



NORWICH City Council

NOTICE OF DETERMINATION

Date of Hearing: 31 July 2013

Licence Type: Grant of a premises licence

Name of Licensee: Farida Valnitskine

Name of Premises: The Copper Kettle

Postal Address of Premises: 4 Lower Goat Lane, Norwich NR2 1EL

Address of Licensee: 46 Magdalen Close, Norwich NR3 1NE

Licensing Sub-Committee: Councillors Gayton (chair) Henderson and Thomas

Other persons present: Mr Jimmi Lee (assisting the applicant)

On behalf of Norwich City Council: Ian Streeter (Licensing Manager), David Lowens (legal adviser to the committee) solicitor (nplaw)

DETERMINATION:

The Applicant confirmed that the proposed conditions suggested by the Norfolk Constabulary were acceptable and had been agreed. These were as follows:

1. An incident book will be kept on site to record any incidents of crime and disorder including any refused sales of alcohol due to persons being underage or intoxicated.
2. A Challenge 21 policy will be in place. Any person who appears to look under 21 wanting to purchase alcohol will be required to provide credible photographic identification to prove their age.
3. Staff will be trained in relation to the sale of alcohol. A record of this training will be kept on the premises and will be available to the police and to the licensing authority upon request.

The applicant also amended her application for the requested hours for the supply of alcohol (for consumption on the premises) to be as follows:

1. 11.00 to 21.30 hrs, Monday to Saturday, 11.00 to 14.30 hrs on Sunday.

The opening hours were noted as being 09.00 to 22.00 hrs Monday to Saturday and 09.00 to 15.00 hrs on Sunday.

Mr Jimmi Lee explained that he was the proprietor of the Copper Kettle and Farida Valnitskine was his manager. The purpose of the requested premises licence was to ensure that in the difficult circumstances currently existing, the premises were able to keep up with their competitors. Mr Lee disputed many of the allegations made against the premises contained in the written representations received from an adjoining business and spoke regarding the care taken to run the business properly and that many persons found smoking close to the neighbouring business premises were from the tattoo shop, rather than from his premises. He confirmed that the premises operated just on the ground floor and the premises licence was for just the ground floor. At the request of the committee Mr Lee detailed his intended operation and the proposed compliance with the licensing objectives regarding the numbers and training of staff, the presence of CCTV on the premises and his intention to write a code of practice regarding compliance with the licensing objectives.

The Committee's Decision

The committee granted the application as sought noting the conditions set out by the applicant in their amended operating schedule and added the following conditions:

1. No containers of alcohol are to be taken off the premises;
2. CCTV will be in operation at the premises. Recorded footage will be available for a minimum of 28 days and footage will be available to the police and to the licensing authority upon request.

The Committee's Reasons

Councillors took account of the fact that there were no remaining responsible authority objections and that the proposed licensable activity of the supply of alcohol (for consumption on the premises only) when noting the nature of the business and the hours sought, did not appear unreasonable or contrary to any of the licensing objectives. The committee noted the advice from the legal representative that use of the external tables and chairs for smoking was not relevant to the application. There was insufficient evidence before committee to show that the prospective issues of crime and disorder which concerned the objectors would arise as a result of the granting of a premises licence in the terms sought.

Right of 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 imposition of any term or 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 31st July 2013