



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Committee: 27 September 2017

Licence Type: application for a Premises Licence.

Name of Applicant: ALCHEMISTA LIMITED

Name of Premises/Postal address of Premises: 4 Gregory's Alley Norwich NR2 1ER

Members of Licensing Sub-Committee: Councillors Maxwell (Chair), Brociek-Coulton and Thomas (Va)

Other persons present were Katherine Ferdinand (objector), Helen Synge (objector), Matthew Synge (objector), Gawain Godwin (objector), Vicky Brown and Dennis Bacon for the applicant, Maxine Fuller (Licensing Authority) and David Lowens, Clerk.

Committee received additional photographs from Katherine Ferdinand.

There were no declarations of interest.

Maxine Fuller presented the report. This was an application to licence the ground and first floor only.

The applicant addressed Committee detailing the nature of the intended business with alcohol sales being in respect of a small range of coffee cocktails. The premises would not be a bar as was generally understood by that description and were not seeking an off licence. Alcoholic drinks would be consumed on site with a finish by 20:00 hours.

The applicant confirmed their proposed operating schedule would be amended to include the following conditions:

1. No alcohol shall be served unless mixed with coffee.
2. The applicant will discourage customers from loitering in the porch next door to 4 St Gregory's Alley.

The applicant noted the premises were located in what was overwhelmingly a retail area. The second floor contained separate toilets and a sandwich preparation area.

It was not an income producing area. There were no disabled toilets on the premises due to their age.

Mr Matthew Synge addressed Committee noting his concerns regarding public nuisance including noise received through the wall, noting the premises were very narrow and adjacent to his premises.

The applicant noted they did not have any external public area.

Mr Godwin addressed Committee noting that from his garden he could hear persons talking and was concerned that persons on the premises would be able to look into kitchen/bedroom windows.

Mr Lowens mentioned the legal nature of existing street alcohol drinking controls in the city centre in that they were not a prohibition on drinking alcohol except following a requirement from a constable.

Mr Synge felt that nuisance was likely to be caused from customers despite the nature of the business under discussion being coffee cocktails. He felt the opening of the premises would lead to nuisance from persons gathering in St Gregory's Green and noted the numbers of drinkers and smokers already accessing St Gregory's Green from the Birdcage and other public houses in the area.

Katherine Ferdinand addressed committee and said she was concerned about the possibility of public nuisance, noting there was no public area at the rear of the premises and expecting customers to be smoking at the front and possibly using her porch. She noted that her bedroom was on the middle floor with the top floor being her living area and was concerned regarding the possible noise from the premises.

The applicant noted the premises were located in the city centre and there was existing significant public use of local businesses such as the Grosvenor Fish Bar and public houses. The applicant noted there was no objection from the police.

Katherine Ferdinand was concerned regarding the trend for the coffee shop to become a bar in the evening and the possibility of a large amount of litter being produced.

The applicant noted that take away sales were likely to be 20-30 per cent of the business and noted he would not be able to control persons sitting in the Green, this being a public open space and outside his control. However the applicant as mentioned above was happy to insert a condition that they would discourage persons from loitering in the next door porch. Further the applicant noted that the toilet windows were frosted and no windows overlooking the garden would be clear windows.

DECISION OF COMMITTEE:

The application was granted as sought with the changes to the operating schedule noted during the application.



REASONS FOR THE COMMITTEE'S DECISION:

Committee noted that they needed to consider the extent of this application against the licensing objectives.

The on licence for alcohol sales had a condition limiting alcohol sales to those mixed with coffee and committee felt the application was not for a bar as that term is generally understood.

The nature of the area is a mixed residential/retail area.

The hours sought are reasonable and no off licence for the sale of alcohol is sought. There was insufficient evidence before committee to justify refusal or the insertion of further conditions as appropriate to the promotion of the licensing objectives with in the committee's view insufficient evidence regarding increased levels of public disorder, nuisance or noise/mess arising if the application was granted in the terms sought.

The application did not involve live/recorded music (exemptions to licensing controls were noted) but committee were aware that should public nuisance arise a review could follow to introduce controls if necessary. Committee also noted the controls that could be used under the Environmental Protection Act 1990 if necessary.

Committee had no concerns about promotion of the licencing objectives noting the nature of the business and the limitation on hours and alcohol sales. Committee noted the behaviour of the public (including customers) if beyond the control of the applicant was a matter for personal responsibility.

RIGHTS OF APPEAL:

Rights of appeal are set out in schedule 5 of the Licensing Act 2003. Any person wishing to appeal against the decision of the Council or any part of it should appeal to a Magistrates Court within 21 days of being notified of the decision appealed against.

Dated this 31st day of January 2018



