



**Licensing and Regulatory Sub-Committee
4 October 2023**

LICENSING ACT 2003

**REVIEW APPLICATION FOR BUNWELL STORES, 98 BUNWELL STREET,
BUNWELL, NORFOLK, NR16 1AB**

Report Author(s): Amanda Cox
Licensing Enforcement Officer
01508 533621
licensing.snc@southnorfolkandbroadland.gov.uk

Portfolio: Clean and Safe Environment

Ward(s) Affected: Bunwell

Purpose of the Report:

This report details an application by the Home Office Immigration Enforcement team to review the premises licence issued to Bunwell Stores, 98 Bunwell Street, Bunwell, Norfolk, NR16 1AB

Recommendations:

The Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

The Licensing Authority must notify its determination and its reason for making it to –

- (a) The holder(s) of the licence.
- (b) The applicant(s).
- (c) Any person(s) who has made relevant representations; and
- (d) The chief officer of Police for the Police area in which the premises are situated.

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

- Modify the conditions of the licence, altering or omitting or adding to them.
- To exclude a licensable activity from the scope of the licence.
- To remove the designated premises supervisor.
- To suspend the licence for a period not exceeding three months.
- To revoke the licence.

1. Summary

- 1.1 The Sub-Committee is requested, in accordance with the delegation of licensing functions, to consider an application to review a premises licence in respect of Bunwell Stores, 98 Bunwell Street, Bunwell, Norfolk, NR16 1AB.
- 1.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
- The steps that are appropriate to promote the licensing objectives.
 - The representations received by all parties.
 - The revised guidance issued under [Section 182 of the Licensing Act 2003](#).
 - South Norfolk Council's [Statement of Licensing Policy](#).

2. Background

- 2.1 Premises licence PLA0228 has been held at Bunwell Stores since 2005. The licence permits:

Opening Hours

Monday & Tuesday	07:30 – 18:30
Wednesday	07:30 – 19:30
Thursday & Friday	07:30 – 18:30
Saturday	08:00 – 19:30
Sunday	09:00 – 13:00

Supply of Alcohol

Monday – Friday	07:30 – 23:00
Saturday	08:00 – 23:00
Sunday	09:00 – 22:30

Both with seasonal variations for Christmas day.

- 2.2 The licence was transferred and Designated Premises Supervisor (DPS) varied in 2007 to Mr Steven Browse. On the 14th of July 2023, Mr Sivapalan Jeyavinothan applied to transfer the licence and vary the DPS both to himself with immediate effect. The applications was subsequently granted and the licence issued on the 28th of July 2023. A copy of the licence can be found at Appendix One.
- 2.3 On the 15th of August 2023, an application to review the premises licence was received from the Home Office Immigration Enforcement team in respect of the prevention of crime and disorder licensing objective. The review application and associated appendices are attached at Appendix Two.
- 2.4 The review application has been advertised at the premises and on the Council's website for the 28-day consultation period. The premises licence holder was also served a copy of the review application at the start of this period.
- 2.5 Representations have been received in respect of the application and these are detailed at Section 3 below.
- 2.6 Paragraphs 11.27 and 11.28 of the Guidance issued under section 182 of the Licensing Act 2003 state as follows:

“There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises [...] for employing a person who is disqualified from that work by reason of their immigration status in the UK; [...]

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”

3. Relevant Representations

- 3.1 All relevant representations must relate to one or more of the Licensing Objectives:
- The Prevention of Crime and Disorder
 - The Protection of Children from Harm
 - The Prevention of Public Nuisance
 - Public Safety
- 3.2 The responses from the Responsible Authorities are as follows:
- Police** – representation received (please see Appendix Three)

Environmental Health (Community Protection) – representation received (please see Appendix Four)

Health and Safety – no representations received

Fire Officer – no representations received

Planning Officer – no representations received

Norfolk Local Safeguarding Children Board – no representations received

Public Health Norfolk – no representations received

Licensing Authority – no representations received

4. Other persons

3.3 Bunwell Parish Council raised no objection to the application. Please see Appendix Five for details of the representation.

3.4 All representations have been detailed in full. The Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022 edition) recommends (under the heading of “Relevant, vexatious and frivolous representations”) the benefit of the doubt about any aspect of the representation should be given to the person making the representation. Sub-Committee will wish to carefully consider the representations and take into account only those matters which are relevant to the subject area of the representation.

5. Proposed action

3.5 The Sub-Committee must determine this application with a view to promoting the Licensing Objectives.

3.6 In making its decision, the Sub-Committee must have regard to guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022) and the Council’s Licensing Policy. The Sub-Committee must also have regard to the representations made and the evidence placed before it.

6. Issues and risks

3.7 **Resource Implications** – The Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Sub-Committee and pursues an appeal to the Magistrates’ Court.

3.8 **Legal Implications** – There are no legal implications other than the issues detailed at 6.1 and 6.3.

3.9 **Equality Implications** – There are human rights implications associated with this matter. The interests of the applicant must be balanced against the interests and

protection of the wider community. Any actions proposed in respect of the application, must be proportionate to the matter under consideration, the decision-making process must be transparent and all parties must be given full opportunity to make representations. The Sub-Committee is therefore required to balance the interests of the applicant against the interests of the community and decide where the balance should lie.

- 3.10 **Environmental Impact** – In making their determination Sub-Committee is requested to ensure that the principles of the prevention of public nuisance licensing objective are upheld.
- 3.11 **Crime and Disorder** – In making their determination Sub-Committee is requested to ensure that the principles of the prevention of crime and disorder licensing objective are upheld.
- 3.12 **Risks** – In making its determination, failure to take into consideration the relevant legislation, guidance and the Council's Licensing Policy may leave the Sub-Committee's decision open to challenge.

7. Recommendations

- 7.1 The Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

The Licensing Authority must notify its determination and its reason for making it to -

- (a) The holder(s) of the licence.
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The Sub-Committee must take such steps as it considers necessary for the promotion of the licensing objectives:

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- To remove the designated premises supervisor.
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- To revoke the licence.

Appendices:

Appendix One – Copy of premises licence PLA0228

Appendix Two – Copy of application and associated appendices

Appendix Three – Copy of representation received from the Police

Appendix Four – Copy of representation received from Community Protection

Appendix Five – Copy of representation received from Bunwell Parish Council