661777

www.newmarket.gov.uk

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