



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Hearing: Friday 8 July 2016

Licence Type: Application for a premises licence

Name of Applicant: Zabet Sumsoor Miakhiel

Name of Premises/postal address of premises: 141 Aylsham Road, Norwich

Licensing Sub-Committee: Councillors Ackroyd, Button and Woollard

No responsible authorities were present

Other persons present: Mr Anthony Shearman, Licensing Manager
David Lowens, nplaw, clerk

There was no attendance by the applicant or any objector.

NOTES OF HEARING

The Licensing Manager presented the report and informed Committee of the hours of other premises in the immediate vicinity, noting that the Broadside Service Station had hours for the sale of alcohol of 7.00 am to 23.00 that Windmill Public House had a licence for the sale of alcohol to 23.00 and that the Mecca Bingo premises opened until 00.30 hours. In respect of takeaways the Licensing Manager mentioned that 282 Aylsham Road had late night refreshment permitted until midnight on week-days and 00.30 hours on a Friday and Saturday, 365 Aylsham Road had a late night refreshment allowed until 23.30 on a Friday and Saturday and in respect of 359/361 Aylsham Road, late night refreshment was enabled every day to 00.30 hrs and in respect of 291 Aylsham Road, the premises were allowed to provide late night refreshment until 23.30 in the week and until 00.30 on a Friday and Saturday.

It was noted that the condition suggested by the Norfolk Constabulary had been agreed being:

CCTV to be installed at the premises and to cover the main public area and immediate outside of the premises. CCTV to record for a minimum of 28 days and recordings are to be available to the police and licensing authority upon request.

Councillors were familiar with the area surrounding the premises and noted that this was a residential area.

DETERMINATION

The application was approved in respect of late night refreshment for the period of 23.00 to 24.00 on Friday and on Saturday. The application was otherwise refused.

REASONS FOR THE COMMITTEE'S DECISION

The committee took account of the evidence before it provided with the agenda and the comments of the Licensing Manager regarding other premises. The committee noted however that none of these other premises were in the immediate vicinity. Councillors noted the residential nature of the area and noted that the proposed use was likely to involve noise by individuals using the premises and deliveries taking place from the premises and it was not felt reasonable for these activities to take place post 23.00 in this location, save for the week-end when the provision of late night refreshment until midnight was felt reasonable.

The hours open to the public were amended to ensure the premises closed at hours matching those for late night refreshment, being 23.00 on all days other than Friday and Saturday when the closing time was midnight.

The committee was also concerned that the police comment noted that unlicensed activities had been taking place for some time at the premises which was felt to be an indication of the applicant's failure to properly understand or take account of their responsibilities under the Licensing Act 2003. The hours granted took account of the existing licences in a wide surrounding area and the nature of the locality.

RIGHT OF A PARTY TO APPEAL AGAINST THE DECISION OF THE LICENSING SUB-COMMITTEE

Rights of appeal are set out in schedule 5 to the Licensing Act 2003. This appeal is to be made to a Magistrates' Court within 21 days of receiving written notification of this decision.

Dated this 29th day of July 2016