

## BRECKLAND DISTRICT COUNCIL

**Report of:** Executive Director - Commercialisation

**To:** Licensing Sub-Committee 27<sup>th</sup> July 2015

**Author:** Josie Hoven- Licensing Officer

**Subject:** Application for the grant of a new premises licence under the Licensing Act 2003 – Shoppers Shop, Market Street, East Harling, Norfolk, NR16 2AD

**Purpose:** The licensing Sub-Committee are asked in accordance with the delegation of licensing functions contained in the Council's Statement of Licensing Policy, to consider the application to grant a premises licence made by Vijairagunath Shanmugam of 17 Garlondes, East Harling, Norfolk, NR16 2NN

### **Recommendation:**

It is recommended that the Licensing Sub-Committee determine the application to grant a premises licence for the Shoppers Shop, Market Street, East Harling, Norfolk, NR16 2AD in accordance with the Licensing Act 2003 and Breckland Council Statement of Licensing Policy.

### **1.0 BACKGROUND**

1.1 An application has been received from Vijairagunath Shanmugam of 17 Garlondes, East Harling, Norfolk, NR16 2NN. The application form is attached as Appendix A.

The application requests:

**Supply of Alcohol - Off the Premises**  
**Monday to Sunday 08:00 hours to 23:00 hours**

1.2 No objections have been received from any Responsible Authority in regard to this application.

1.3 Two letters of objection have been received from local residents. Copies of the representations are attached as Appendix B. The main concerns are in respect of prevention of public nuisance, prevention of crime and disorder, public safety and the protection of children from harm.

1.4 A photograph of the premises and a map of the area around the shop are attached as Appendix C.

### **2.0 OPTIONS**

2.1 The Licensing Sub-Committee may:

- Grant the licence as requested
- Refuse to grant the licence
- Grant the licence with modified terms and conditions

The Licensing Sub-Committee are asked to note that they may not reject the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all parties have been given the opportunity to speak. Members must give full reasons for their decision.

### **3.0 REASONS FOR RECOMMENDATION(S)**

3.1 To ensure a lawful decision is made in line with the Licensing Act 2003.

### **4.0 EXPECTED BENEFITS**

4.1 N/A

### **5.0 IMPLICATIONS**

#### **5.1 Carbon Footprint / Environmental Issues**

5.1.1 It is the opinion of the Report Author that there are no implications.

#### **5.2 Constitution & Legal**

5.2.1 The decision of the Licensing Sub-Committee is subject to appeal to the Magistrates Court.

#### **5.3 Contracts**

5.3.1 It is the opinion of the Report Author that there are no implications.

#### **5.4 Corporate Priorities**

5.4.1 It is the opinion of the Report Author that there are no implications to consider.

#### **5.5 Crime and Disorder**

5.5.1 It is the opinion of the Report Author that there are no implications to consider.

#### **5.6 Equality and Diversity / Human Rights**

5.6.1 Human Rights Act 1998

Article 1: Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of International law.

Article 6: The Committee must ensure a fair hearing. The applicant has been invited to attend your meeting, has been sent a copy of this report and informed of his right to be represented at the meeting.

Article 8: Everyone has the right to his/her private life and family home.

5.7 **Financial**

5.7.1 It is the opinion of the Report Author that there are no implications.

5.8 **Health & Wellbeing**

5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 **Risk Management**

5.9.1 It is the opinion of the Report Author that there are no implications.

5.10 **Staffing**

5.10.1 It is the opinion of the Report Author that there are no implications.

5.11 **Stakeholders / Consultation / Timescales**

5.11.1 It is the opinion of the Report Author that there are no implications.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 Harling and Heathlands

7.0 **ACRONYMS**

N/A

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Background papers:- none

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**Lead Contact Officer**

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**Key Decision:** No

**Exempt Decision:** No

This report refers to a Mandatory Service

**Appendices attached to this report:**

Appendix A – Premises Licence Application Form

Appendix B – Letters of Objection

Appendix C – Map of the area and photo of the premises