



NOTICE OF DETERMINATION

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| Date of Hearing: | 28 October 2014 |
| Licence Type: | Application for the grant of a premises licence |
| Name of Applicant: | Mr David Graves, 86 The Street, Ashwellthorpe, Wymondham NR16 1AA |
| Name of Premises/Postal Address of Premises: | MC UK Alcohol Ltd, Unit No. 1628 Big Box Self Storage, Vulcan Road, Norwich NR6 6AQ |
| Licensing Sub-Committee: ("the Committee") | Councillors Button (Chair), Ackroyd and Jones |
| Responsible authorities: | Mr Andy Owens, Solicitor, Norfolk Constabulary Ms Michelle Bartram, Norfolk Constabulary Mr Thomas Mundy, Norfolk Constabulary |
| Other persons present: | Mr David Graves, Applicant Ms Julie Gowland, Applicant's solicitor |
| Also present were: | Ian Streeter (Norwich City Council Licensing Manager) and Luke Parker (Solicitor, nplaw) |

DETERMINATION:

1. Mr Streeter presented the report. He said that there had been no representations from any interested parties but there was a representation from the Police. He said that the applicant had varied some of the conditions in the operating schedule and that Ms Gowland would detail these in her presentation. He said the main issue between the applicant and the Police is the terminal hour for the licensable activities.
2. Ms Gowland presented the applicant's case. She said that there had been discussion between the applicant and the Police and that the conditions detailed on page 10 of the agenda were agreed and offered as part of the operating schedule subject to the following amendments. The second condition was revised so that "Norwich" is replaced by "Wymondham". The sixth condition was varied so that the £250 cash limit was subject to a £60 leeway to account for a prior sale.
3. Additionally the terminal hours for both the licensable activities and the opening hours were varied from "10:00" on Saturday and Sunday to "06:00". Ms Gowland said that the Police had no objections with the application prior to 04:00 and queried what evidence there was that the licensing objectives would be undermined if the terminal hour was 06:00.

4. To ensure consistency in the application of the THINK (25) ID Policy one person would be responsible for the transaction i.e. the person who takes the telephone order would make the delivery. There would be no sale if the applicant believed the customer was drunk. Any risk of crime and disorder was negated by the conditions offered.
5. Mr Graves gave evidence. He worked as a lighting technician at various premises and finished work late at night and if he wanted to unwind with a beer there were few premises where he could purchase alcohol. He wanted to provide a service to like minded responsible professionals who finished work late at night.
6. Mr Owen and Ms Bartram questioned Mr Graves about his target market for sales and the training to be provided to drivers. Mr Owen explained that the proposed condition that drivers be limited to carrying no more than £250 was to reduce the risk of set-ups. The committee was concerned about the potential for disorder when customers were refused sale due to being underage or for being drunk. Ms Gowland said that the conditions offered would minimise the risk of crime and disorder as far as possible.
7. Mr Streeter queried the mechanics of how orders would be received and the alcohol delivered. Mr Graves advised that calls would be received by him on his mobile phone whilst travelling between delivery addresses. Mr Streeter advised the committee that such an operation would require the delivery vehicle to be licensed. Mr Parker, Mr Owens and Ms Gowland all agreed with Mr Streeter and so Ms Gowland stated that the applicant would employ someone to man the premises where orders would be taken and then the delivery van would be stocked accordingly and dispatched to fulfil the order. Any subsequent order would require the van to return to the premises to stock up before being dispatched again.
8. Mr Parker queried the hours specified for the provision of late night refreshment as there was no requirement for a licence outside the hours of 2300 to 0500. This prompted discussion which revealed that the applicant had no intention of selling hot food and drink and so this part of the application was withdrawn.
9. Mr Owens presented the Police's case. He said that the thrust of this was detailed in Ms Bartram's letter to Mr Streeter of 26 September 2014. As a responsible authority the Police were mindful of the consumption of alcohol as well as the sale of it and that increasing the availability of alcohol in residential areas late at night will heighten the risk of crime and disorder. Although one cannot legislate for what people do in their own homes one can pre-empt the problem. Mr Owens averred that the business is likely to attract those that have had a good night and want to carry on drinking after they have exhausted their own supply of alcohol.
10. Councillors asked the Police as to whether there were similar premises in the past or present and for further details of the analytical material referred to in the Police's letter to Mr Streeter.
11. Ms Gowland said that if someone is determined to get alcohol at whatever hour then it is impossible to legislate against it. In summary she averred that there was no evidence before the committee that showed a risk of the licensing objectives being undermined between the hours of 0400 to 0600. The concerns raised by the Police for these hours are identical to those at 0200, 0300 etc.
12. Mr Owens said the Police were not seeking a blanket ban on the consumption of alcohol beyond 0400. Their issue was with the sale of alcohol and the ease of obtaining it and not subjecting the public to risks and undermining the licensing objectives.

