



NORWICH
City Council

Notice of Determination

Date of Hearing: Friday 5th August 2011
Licence Type: Application for a Premises Licence
Name of Applicant: Mr Nadarajan Logeswaran

Postal Address of Premises (or description of premises):

96 City Road, Norwich, NR1 2HG

Licensing Sub-Committee:

Councillors Jeraj (Chair), Thomas and Henderson

Councillor Henderson declared an interest during the proceedings in that one of the objectors was an ex-colleague and left the room taking no part in the decision.

List of Public Attending Committee

Councillor David Fairbairn, Helen Wilkinson, Lesley Blyth, Jean Minns, Valerie Sedgewick, Hannah Moss and Michael Hardy.

The applicant was represented by Mr Alan Aylott.

Determination –

The Committee heard the application for a premises licence in respect of the City Road Convenience Store, 96 City Road, Norwich for the licensing activity of the supply of alcohol (for consumption off the premises).

The Committee received an amended operating schedule prepared by the applicant and were informed that the Norfolk Constabulary had also received and reviewed the amended operating schedule and as a result were not continuing with their representation.

Ian Streeter, Licensing Manager, presented the report and spoke regarding the Notice of the premises application stating that upon being made aware of the difficulties in that the original Notice had contained incorrect information had ensured the extension of the statutory consultation period so as to ensure compliance with the statutory requirements.

The applicant presented his application via his representative who spoke regarding his 9 year experience in the licensing trade in London, Essex and in Norfolk and

noted the applicant intended to run this small shop with his wife and one part time member of staff. The applicant spoke regarding the amended operating schedule and asked Committee to take account and give proper weight to the lack of objections from the responsible authorities. A copy of the trading manual was presented to Committee.

The applicant further discussed the areas of concern of the objectors as to anti-social behaviour, the presence of the local school, parking, parking controls and the question of need. The applicant also mentioned how he intended to run the premises, namely as a convenience store with a significant element of non alcohol sales. Staff training, closed circuit television and Challenge 21 would all be introduced to these premises. The applicant asked the members of the Committee to give proper weight to the fact there was no concern regarding anti-social behaviour and noise from the Norfolk Constabulary, spoke regarding the likely parking situation and mentioned that need was not a relevant factor and that licensing controls were inappropriate if they sought to control the behaviour of individuals who were beyond the control of the premises licence holder.

Questions were put to the applicant regarding the parking and traffic situation, staffing and the percentage of alcoholic products to be sold compared to non-alcoholic products.

The Committee then heard from the objectors. Councillor Fairbairn noted his concern regarding the opening hours in this quiet residential area, Helen Wilkinson noted the difficult parking situation in the area and the current problems regarding anti-social behaviour including drink and drug abuse, Hannah Moss mentioned this use was inappropriate in this quiet residential area together with her concerns as to traffic problems and anti-social behaviour and she spoke also regarding the parking controls in the area. The Committee also heard from Mr Hardy who expanded on his points contained in pages 17 and 18 of the agenda regarding the nature of the area, the difficulties with parking and other traffic problems, the presence of the local school and the inappropriate hours proposed in this residential area.

The applicant's representative made a closing statement noting that this was a responsible applicant with a proven track record who had provided a necessary and proportionate operating schedule which promoted the licensing objectives.

The Committee's decision:

The Committee granted the licence as sought except that the opening hours and the hours for the sale of alcohol for consumption off the premises were reduced from 23.00 to 22.00 hours on all days. In addition, two further conditions were imposed, firstly that at least half the selling area of the premises must be occupied by non-alcoholic products and secondly that spirits were to be located behind the counter and not immediately accessible by members of the public. Members took into account the views of the responsible authorities insofar as there were no outstanding objections to the proposal. The Committee also took into account the nature of this area and therefore felt it was appropriate to reduce the closing hours to safeguard the amenity of local residents. Whilst it was clear that the local area had problems with anti-social behaviour, it had not been shown that these problems would be

exacerbated or contributed to by the grant of the premises licence. With regard to problems with traffic and vehicular parking generally, the Committee felt that an urban area such as this was likely to have these difficulties and that drivers were expected to comply with on street parking and waiting controls.

Right of a Party to appeal against the determination of the Authority

For your information, applicants and any person who has submitted a relevant representation, or submitted an objection notice, who is aggrieved by the decision, or the imposition of any term, condition or restriction, have a right of appeal to the Magistrates' Court within 21 days of the date on which they are notified of the decision.

Dated this 5th August 2011