



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Committee: Tuesday 23 April 2019

Application for the variation of a premises licence

Name of Applicant: East of England Co-operative Society Ltd

Name of Premises/Postal address: Co-op Food Store, 21 Friar Tuck Road, Norwich, NR4 6DB

Members of Licensing Sub-Committee: Councillors Maxwell (Chair); Brociek-Coulton and Ackroyd.

Other Persons Present: Mr Kevin Smith, Mr Scott Sheringham and Mr Jonathan Carey all senior staff employed by the applicant; Maxine Fuller, Norwich City Council Licensing Officer; I Hawkings Solicitor and Mr Brian Gray resident of 25 Maid Marian Road, who had made representations in objection.

Prior to the start of committee, a coloured plan showing the store and its location in the area.

There were no declarations of interest.

NOTES OF HEARING:

Ms Fuller presented the report. It was agreed that the application was to vary the licence to extend the sale of alcohol for consumption off the premises and the opening hours from 06.00 to 23.00 every day.

Mr Jonathan Carey on behalf of the applicant ("Co-op") presented their application noting the background was that Co-op currently had a premises licence permitting the selling of alcohol and between 07.00 – 22.00 every day. The store was one of 80 Co-op's in the 3 counties region which were aiming to move to longer hours for the sale of alcohol. The extension did not contravene any planning conditions applicable to the store. The aim was to align the hours to the retail sale openings at the store, which were currently from 06.00 to 23.00 every day.

Mr Carey explained that the East of England Co-operative Society has a 24 hour control centre at Wherstead Park, Ipswich, from which it monitors its store via CCTV and reports from police and public alike and that there had never been any incidents or reports in relation to this store.

A discussion took place relating to the extent to which this application had been publicised i.e. sufficient to allow other members of the public to object if they wished. Mr Carey confirmed they had complied with their statutory obligations for the variation sought under the Licensing Act 2003.

Discussion took place relating to times of morning deliveries and Mr Carey confirmed they would require delivery drivers to switch their engines off if they arrived before 7.00am. Additionally they were willing to offer this as a condition attached to any variation of the licence.

Mr Gray expanded upon his complaint that the extension had the potential to create night time noise after 10 pm, and particularly that people could sit on the Green after 10.30 pm and create ASB. It was agreed that the area was a mixed use and was not simply a residential area. In answer to further questions he agreed that there had not been any ASB to date and that the police had not been involved, nor had they offered representations in respect of the application. He re-iterated his central objection was about the earlier opening at 6.00 am. Mr Gray suggested there was no need for the extension as other local stores could serve any such demand.

DECISION OF THE COMMITTEE:

The decision of the committee is that the application is approved. The committee does feel it appropriate to accept the following condition offered by the applicant:

1. No delivery vehicle is to leave its engine running while waiting at the Store before 07.00 or play its radio loudly.

THE REASONS FOR THE COMMITTEE'S DECISION:

The committee noted there were no representations from any responsible authority and gave weight to the fact there were no concerns from the Norfolk Constabulary (especially important regarding crime and disorder) or the Environmental Health Department (especially important regarding noise nuisance risks). The East of England Co-op was a sensible body which had considered the concern expressed by a resident and committee appreciated the offer it had made as a voluntary condition (see above).

Looking at the concerns set out in the representations from the resident regarding private nuisance, the committee was not satisfied that they were correct or carried sufficient weight. The committee felt his concerns to be speculative at this time, and after hearing from the co-op regarding their current operating methods they granted the application as requested. No other resident had raised any objections. The committee took the Local Policy Considerations and plan into account, particularly at paragraph 24.3 & 24.6 i.e. regarding the amenity of residents; and the measures applicable to longer opening hours included within the Co-op's operating schedule, and paragraph 24.8.

The concern of the resident relating to the possible rise of anti-social behaviour on the Green with the misuse of alcohol and disruptive behaviour was noted but it was felt that insufficient evidence had been shown relating to the likelihood of this occurring from the variation at a level sufficient to justify refusal on this basis.

RIGHTS OF APPEAL:

Full rights of appeal are set out in Schedule 5 to the Licensing Act 2003. The applicant and any person who has made a relevant representation who wishes to appeal this decision or any part of it should apply for that purpose to the Magistrates Court within 21 days of being notified of the decision appealed against.

Dated this 23rd day of April 2019