DECISION OF THE LICENSING SUB-COMMITTEE

13. The committee granted the application as amended, namely as follows:

The sale by retail of alcohol for consumption off the premises between the hours of:

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| Friday | 2300 - 0000 |
| Saturday | 0000 - 0600 |
| Saturday | 2300 - 0000 |
| Sunday | 0000 - 0600 |

and Christmas Eve, Christmas Day, New Years Eve, New Years Day and Bank Holidays (Sundays into Monday).

The opening hours of the premises are:

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| Friday | 2300 - 0000 |
| Saturday | 0000 - 0600 |
| Saturday | 2300 - 0000 |
| Sunday | 0000 - 0600 |

and Christmas Eve, Christmas Day, New Years Eve, New Years Day and Bank Holidays (Sundays into Monday).

There shall be no sales of alcohol to persons visiting the premise

The Premises licence Holder will nominate a manager to be located in Wymondam who will be directly contactable and enable access to the premises during all operating hours with immediate effect of the business operating.

The name, address, contact telephone numbers and verification of age of customer shall be taken at point of ordering prior to dispatching goods to the customers address

Records of all sales made and refused sales shall be kept and made available to the Police and Licensing Authority on request.

Each driver employed to deliver age restricted produces shall wear a body worn video camera. All transactions and deliveries involving age restricted products shall be recorded both in sound and on video at the point of delivery. All recorded footage shall be retained for at least 31 days and made available to Police or Licensing Authority on request.

Cash obtained from sales shall be immediately transferred into a safe within the delivery vehicle. Once the total amount reaches a limit of £250 cash, the driver shall return to the premises and transfer the cash from the vehicle to a secure safe contained within the premises.

No deliveries shall be left without a signature

The Website will contain information to customers that orders can only be taken from patrons over 18 and proof of age requirements.

Records of staff training will be kept on site and available to Police or Licensing Authority on request.

Alcohol shall not be supplied to public places, an address must be provided.

All obligatory requests made relating to the security of the premises within the Police Crime Reduction Officer Report are carried out prior to the company trading.

CCTV to be installed at the premises and for recordings to be kept for a minimum of 28 days.

Credible photographic proof of age evidence such as passport or driving licence will be requested for the recipient for anyone who appears to be under the age of 25.

REASONS FOR THE COUNCILLORS' DECISION

14. The Committee determined the application having due regard to the Licensing Act 2003, the section 182 Guidance, the Council's Licensing Policy and all the evidence both written and oral, whilst attaching the appropriate weight to each.
15. The Committee considered that the revised hours and the conditions proposed by the Police addressed any risk of the licensing objectives being undermined. They were not satisfied that there was evidence that the licensing objectives would be undermined between 0400 to 0600.
16. With regards to condition 6 as listed on page 10 of the agenda, namely the limit on the amount of cash drivers could carry, the committee considered that a limit is exactly that and the proposed leeway would simply create confusion.

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

17. For your information, applicants and any persons who have made relevant representations who are aggrieved by the decision or the imposition of any condition, term or restriction, may within 21 days of the date on which they receive notification of the decision, appeal to the magistrates court.

Dated this 28 October 2014