



NORWICH City Council

NOTICE OF DETERMINATION

Date of Hearing:	19 May 2015
Licence Type:	Application for the variation of a premises licence
Name of Applicant:	Mr Alvar Selvaratnam, 14 Waldegrave, Norwich NR5 9AW
Name of Premises/Postal Address of Premises:	Clover Hill News, 20 Waldegrave, Norwich NR5 9AW
Licensing Sub-Committee: ("the Committee")	Councillors Henderson (Chair), Bogelein and Maxwell
Responsible authorities:	None
Other persons present:	Mr Alvar Selvaratnam (Applicant & DPS) Mr Sutha Arulm (Applicant's employee)
Also present were:	Mr Tony Shearman (Norwich City Council Environmental protection officer - public protection) and Mr Luke Parker (Solicitor, nplaw)

DETERMINATION:

1. The Chair introduced those present. Mr Parker explained the hearing procedure to be followed.
2. Mr Shearman presented the licensing report as the Licensing Manager, Mr Streeter, was unable to attend the hearing. Mr Shearman referred to the site plan showing the locations of the premises and the addresses of the objectors. He advised that there were no representations from any of the responsible authorities. He said that the applicant had agreed to the following additional conditions to their operating schedule as a result of the proposed variation:
 - (a) The premises shall install and maintain a CCTV system. The CCTV system shall continually record whilst the premise is open for licensable activities and during all times when customers remain on the premises. All recordings will be stored for a minimum period of 28 days.

- (b) CCTV coverage to include the main public areas, customers on entry and directly where the alcohol is displayed.
 - (c) A refusal book will be kept on the premises to record all refused sales of alcohol and be available for inspection to Police or Licensing Authority on request.
 - (d) All spirits to be located behind the counter.
 - (e) Staff will be trained in relation to the sale of alcohol and a record of this training will be kept at the premises and available to Police or Licensing Authority on request.
3. Mr Selvaratnam, with assistance from Mr Arulm, explained that he did not want to sell alcohol 24 hours daily as per the agenda papers. Rather he wished to amend his application so that the hours during which the retail sale of alcohol could take place would be as follows should the application be granted:

Day	Hours proposed in variation application (as amended)
Monday	0700 – 2300
Tuesday	0700 – 2300
Wednesday	0700 – 2300
Thursday	0700 – 2300
Friday	0700 – 2300
Saturday	0700 – 2300
Sunday	0700 – 2300

4. Mr Selvaratnam said that the premises normally shut at 2100 Monday to Saturday and at 1800 on Sunday however he wanted the flexibility to stay open later, up until 2300, as some of his customers were shift workers.
5. The Committee members asked various questions including why the address for the DPS on page 10 of the agenda differed from the applicant's address. Following discussion and after Mr Shearman had checked the licensing file it emerged that the premises licence and DPS had changed from the applicant's brother, Mr Alva David Thevakumar, to the applicant in February 2015. Mr Shearman confirmed that the necessary applications and consents had been made and that the agenda erroneously did not reflect these changes to the premises licence.
6. When asked by Mr Parker, Mr Selvaratnam confirmed that the conditions detailed above at paragraph 2(a – f) and the revised timings detailed in the table to paragraph 3 were offered as part of the applicant's operating schedule and that he understood the legal significance of this.

DECISION OF THE LICENSING SUB-COMMITTEE

7. The Committee granted the application as amended.

REASONS FOR THE LICENSING SUB-COMMITTEE'S DECISION

8. 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 appropriate weight to each.
9. The Committee noted that there were no representations from any of the responsible authorities. The Committee noted that the additional conditions agreed between the applicant and the Police were appropriate for the promotion of the licensing objectives and proportionate to what they are intended to achieve. The revised timings offered by the applicant at the hearing significantly reduced any concerns the Committee may have had about the licensing objectives being undermined. The net effect of the variation was that alcohol could be sold one hour earlier than before on Mondays to Saturdays and three hours earlier and 30 minutes later on Sundays.

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

10. Any person who has made a relevant representation who desires to contest that the application to vary a premises licence ought not to be granted or that the licensing authority should have taken a step set out in Section 35 subsection (4) (a) or (b) of the Licensing Act 2003 may within 21 days from the date on which they receive notification of this decision appeal to the Magistrates' Court.

Dated this 20 May 2015