

**Report To** Licensing Sub-Committee  
30 August 2012

**Report of** Head of Citywide Services

**Subject** Licensing Act 2003: Application for variation of a Premises  
Licence -Bootleggers 76 Prince of Wales Road Norwich  
NR1 1NJ

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### **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a Premises Licence in respect of Bootleggers 76 Prince of Wales Road Norwich NR1 1NJ following the receipt of responsible authority and individual relevant representations.

### **Recommendation**

That members determine the application to grant a Premises Licence in respect of Bootleggers 76 Prince of Wales Road Norwich NR1 1NJ in accordance with the:

- Licensing Act 2003;
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy.

### **Financial Consequences**

The financial consequences for this report are nil.

### **Corporate Objective/Service Plan Priority**

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

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**Ian Streeter**

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References:

The Licensing Act 2003  
Guidance issued under Section 182 of the Licensing Act 2003  
Norwich City Council Statement of Licensing Policy

## 1.0 The Application

- 1.1 The applicant is Karunanithy Kumarasamy of Bootleggers 76 Prince of Wales Road Norwich NR1 1NJ.
- 1.2 The premises licence held in respect of Bootleggers 76 Prince of Wales Road Norwich NR1 1NJ currently authorises the following licensable activity on the days and hours shown in the table below:

Sale by retail of alcohol for consumption off the premises:

Monday	06:00 – 02:00
Tuesday	06:00 – 02:00
Wednesday	06:00 – 02:00
Thursday	06:00 – 02:00
Friday	06:00 – 06:00
Saturday	06:00 – 06:00
Sunday	06:00 – 00:00

- 1.3 The opening hours of the premises are:

Monday	06:00 – 02:00
Tuesday	06:00 – 02:00
Wednesday	06:00 – 02:00
Thursday	06:00 – 02:00
Friday	06:00 – 06:00
Saturday	06:00 – 06:00
Sunday	06:00 – 00:00

- 1.4 A copy of the current premises licence is attached to the report as Appendix A.

- 1.5 The applicant is seeking to:

- Extend the hours for the sale of alcohol for consumption off the premises until 04:00, Sunday to Thursday; and
- Operate an alcohol delivery service for the hours requested Sunday to Monday and the existing hours on Friday and Saturday.

## 2. Relevant Representations

- 2.1 The responses from the Responsible Authorities are as follows:

Licensing Authority – No representations.

Police – Representations attached at Appendix B to the report.

Environmental Services – No representations.

Fire Officer – No representations.

Planning Officer – No representations.

Area Child Protection Committee – No representations.

Trading Standards – No representations.  
Primary Care Trust – No representations.

- 2.2 Individual relevant representations have been received in respect of the application with concerns appearing to relate to issues that fall under all four of the licensing objectives. Copies of the representations are attached at Appendix C to the report.
- 2.3 A site map of the area identifying the application premises in relation to the addresses of those individuals who have made representations will be available at the meeting.

### **3.0 Norwich City Council Statement of Licensing Policy**

- 3.1 Attached at Appendix D are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

### **4.0 National Guidance (issued under section 182 of the Licensing Act 2003)**

- 4.1 Attached at Appendix E are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

### **5.0 Summary**

- 5.1 In determining the application with a view to promoting the licensing objectives in the overall interests of the community, the Sub-Committee must give appropriate weight to:

the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);

the representations (including supporting information) presented by all the parties;

the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and

the Council's own statement of licensing policy.

- 5.2 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

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

- 5.3 The 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 appropriate in order to promote the licensing objectives.
- 5.4 The representations received appear to relate to issues that fall under all four licensing objectives. The Sub-Committee is directed to paragraphs 20, 22, 24 and 26 of the local licensing policy at Appendix C which contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
- 5.5 Insofar as the issue of licensing hours is concerned, the Sub-Committee is directed to paragraph 10.22 of the national guidance, which states 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.

Paragraph 13.42 of the national guidance acknowledges with regard to licensing hours that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

The Sub-Committee is also directed to paragraph 30.7 of the local licensing policy, which states that consideration will always be given to an applicant's individual case and if the matter of trading hours has been raised in a representation, the council will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises.

The Committee must decide whether there is a strong enough case for the restriction of licensing hours, based on the representation made, to promote the licensing objectives.

- 5.6 The Sub-Committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.