



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Committee: 11 April 2018

Licence Type: application for a Premises Licence under the Licensing Act 2003.

Name of Applicant: S&S ENTERPRISES NORWICH LTD (company no. 09559861)

Name of Premises/Postal address of Premises: Unit 4, Denmark Opening, Norwich NR3 4JG

Members of Licensing Sub-Committee: Councillors Button (Chair), Maxwell and Raby

Other persons present were Anthony Shearman of NCC, Sean Davies representing the applicant company, objectors Sam Adams, Terry Day, C. Barclay, Mr J Hutson, Mark Armishaw, Councillor J Brociek-Coulton and Mr D Lowens, Clerk.

Prior to the start of committee the applicant company provided photographs of the site and written details of the presentation. A plan of the area was also provided to Councillors.

There were no declarations of interest.

Mr Shearman presented the report. The applicant then addressed committee. After discussion the applicant withdrew the request for late night refreshment to be licensed. The applicant confirmed that the proposed conditions set out in the police representation were agreed and part of the proposed operating schedule with a small amendment to wording on the final condition:

- 1 Staff will be trained in relation to the sale of alcohol and will sign paperwork to acknowledge this.
- 2 The website will contain information to customers that orders can only be taken from patrons over 18 and proof of age requirements.
- 3 Alcohol shall not be supplied to public places, an address residential or business must be provided.
- 4 Records of sales shall be kept and made available to police or licensing authority on request for the last two months of trading.



5 CCTV of the premises is to record footage for a minimum of 28 days and be available to Police or licensing authority on request.

6 There will be no access to the premises by customers at any time.

The applicant mentioned that the company had already been trading via temporary event notices and had received no complaints. The business had a limited scope at the moment with just one van available and currently the company had only one member of staff but it was intended that a further person would be employed to act as a controller and receive bookings. The start of trade was mentioned as really being 9 p.m. in practical terms and the applicant was not aware of any trading hours restrictions in respect of these premises.

Councillor Brociek-Coulton produced a note indicating that the planning controls existed past 20:00 hours. The clerk mentioned to committee that planning and licensing were separate matters and whilst both systems ran concurrently and both needed to be complied with any possible planning control should not influence this application.

The applicant carefully reviewed and explained the photographs at the request of Councillor Maxwell.

Mr Terry Day then addressed committee. He was concerned that the van would be filled at night and this would cause noise nuisance. Mr Mark Armishaw addressed committee stating that noise was a concern especially in the summer and that the previous business "Mr Shift It" was very audible but that they stopped at night. Mr Armishaw was concerned that the hours sought would lead to noise nuisance.

The applicant's representative gave his view that he could carry out his business discreetly and had taken steps to reduce noise as far as he could.

Mr John Hudson addressed committee noting that he had significant experience of the brewing industry and the distribution of beer and was not aware of any quiet beer distributor whether a small or a large brewery.

Mr Colin Barclay addressed committee being concerned regarding the noise and the house sought, noting that no-one else in Denmark Opening had a business operating in the hours applied for. Mr Barclay stated his concerns that night time noise would be very audible and disturbing to local residents.

Councillor Brociek-Coulton supported local residents noting that the premises were in a dip and noise would travel. She mentioned that parking is also a serious problem.

Mr Sam Adams was concerned regarding the hours sought and the possible precedent which could be set.

Mr Davies in response to a question as to the supply of alcohol to Unit 4 confirmed that he would be collecting alcohol from the wholesaler and taking it to the unit.

Legal advice was given to committee regarding the licensing of mobile, remote, internet and other delivery sales in accordance with paragraphs 3.8, 3.10 of the



section 182 statutory guidance. The applicant confirmed that he was now aware that he would not be able to load the vehicle at the start of a shift on a prospective sale basis.

The applicant made a closing statement to committee. Committee considered matters in private.

Determination:

The application as amended was approved but for limited hours.

Reasons:

Committee noted that the premises were located in an area with significant amounts of residential use. The business is inherently a noisy business when loading the vehicle and driving to and from the storage warehouse.

During the day the committee felt that on balance this use should not cause significant problems to local residents.

However committee felt that during the late evening and early morning the use of the premises for off-sales of alcohol would involve audible and disturbing noise in respect of placing of items on the delivery vehicle, transport to and from the warehouse and the movement of staff and was likely to cause noise nuisance to local residents at an unacceptable level. The committee therefore approved the application but only for a period of 12 noon to 1930 hours on the days sought.

Rights of Appeal

Rights of appeal are set out in schedule 5 of the Licensing Act 2003. Any person wishing to exercise their right of appeal should do so within 21 days of being informed of the decision appealed against to the Magistrates Court.

Dated this 23 April 2018

A handwritten signature in black ink, appearing to read 'S. Button'.

