

## BRECKLAND DISTRICT COUNCIL

**Report of:** Environmental Health and Licensing Manager – Craig Fowler

**To:** Licensing Panel – 7<sup>th</sup> July 2021

**Author:** Lisa Turner – Licensing Officer

**Subject:** Application for a premises licence to be granted under the Licensing Act 2003.

**Purpose:** To determine the application to grant a new premises licence to Boozeplus Ltd T/A Boozeplus Butchery Bakery Grocery, 42 King Street, Thetford, Norfolk, IP24 2AP.

### **Recommendation(s):**

- 1) That the members of the Licensing Panel determine the application for the grant of a new premises licence at Boozeplus Ltd T/A Boozeplus Butchery Bakery Grocery, 42 King Street, Thetford, Norfolk, IP24 2AP.

### **1.0 BACKGROUND**

1.1 The Licensing Authority accepted an application for the grant of a premises licence under the Licensing Act 2003 on 5<sup>th</sup> May 2021. It came to our attention on the 13<sup>th</sup> May 2021 that the premises had a shutter installed on the 8<sup>th</sup> May 2021 and the notice was no longer visible this was confirmed with the CCTV operatives. We contacted the applicant and restarted the notice period on the 13<sup>th</sup> May 2021 with an end date of 10<sup>th</sup> June 2021 to ensure the application has been advertised in accordance with the regulations. A copy of the application is attached as **Appendix A**.

1.2 The application requests the following licensable activities

#### **Sale of alcohol (Off Sales)**

Monday to Sunday 08:00 to 23:00 hours

1.3 We received representation from two Responsible Authorities: Norfolk Trading Standards and Norfolk Constabulary. These responses can be seen as **Appendix B (Restricted)**. It should be noted these representations are in regard to the licensing objective for the prevention of crime and disorder and are restricted due to confidential and sensitive information.

### **2.0 OPTIONS**

2.1 Members may:

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

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

Members of the Licensing Panel 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 The application must be considered in accordance with the Licensing Act 2003 and subsequent regulations, the guidance issued under Section 182 of the Licensing Act 2003, Breckland Council's Statement of Licensing Policy and representations to ensure that a lawful decision is made.

### **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 procedure for preparing for and holding a hearing are set out in law.

5.1.2 The decision of the Licensing Panel is 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 and Norfolk Trading Standards 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 None

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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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**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 Copy of the application form for a new premises licence  
Appendix B Copy of the Trading Standards notice – restricted  
Copy of the Police objection notice – restricted