

BRECKLAND COUNCIL

Report of the Deputy Chief Executive - Licensing Sub-Committee – 17th May 2010

APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003

1. Purpose of Report

- 1.1 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 by Helder Perdiz for a Premises licence in respect of O Cabaz, 1 Dorans Corner, Thetford, Norfolk, IP24 2AD, following receipt of representations.

2. Recommendations

- 2.1 It is recommended that the Sub Committee determine the application to for a Premises Licence for O Cabaz, 1 Dorans Corner, Thetford, Norfolk, IP24 2AD, in accordance with the Licensing Act 2003; Guidance issued under Section 182 of the Licensing Act 2003 and Breckland Council's Statement of Licensing Policy.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

3.1 Background

- 3.1.1 An application has been received from Helder Perdiz for a Premises licence at 1 Dorans Corner, Thetford, Norfolk, IP24 2AD.

3.2 Summary of the Application

- 3.2.1 The proposed application is for the supply of alcohol only from a cafe. A copy of the application is attached as Appendix A to this report, showing plans of the proposed licensed areas for the supply of alcohol.
- 3.2.2 The application form contains the proposed timings for the licensable activities together with the operating schedule which demonstrates how the applicant is proposing to promote the licensing objectives. The proposed times for the licensable activities are:

Supply of alcohol (on and off the premises)

Monday – Sunday 08:00 – 23:00

- 3.2.3 It is proposed that the **opening hours** of the premises are:

Monday – Saturday 08:00 – 23:00

3.2.4 The following responses from the responsible authorities have been received

Police – No representations

Fire – No representations

Environmental Health(Noise Pollution) – No representations

Health and Safety – No representations

Planning – No representations

Trading Standards – No representations

Local Safeguarding Children Board – No representations

3.2.5 There have been two representations received from Interested Parties regarding the licensing objectives of public nuisance and these are attached at Appendix B to this report.

A map showing the location of the premises and those persons making representations is attached at Appendix C.

3.3 Options

3.3.1 The Licensing Sub-Committee may:

- Grant the application as requested;
- Modify the conditions of the licence, by altering omitting or adding to them or
- Reject the whole or part of the application.

3.3.2 The Licensing Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

3.4 Reasons for Recommendation(s)

3.4.1 To ensure a lawful decision is made in line with the requirements of the Licensing Act 2003.

4. **Risk and Financial Implications**

4.1 Risk

4.1.1 I have completed the Risk Management questionnaire and this report does not require a risk assessment because the issues covered by the recommendations are not significant in terms of risk

4.2 Financial

4.2.1 None

5. **Legal Implications**

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

6. Other Implications

- a) Equalities: No – implicit within process
- b) Section 17, Crime & Disorder Act 1998: Norfolk Constabulary is a Responsible Authority under the Licensing Act 2003 and has not made a relevant representation.
- c) Section 40, Natural Environment & Rural Communities Act 2006: None
- d) Human Resources: None
- e) Human Rights: Human Rights Act 1998

Article 1, First Protocol

A licence is property and every person is entitled to the peaceful enjoyment of his/her possessions. (This is equally applicable to applicant and those making representations.) Any terms or conditions applied need to be proportionate and necessary to protect the interests of a democratic society.

Article 6

The Licensing Sub-Committee must ensure a fair hearing.

Article 8

Everyone has the right to respect his/her private life and family home.

- f) Other: None

7. Alignment to Council Priorities

- 7.1 The matters raised in this report fall within the following Council priority areas:
 - Building Safer and Stronger Communities
 - Prosperous Communities

8. Ward/Community Affected

- 8.1 Thetford wards

Background Documents

Licensing Act 2003

Guidance issued under s182 Licensing Act 2003

Breckland Council's statement of Licensing Policy

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Key Decision Status (Executive Decisions only):

This is not a key decision

Appendices attached to this report:

Appendix A – application form

Appendix B – representations from Interested parties

Appendix C – map