

BRECKLAND DISTRICT COUNCIL

Report of: Shared Public Protection Manager – Sarah Shipley

To: Licensing Panel – 25th November 2020

Author: Josie Hoven – Licensing Officer

Subject: Applications for the Transfer and Vary DPS of a premises licence

Purpose: To determine the applications to transfer the premises licence and vary the Designated Premises Supervisor (DPS) for licence PL1112 Mini Market (Thetford), 11 White Hart Street, Thetford, IP24 1AA

Recommendation(s):

- 1) That the members of the Licensing Panel determine the applications for the transfer of the premises licence and the application to vary the Designated Premises Supervisor at Mini Market (Thetford), 11 White Hart Street, Thetford, Norfolk, IP24 1AA.

1.0 BACKGROUND

- 1.1 The Licensing Authority accepted an application to transfer the premises licence (under Section 42 of the Licensing Act 2003) and to vary the designated premises supervisor (under Section 37 of the Licensing Act 2003) on 19th October 2020. A copy of both applications is attached as **Appendix A**.
- 1.2 A copy of the premises licence for PL1112 - Mini Market (Thetford), 11 White Hart Street, Thetford, Norfolk, IP24 1AA is attached as **Appendix B**.
- 1.3 Sections 38 and 43 of the Act provide a mechanism which allows the transfer and variation to the DPS to have immediate effect as soon as the Licensing Authority receives the applications, until it is formally determined or withdrawn.
- 1.4 Section 182 Guidance issued by the Home Office relating to the transfer and vary DPS states (8.101 for transfer and 4.39 for vary DPS):

8.101 “In exceptional circumstances where the Chief Officer of Police believes the transfer may undermine the crime prevention objective, the Police may object to the transfer....Such objections are expected to be rare and arise because the police (or the Home Office Immigration enforcement) have evidence that the business or individuals seeking to hold the licence or businesses or individuals linked to such persons are involved in crime (or disorder) or employing illegal workers.

4.39 “The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to a particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns.

1.5 Under Section 42(7) of the Act for the transfer and Section 37(5) of the Act to vary the DPS, the Chief Officer of Police has 14 days following receipt of the application to submit an objection. An objection notice for the transfer and the vary DPS application was served on the Licensing Authority on 23rd October 2020. A copy of the objection notice is attached as **Appendix C (Restricted)**.

2.0 **OPTIONS**

2.1 Members may:

- Grant the application for transfer
- Grant the application to vary the DPS
- Reject the application for transfer if it considers it necessary for the promotion of the prevention of crime and disorder objective to do so having regard to the notice from the Norfolk Constabulary
- Reject the application to vary the DPS if it considers it necessary for the promotion of the prevention of crime and disorder objective to do so having regard to the notice from the Norfolk Constabulary

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 Members of the Licensing Panel are asked to determine the applications having regard to the above matters and any other considered material.

3.2 The Members of the Licensing Panel must consider the objection notice received with a view to promoting the licensing objective in respect of Prevention of Crime and Disorder.

3.3 In making its decision, Members of the Licensing Panel are asked to consider the application in line with the following:

- Licensing Act 2003 and Regulations made under it
- Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Authority's Statement of Licensing Policy

3.4 Full reasons for the decision must be given.

4.0 **EXPECTED BENEFITS**

4.1 Legislative compliance.

5.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 Constitution & Legal

5.1.1 The decisions of the Licensing Panel are subject to appeal at the Magistrates Court. The appeal period is 21 days from the date on which the notice of decision is given to the person concerned.

5.2 Crime and Disorder

5.2.1 The objection from Norfolk Constabulary highlights concerns in relation to the licensing objective – Prevention of Crime and Disorder.

5.3 Equality and Diversity / Human Rights

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 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 their right to be represented at the meeting. The applicants' agent was also asked if the applicant wished to have an interpreter present, the applicant declined this offer.

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

6.0 WARDS/COMMUNITIES AFFECTED

6.1 All Thetford Wards

7.0 ACRONYMS

7.1 DPS – Designated Premises Supervisor

Background papers:-

Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

Breckland Council Statement of Licensing Policy

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A
Appendix B
Appendix C

Copy of the applications forms for transfer and vary DPS
Copy of the current premises licence PL1112
Copy of the Police objection notice – restricted.