



**NORWICH**  
City Council

## Notice of Determination

**Date of Hearing:** Monday 19<sup>th</sup> September 2011

**Licence Type:** Application for a Premises Licence

**Name of Applicant:** Mr Nadarajan Logeswaran

**Postal Address of Premises (or description of premises):**

27, Wensum Street, Norwich NR3 1LA.

**Licensing Sub-Committee:**

Councillors Driver (Chair), Sands and Jeraj.

**List of Public Attending Committee:**

Mrs Lennox, Susan Hollands and Anthony Bushell.

The applicant was represented by Mr Alan Aylott.

### **Determination –**

The Committee heard the application for a premises licence in respect of Wensum Food and Wine, 27, Wensum Street, Norwich for the licensing activity of the supply of alcohol (for consumption off the premises).

The Committee received an amended operating schedule prepared by the applicant in which the applicant would mark all alcohol products so that their point of origin of sale could be identified and that a maximum third of the floor space would be used for alcohol products and were informed that the Norfolk Constabulary had also received and reviewed the amended operating schedule and as a result were not continuing with their representation.

Ian Streeter, Licensing Manager, presented the report.

The applicant presented his application via his representative who spoke regarding his 9 year experience in the licensing trade in London, Essex and in Norfolk and noted the applicant intended to run this shop with a Mr Vince who has extensive licensing and retail experience plus one other full time member of staff and other part time members of staff. The applicant spoke regarding the amended operating schedule and asked Committee to take account and give proper weight to the lack of

objections from the responsible authorities. A copy of the training manual was presented to Committee.

The applicant further discussed the areas of concern of the objectors as to anti-social behaviour, the presence of the local school, parking, litter, current anti social and crime and disorder concerns and the question of need. The applicant also mentioned how he intended to run the premises, namely as a convenience store with a significant element of non alcohol sales. Staff training, closed circuit television and Challenge 21 would all be introduced to these premises. The applicant asked the members of the Committee to give proper weight to the fact there was no continuing concern regarding anti-social behaviour and noise from the Norfolk Constabulary, spoke regarding the parking situation and mentioned that need was not a relevant factor and that licensing controls were inappropriate if they sought to control the behaviour of individuals who were beyond the control of the premises licence holder.

Questions were put to the applicant regarding the sale of alcohol, existing litter problems, noise and intoxicated customers, staffing and the percentage of alcoholic products to be sold compared to non-alcoholic products.

The Committee then heard from the objectors. Mr Bushell noted his concern regarding the opening hours and the sale of alcohol for off premises consumption in this quiet residential area, Mrs Lennox noted the difficult parking situation in the area and the current problems regarding anti-social behaviour including drink and drug abuse and the behaviour of existing drunken people who damaged the lifebelts on the riverside and put themselves at risk by walking on the riverside wall. Mrs Lennox also raised the question of the air conditioning unit on the outside wall and gave details of the nature of the area including nearby areas of public open space, the presence of the local school and the inappropriate hours proposed in the operating schedule.

Sue Hollands mentioned this use was inappropriate in this quiet residential area together with her concerns as to traffic problems and anti-social behaviour and she spoke also regarding the problems with people drinking in the public open spaces in the area. The applicant's representative made a closing statement noting that this was a responsible applicant with a proven track record who had provided a necessary and proportionate operating schedule which promoted the licensing objectives.

#### **The Committee's Decision:**

The Committee granted the licence as sought except that the opening hours and the hours for the sale of alcohol for consumption off the premises were reduced from 00.00 to 22.00 hours on all days. In addition, a further condition was imposed, that condition 4 in the operating schedule was amended so that staff would sweep/remove premises litter at least once before opening and once before closing.

#### **The Committee's Reasons:**

The committee heard representations in relation to anti social behaviour and found that it already existed in the area, in particular the drinking of alcohol at the nearby green space/park and along the quayside. Drinking in the streets in the city centre is banned but the committee found as a fact that this ban was flouted on a daily basis.

The committee heard that piles of rubbish were left alongside the premises and photographs were produced to support this and found as a matter of fact that bins were not emptied regularly, leaving residents to clear the rubbish most mornings.

The committee heard that noise was a problem for residents many of whom had young children and or needed to be able to rest whether in preparation for work or school the next day.

The committee felt that due to the representations made by objectors that the sales of alcohol for consumption off the premises beyond 22:00hrs would threaten the amenity of local residents, taking into account the presence nearby of areas of public open space.

### **Right of a Party to appeal against the determination of the Authority**

For your information, applicants and any person who has submitted a relevant representation, 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 27 September 2011