



**NORWICH**  
City Council

## **NORWICH CITY COUNCIL**

### **NOTICE OF DETERMINATION**

**Date of Hearing:** 11 September 2020. Hearing held remotely under SI 2020 / 392

**Application for grant of a premises licence under the Licensing Act 2003**

**Name of Applicant:** Dakers Drinks Ltd, Company no. 11083784

**Postal Address of Premises:** 27 St Benedicts Street, Norwich, Norfolk.

**Licensing Sub-Committee members present:**

Councillors Stutely (Chair), Ackroyd and Giles

**Other Persons Present:**

Oliver Chapman, Chapman Chartered Surveyors, agent for Paul and Suzanne Ives  
Gail Watling, Watlings News Ltd, also present to speak for Jon Dracup  
Tiffany Bentley, Public Protection (Licensing) Team Leader, NCC  
Lucy Palmer, Democratic Team Leader, NCC  
Leonie Burwitz, Democratic and Elections Assistant, NCC  
David Lowens, solicitor, Norfolk County Council (nplaw).

**On behalf of the applicant:**

Mathew Dakers

**Notes of hearing:**

No apologies had been received and there were no declarations of interest made.

The Chair explained the procedure for this remotely held committee and those taking part were introduced.

Ms Bentley presented the report and drew attention to the colour copy of the plan circulated prior to committee. Ms Bentley mentioned that in addition to the powers of committee specified in the agenda committee could also refuse to accept the proposed Designated Premises Supervisor.

Mr Dakers then addressed committee and explained the background to the application, noting that he was the brother of the current tenant of these premises which were currently an estate agency. They owned a premium gin / liquor business

and wished to sell these products from the premises. Mr Dakers said he was experienced in the hospitality industry. He was asked about the lack of consent from the landlord of these premises for the proposed business, he said that this was an embarrassing situation but discussions with the landlord were ongoing.

Mr Dakers said that it was intended to keep running the estate agency from these premises if the application was successful.

Cllr Giles mentioned the representation alleging unlicensed sales of alcohol, Mr Dakers confirmed that he was aware of the person making this representation. He said that all parts of this email were false and that the person concerned had previously made numerous negative comments regarding the business being run in Aylsham.

Mr Chapman on behalf of the landlords of 27 St Benedicts Street addressed committee saying that the landlord had not been informed of the application prior to noticing it on a website, and mentioned that Think Property Ltd rather than Mr Dakers was the tenant of the property. Mr Micky Dakers was a company director of Think Property Ltd. The landlord was concerned that this was not a permitted use under the lease. The landlord did not wish to have a licensed premises in one of his shops.

Mr Dakers apologised for the situation with his brother failing to communicate matters to the landlord in good time, he mentioned that nothing under the lease prevented this application being made and repeated that emails regarding this proposal were being exchanged with the landlord.

The Chair mentioned that this was a matter that the committee was unable to take into account as it was unrelated to the licensing objectives.

Ms Watling addressed committee, first having read out a statement from Mr Dracup noting his concerns with the application, the antisocial behaviour occurring in the area and his concern that the application would encourage more abuse of alcohol.

Mr Dakers responded, mentioning that after speaking with the Norfolk Constabulary the business would be controlling antisocial behaviour. It would not be serving drunk persons. Controls via CCTV, window signage, staff training and the enforcement of a Challenge 25 policy were all planned.

Ms Watling mentioned her main concern was that if the proposed business failed then the premises licence could be utilised by a different and more problematic business which could have a different business model and clientele.

Planning permission was mentioned but the Chair explained that this was a separate issue and not a matter for this committee.

Mr Dakers was asked by the solicitor to expand upon some uncertain matters in the proposed operating schedule. Mr Dakers confirmed that he was amending the application to ensure that CCTV footage would also be provided to the licensing authority as well as to the police, that references to holding a licence meant holding a personal licence, that daily checks by the Manager and staff meant checks in relation to the structure and contents of the premises including fridge contents, and

that the incident book mentioned was to be available to both the police and the licensing authority on request.

It was mentioned to Mr Dakers that the application was for both on and off sales but that there was a proposed condition that all alcohol would be sold in sealed containers.

Mr Dakers then amended the application to remove on sales.

Committee then considered matters in private session.

### **The Committee's decision:**

The application, as amended, was approved.

An additional condition was imposed, namely that a refusals book would be kept at the premises to record any refusal of a sale of alcohol and the reason for that refusal. This refusal book is to be made available to the police and to the licensing authority upon request.

### **The Committee's reasons:**

In coming to their decision, the committee had had due regard to the statutory guidance under Section 182 of the Licensing Act 2003 and the council's own statement of licensing policy.

The committee noted that this application now covered off sales only.

The hours sought were reasonable for this area and the conditions as clarified, as agreed with the police and as imposed covered all expected areas. The police have no outstanding representation and they are the council's primary source of advice regarding the crime and disorder licensing objective.

It was regretted that there was antisocial behaviour in the area of St Benedicts Street but committee noted the s182 statutory guidance that once outside the control of the licensee the behaviour of members of the public was a matter of personal responsibility under the law. Committee felt that no evidence had been advanced showing that the way these premises were intended to be run would contribute to such behaviour.

In summary and noting the availability of a review procedure, the committee believed that granting the application sought (in conjunction with the conditions offered by the applicant and as imposed) was in accordance with the promotion of the licensing objectives.

The question of authorisation from the landlord was a private law matter which committee felt was not relevant to the tests to be made under the Licensing Act 2003.

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

Rights of appeal are set out in Schedule 5 of the Licensing Act 2003 and reference should be made to that schedule but in summary applicants and any person who has submitted a relevant representation, 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. Any such appeal should be raised directly with the Magistrates Court.

Dated 21 September 2020

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line and a smaller, cursive flourish.

Signed: ..... (Chair, Licensing Sub-Committee)