



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Hearing: 28 July 2017

Licence Type: Application for the variation of a premises licence

Name of Applicant: Mr Benjy Ayaradanam Selvaratham

Name of Premises/Postal address of Premises: Wensum Food and Wine, 27
Wensum Street, Norwich

Licensing Sub-Committee: Councillors Sally Button (Chair); Hugo Malik and Tim Jones

There were no declarations of interest

Other persons present: Maxine Fuller, Licensing Officer; David Lowens and Sarah Flaxman, nplaw (Norfolk County Council); Mr Alistair Mackie, Mr William Myall; Mrs Sophia Hodgson; Mr Guy Hodgson; Ms M Lennox (all objectors).

There was no attendance by the applicant or any representative on his behalf.

The Committee decided to proceed in the applicant's absence noting that no reason was given by the applicant as to why he had chosen not to attend the Committee nor why he had failed to provide a representative to attend in his stead. If the matter was adjourned significant disturbance would be caused to those objectors who had arranged their affairs to be able to attend the Committee and the balance in the circumstances was to continue with the application.

NOTES OF HEARING

The Clerk to the Committee Mr D Lowens read out paragraph 2.2 of the statutory guidance under Section 182 of the Licensing Act 2003 and noted the question of "public safety" related to persons safety whilst on the premises.

The report was presented by the Licensing Officer and it was noted that there was no representation from any responsible authority. A plan showing the location of those persons who had made representations was provided to Committee and the premises licences for local premises in Fye Bridge Street and Wensum Street were also provided so that the hours of operation could be examined.

Mr Hodgson addressed Committee noting that persons frequently congregated in Quayside drinking and carrying out anti-social behaviour including urination and

defecation. Mr Hodgson noted there were plenty of premises in the area where persons had an opportunity to purchase alcohol and could drink in licensed premises. His view was that granting the extension was only likely to lead to an increase in anti-social behaviour in the area.

Mrs Hodgson addressed Committee noting that the premises had groups of persons loitering outside which they would do so for longer if the premises were then staying open until midnight. It was noted that there was a cash machine outside the premises and it was agreed that this was available for public access at all times. The cash machine had been present for approximately one year.

Mr Mackie addressed Committee saying he was concerned regarding public nuisance and residents had an ongoing battle to keep Quayside clean. Mr Mackie noted there were very few litter bins in the area and there was a lot of rubbish. Mr Mackie noted he had had problems with persons urinating in doorways and general anti-social behaviour. His concern was public nuisance. The Chair noted that there was a condition on the premises licence that products sold should have their point of sale marked.

Mr Myall noted this was an attractive area with a lot of local residents but which already experienced noise from persons drinking in the city and then returning to their homes but congregating in the area. The persons were drinking alcohol and causing nuisance and the area had been frequented by alcoholics. The alcoholics had now generally moved to Elm Hill Gardens. Mr Myall noted that a Ms Lucky on whose behalf he was also speaking, had also witnessed alcohol being sold by the premises to persons who appeared to be drunk in accordance with her written representation. He mentioned that he had personally seen persons go from Quayside to the premises and whilst he had not seen the alcohol sold on their return the persons were carrying alcohol, on occasions he believed they were drunk and his view was that they were only able to purchase the alcohol from 27 Wensum Street. In his view public nuisance would be increased if the extension was given and Mr Myall invited the Committee to refuse the extension of the licence in order to try to keep Quayside an attractive place.

Ms Lennox addressed Committee and was happy to say that she had seen persons go into the shop and being served alcohol who appeared to be over the limit. This was within the last six months. She noted that she was disturbed most nights of the week and was concerned regarding noise nuisance and anti-social behaviour. She was aware of the possibility of a review of the premises licence but felt that the necessary steps to engage the review mechanism were difficult for local residents to carry out. Ms Lennox lastly noted a fight that had taken place outside the premises in between 10 p.m. and midnight which went on for a couple of hours where police attended and took witness statements.

Lastly Mr Myall requested Committee to refuse the application so as to prevent anti-social behaviour and further drinking noting the anti-social behaviour from drunken louts was not fair to a majority of the residents.

Ms Lennox noted there were no SIA staff at the door of the premises meaning that unlike a public house, it would be possible for persons to quickly go to the counter and be sold alcohol.

Committee considered their response to the application in private.

DETERMINATION:

Committee granted the application as sought.

REASONS FOR THE COMMITTEE'S DECISION:

The Committee noted and gave significant weight to the fact there were no representations made at any point in the process by the Norfolk Constabulary, the Environmental Health Department or the Trading Standards Section of the County Council and felt this was indicative that those organisations did not feel the proposed variation would cause concern under any of the licensing objectives. The failure of the police to make any adverse representation was given significant weight regarding the licensing objective of the prevention of crime and disorder, Committee noting that the police were their primary source of advice on this issue.

Committee took account of the nature of the area which whilst residential in part was also an area with a large number of licensed premises which were open for as long or longer than the hours sought for 27 Wensum Street. The licensing hours sought were not unusual for this area and it was noted that the cash point outside the premises was already accessible on a twenty four hour basis.

The Committee noted that some local objectors were of the view that intoxicated persons had been sold alcohol by the premises and noting the lack of response from the responsible authorities as already mentioned, the Committee felt that it was not of sufficient evidential weight to justify refusal of the application. There was insufficient evidence that the behaviour of persons was the behaviour of customers of this premises and of greater note was the fact that the statutory guidance was clear that matters being outside the premises or the immediate area of the premises were matters for the personal responsibility of the individuals concerned and were not a matter which the licence holder could be expected to control.

Some objectors complaining about anti-social behaviour in their area lived a significant distance from 27 Wensum Street.

RIGHT TO APPEAL:

Any person who made a relevant representation in relation to this application desires to contend that any variation made ought not to have been made or that when varying the licence the licensing authority ought not to have modified the conditions of the licence or modified them in a different way may appeal against the decision. Any appeal should be raised to a Magistrates Court within twenty one days of the date of notification of the decision appealed against.

Dated this 11 June 2018

