



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Hearing: 27 April 2011

Licence Type: Application for Variation of Premises Licence

Name of Applicant: Babak Ahmadi

Name of Premises: Piccolo's

Postal Address of Premises: 74, Prince of Wales Road, Norwich NR1 1NJ

Licensing Sub-Committee: **Councillors Ramsay** (Chair) Jeraj & Driver

Determination-; The Committee heard the application for a variation of the premises licence at the above premises. The variation requested was the extension of the late night refreshment hours from 03:00hrs to 05:00hrs every day. The Committee heard from;

Tim Carey Solicitor for the applicant

Mr Ahmadi Applicant

Andy Owens Solicitor for Norfolk Constabulary

Inspector Brookes Norfolk Constabulary

There were objections from Norfolk Constabulary under the licensing objective of Prevention of Crime and Disorder.

The objections related to the operation of the premises, namely numerous prior breaches of the licence conditions and information correlated by police when they undertook a period of enforcement between 10/1/11 and 30/3/11 on Prince of Wales Road. This enforcement ensured that the closing hours for take- away and other premises in the area were adhered to.

The evidence given by Inspector Brookes was that during this control period crime and disorder decreased by 20% because potential patrons dispersed more quickly. It was stated that the area was quieter and therefore safer for the public. Piccolo's was described as being on a corner which is one of the flashpoint areas for disorder

in the city. In addition the applicant had not been able to produce his licence when the premises was visited, the premises often opened after the hours permitted even when warned by police to close.

The applicant was represented by Tim Carey who said that the applicant disputed the police evidence.

He stated that refusing the hours requested would not promote the licensing objectives and stated that the problems on the road were caused by the drinking establishments who sold alcohol to persons who were already intoxicated.

He presented the case for the applicant on the basis of the premises being well run with lots of customer support and the need to increase its commercial viability by utilising the full night time economy period, opening until 05:00hrs.

He also made representations that other premises in the area were allowed to open until that time.

The applicant admitted that he had not read his licence properly and that his English was not good.

The Committee's Decision:

The committee unanimously rejected the application.

The Committee's reasons:

The Committee found that the area was a focus for crime and disorder when these premises and others were open.

The Committee found that since the enforcement period the area had been quieter and safer showing a reduction in crime and disorder by 20%

It was noted with concern that the applicant had breached his licence on several occasions prior to this application by serving late night refreshment after the permitted hours.

It was also noted that the applicant admitted not reading his licence at all or properly.

The Committee believe that to reject this application promotes the licensing objective of preventing crime and disorder due to the opening hours of the premises encouraging congregation of persons in Prince of Wales Road who would otherwise leave the area and disperse. The congregation of persons is noted to lead to crime and disorder.

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

For your information, applicants and any party who made a relevant objection, 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 04/05/2011