

**Notice of Determination – Application for the grant of a premises licence under the Licensing Act 2003 regarding 77/79 Ber Street, Norwich, NR1 3AD.**

Licensing Sub-Committee date – 14<sup>th</sup> January 2022. This hearing was held remotely.

Members of committee present– Councillors Stutely (Chair of committee), Ackroyd and Giles.

Applicant – Mr Logeswaran Nadarajan

List of attendees:

	<b>Name</b>	<b>Role</b>
1	Cllr Caroline Ackroyd	Committee member
2	Cllr Adam Giles	Committee member
3	Cllr Ian Stutely	Committee member
4	Logeswaran Nadarajan	Applicant and proposed DPS
5	Thangaveln Suvendran	Agent for the applicant
6	Cllr Martin Schmierer	Representing an objector
7	Rachel Bennett	Officer
8	Leonie Burwitz	Officer
9	David Lowens	Solicitor, legal advisor
10	Vicky Hopps (attending part of committee)	Observer

**Summary Notes of Hearing**

There were no apologies received and no declarations of interest were made. The Chair ensured that all remote connections were functioning. There were no additional papers given to committee during the hearing.

Ms Bennett presented the report.

Mr Suvendran addressed committee on behalf of the applicant, noting the objective was to have a one-stop convenience store. There was no intention to cause disturbance, which was why the proposed police conditions were agreed.

In response to a question from the Chair Mr Suvendran mentioned there was intended to be two CCTV cameras by the counter, two by the alcohol, one by the entrance and one at the far end of the shop, all being operational at the same time. The applicant agreed that a further condition dealing with CCTV would be introduced into the proposed operating schedule, as follows:

*There will be two CCTV cameras with views of the location where alcohol is stored, and one CCTV camera covering the entrance. There will be seven CCTV cameras in total.*

Ms Hopps joined committee, to observe proceedings.

The applicant was questioned why the 4<sup>th</sup> police condition referred only to single cans or bottles of beer or cider, and he amended this agreed condition to read:

*No single cans or single bottles of beer, lager or cider will be sold at the premises*

Cllr Giles asked how the business would enforce no sales of alcohol in the period when the shop was open but before the sought hours for sale of alcohol. The applicant responded and agreed a condition to ensure this, as follows:

*The chiller cabinet will be closed and alcohol on display will be cordoned off during the hours when alcohol may not be supplied/sold.*

The applicant was asked to consider the practicability of the proposed condition that "Front and rear of the premises are kept litter free at all times", and this was amended by the applicant to:

*There will be a litter pick to keep the front of the premises free from litter, to be undertaken once every two hours the premises is open.*

Cllr Schmierer addressed committee, on behalf of the local resident whose representation appeared at pages 26 to 29 of the agenda. He found the conditions proposed by the police reassuring but remained concerned regarding nuisance from public drunkenness and noted the prevention of public nuisance would cover noise, light, litter and similar. The applicant had done a lot to mitigate matters but there was concern regarding the hours. Tesco was open to 23:00 but that premises had a security guard on duty. The resident was concerned regarding the late-night potential for anti-social behaviour, and he wondered whether the applicant would be willing to reduce hours to 8 or 9pm in the interests of the local community. He noted that Warmingier Court was a retirement premises for those over 60 yrs old.

Mr Suvendran confirmed that the hours of sale/supply of alcohol sought could be reduced if this would be of comfort to the residents. The application was amended to change section 15 of 21 of the application to end at **22:00 hours Monday to Saturday and to 21:00 on Sunday.**

Cllr Schmierer noted that whilst welcome the residents sought reduced hours beyond those, or extra staffing to deal with anti-social behaviour.

Mr Suvendran noted that additional staff would be provided as and when necessary, likely to be on Friday and Saturday evenings, but that it was not intended to voluntarily reduce the sought hours further.

The Chair mentioned that committee would be looking at the mitigation intended to be provided. He asked the agent whether there was an entry policy and whether stickers identifying the business would be placed on products, to help show where problems were arising. Mr Suvendran mentioned that there was an entry policy in

that the business would not serve anyone who was drunk and if possible would not let them into the premises. The business has a refusals policy, and keeps a manual register of refusals.

Cllr Ackroyd asked regarding staffing and wondered whether the business would be happy to introduce a condition as to a minimum of three members of staff being on duty. Mr Suvendran said that whilst staffing would be under constant review three persons was not an offered condition as staffing numbers were currently unclear.

The proposed operating schedule was amended to include:

*The premises will have a minimum of two members of staff on duty when the premises are open to the public.*

The proposed operating schedule details on page 15 of the agenda were amended by the applicant regarding the prevention of public nuisance licensing objective, with the following addition:

*We will keep records written in English with the date, time and circumstances of any challenges made in accordance with the "Challenge 25" scheme and disorder, ejection or other relevant incident including refusal of access and sale that occurs on the premises. This book of records will be kept in writing and will be kept on the premises at all times*

It was confirmed that the proposed police conditions as shown on the letter of 29 November 2021 (save as amended in respect of the 4<sup>th</sup> bullet point) were agreed and were part of the proposed operating schedule.

Mr Nadajaran addressed committee, he confirmed the agreements/conditions presented on his behalf by Mr Suvendran were correct and agreed by him.

### **Decision of committee**

The application as amended was approved and a premises licence was granted. There were no imposed conditions.

This was the unanimous decision of committee.

### **Reasons for the committee's decision**

Committee notes and gives weight to the lack of outstanding concerns from the police, particularly relevant regarding the crime and disorder licensing objective

The committee notes the lack of a representation from the public protection team (env health) and proceeds on the basis that this responsible authority was not concerned with the proposal.

The applicant has demonstrated, via the amended operating schedule, that he is aware of and will mitigate concerns so far as it is within his reasonable power to do so.

The committee notes the statutory guidance under s182 of the 2003 Act regarding the behaviour of members of the public once away from the immediate environs of the premises is a matter of individual responsibility under the law.

There is anti-social behaviour taking place in this area, causing a concern to local residents, but the supply of alcohol is a lawful business activity, and it is felt that there are sufficient controls within the operating schedule to mitigate this so far as matters are within the reasonable control of the applicant. It is not felt appropriate to further reduce hours of sale/supply, on the evidence currently available.

Traffic speed is irrelevant to committee considerations and has not been considered.

There is no evidence before committee suggesting this premises will be run badly and the proposed DPS is experienced and is not objected to by any responsible authority.

### **Rights of appeal**

Rights of appeal are set out in Schedule 5 of the Licensing Act 2003.

Where a person who made relevant representations in relation to the application desires to contend—

- (a) that the licence ought not to have been granted, or
- (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of section 18 of that Act,

he/she may appeal against the decision.

Any appeal should be raised with a magistrates' court within 21 days of receipt of the written decision appealed against.



Signed.....Chair, Licensing Sub-Committee.

Dated 16<sup>th</sup> February 2022