



# NORWICH City Council

## Notice of Determination

Date of Committee: 22 July 2019

Licence type: Application for a premises licence under the Licensing Act 2003

Premises name: Tudor Stores

Premises address: 5 Rose Lane, Norwich, NR1 1PL

Members of Licensing Sub-Committee: Councillors Stutely (Chair), Maxwell and Oliver

Other persons present: Maxine Fuller, Licensing Department, Michelle Bartram of Norfolk Constabulary, Kanthasamy Nareshkumar (applicant), Suresh Kanapathi (agent), Matt Edwards, Joanne Knowlden, Lynn Lockhart, Maria Wilson (Members of the public), Sarah Moss and Mantvydas Ragauskas, observers, David Lowens (Solicitor, Norfolk County Council) acting as clerk and legal advisor.

There were no declarations of interest. A plan of the area, correspondence from the Norfolk Constabulary regarding additional conditions and correspondence regarding the take-away and other premises on Prince of Wales Road from Norfolk Constabulary were circulated prior to committee.

Ms Fuller presented the report, it was noted that there was no outstanding objection from the Norfolk Constabulary to the amended application proposals.

Michelle Bartram, addressed committee noting that the original police representation followed the proposed opening at 4 a.m. Between 3 a.m. and 4 a.m. was a peak crime period. 2 a.m. as now proposed was an easier closing time from the Police point of view. From a crime consideration the Police had no evidence to bring to committee, noted incidents taking place later than 2 a.m. It was not disputed that low level anti-social behaviour existed.

Maria Wilson addressed committee wishing to clarify that anti-social behaviour did exist in the early hours of the morning and gave examples of general anti-social behaviour and noise with the leaving of litter, the use of drugs, persons being ill, standing in the road and frequently being anti-social. Noise from public disturbance meant that her windows needed to be closed.

Norfolk Constabulary responded to questions from the Chair as to how callers obtained police assistance. Ms Bartram confirmed that the police licensing team database would be added to if investigating officers for example believed that a premises had sold alcohol to a drunk individual.

After investigation it was agreed that the premises of 5 Rose Lane were outside the cumulative impact zone.

Ms Bartram confirmed the police would not suggest that Rose Lane area was a lawless area and noted that it was not a specific location for police patrols to be deployed.



Ms Bartram confirmed that in respect of the allegation made by a resident that the premises could be a front for drugs the Police had no evidence to suggest any support for this view.

Ms Lynn Lockhart of 79 Maidstone Road addressed committee noting that the area had become noisier since the opening of the Rooftop Gardens premises, that she had called the police numerous times and confirmed the existence of anti-social behaviour with residents being woken up, the problems being fuelled by alcohol.

There were no questions to the Norfolk Constabulary from the applicant.

Mr Kanapathi presented the application noting the long experience of the applicant with retail premises and confirmed the premises intended to sell more than alcohol and would for example also be selling food and lottery tickets. The applicant's agent noted that many objections used the same wording.

After discussion the agent confirmed there would be two members of staff in the premises when it was open after 23:00 hours. Regarding the protection of children from harm the agent noted the Challenge 25 process and regarding the prevention of public nuisance licensing objective the agent confirmed single cans and bottles would be marked showing that they were sold by the premises. Noting concerns regarding the operating hours the applicant amended his application, seeking a closing time for the retail sale of alcohol to 1 a.m. on all days and also reduced the period of the proposed opening hours to 1 a.m.

Discussion followed regarding the presence of CCTV and the safety of the public on the premises. The applicant offered a condition relating to the control of groups via a notice. Discussion followed relating to possible noise disturbance from deliveries. It was noted that the applicant could not control the times of deliveries from third parties.

Mr Matt Edwards addressed committee and noted that after 23:00 hours it was unlikely that residents or motorists would be wanting to use these premises, persons on foot were more likely and these persons would be causing disturbance to all those living in the area. After 11 p.m. he felt that persons using these premises were likely to purchase alcohol to consume in the street.

The Chair checked that all persons present who had made relevant representations and who wished to address committee had done so. The clerk addressed committee regarding relevant policy, both local and national, including paragraphs 2.1, 2.15, 2.17 and 2.21 of the s182 guidance and paragraphs 1.8 and 24.2 of the local policy.

The committee considered their decision in private, taking legal advice, and then gave their decision in public.

#### **DECISION OF COMMITTEE:**

The application as amended was approved.

#### **REASONS FOR THE COMMITTEE'S DECISION:**

The committee noted the amendment of hours of sale and hours of opening to 1 a.m. on all days and further noted the applicant had amended their operating schedule to insert the following:

1. A CCTV system will be installed and maintained to cover the entrance, internal public areas and immediate external area of the premises.
2. Recorded images shall be kept for 31 days and provided to Police or Council Officers, in a usable form, on request.
3. No beer, lager or cider over 6% alcohol volume will be sold.



4. There will be a minimum of two staff present when the premises are open after 23:00 hours until the close of the premises.
5. The premises licence holder will implement a policy to manage effectively large groups (meaning a group of 3 persons or more) via signage.
6. There will be no deliveries before 8 a.m. or after 8 p.m. to the premises except for any deliveries which are from a third party.

The councillors confirmed they had considered all relevant representations, including the submissions made from members of the public at committee and had given sufficient weight to the petition that formed part of the agenda papers. The committee felt there was adequate support for the licensing objectives. The committee understood that there is a significant problem with noise and anti-social behaviour in this general area but noted the statutory guidance that the behaviour of members of the public is a matter of personal responsibility under the law once persons are outside the direct control of the licensee. The committee was not willing to reduce further the hours for this lawful activity of the retail sale of alcohol due to the possible behaviour of persons using the products sold when outside the control of the licensee. It was felt that possible nuisance from the premises themselves had been dealt with by condition so far as was reasonable.

The committee noted that the police concerns had been withdrawn following the additional conditions being added and that the police were no longer of the view that granting the licence would undermine the prevention of crime and disorder licensing objective. The councillors gave significant weight to the police views in respect of the licensing objective of the prevention of crime and disorder. The councillors noted the Challenge 25 policy would be followed and that there was no reason to consider the premises unsatisfactory from the point of view of public safety. Committee had proceeded noting the statutory guidance that need was not a relevant consideration and had followed policy on the basis that the premises are outside the cumulative impact zone.

Committee imposed one condition:

1. No single or multi pack cans and/or bottles of beer are to be sold from the premises without a permanent marking with the premises name being fixed to them.

The above was a slight amendment to the condition proposed by and agreed with the Norfolk Constabulary.

#### **RIGHTS OF APPEAL:**

Rights of appeal are set out in Schedule 5 to the Licensing Act 2003. The licence holder and any person who made a relevant representation who wishes to appeal must do so to a magistrates' court within 21 days of the date they are notified in writing of the decision appealed against.

Dated this 24th July 2019.



CHAIR.

