



**NORWICH**  
City Council

## **NORWICH CITY COUNCIL**

### **NOTICE OF DETERMINATION**

**Date of Hearing:** 13 January 2020 at 10:15 am. Hearing held remotely under SI 2020 / 392

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

**Address:** Pizza GoGo, 19 Wensum Street, Norwich, NR3 1LA

**Applicant:** Zarmina Ali Hamdani (not in attendance)

**Members of the Licensing Sub-Committee:** Councillor Stutely (Chair), Councillor Huntley and Councillor Youssef.

Other persons attending committee: Mr Syed Atif Ali Hamdani (attending on behalf of Applicant); Ms Ruth Sidebottom (objector); Maxine Fuller Public Protection (Licensing) advisor; Norwich City Council; Sarah Moss, solicitor, nplaw.

#### **DETERMINATION**

1. There were no apologies or declarations of interest.
2. Councillor Stutely (Chair) confirmed that the Sub-Committee meeting would be heard in public via a live-streaming function.
3. Ms Fuller presented the report.
4. The Chair welcomed those present (Ms Sidebottom not present at this point) to the Sub-Committee meeting. Mr Hamdani confirmed that he was attending on behalf of the Applicant as their partner and business manager and that he did have the authority to make decisions on the Applicant's behalf.
5. Mr Hamdani outlined the background to the application for variation of the premises licence, stating that the original premises licence had been granted in September 2020. However, the Covid 19 pandemic had significantly affected the business and the Applicant was looking to extend the opening hours to help the business survive through current financial difficulties and beyond. Owing to current coronavirus legislation, the business was only able to make deliveries and customers were not allowed inside the premises.

6. In response to questions raised by the Counsellors, Mr Hamdani confirmed that 40-50% of the total orders were received after 11pm, although business did increase after 7-8pm. Customers were of all ages, including local residents.
7. Mr Hamdani stated in response to the objection raised by Ms Sidebottom that the Applicant had no wish at all to trouble local residents and was keen to put measures in place to mitigate any potential public nuisance. Mr Hamdani had already spoken to the few delivery drivers he had about not sounding vehicle horns or slamming doors, requesting that they telephone the premises on arrival.

*(10.30am - Ms Sidebottom joined the hearing and received an overview of the proceedings so far from the Chair).*

8. Ms Sidebottom outlined her objections regarding the application, stating that the customer area inside the premises was very small, which could lead to customers waiting outside the premises and a noise disturbance being caused for local residents, particularly if customers had been drinking. Ms Sidebottom also expressed concerns about increased rubbish in the area, both outside the premises and in the local area. She suggested that a potential solution may be to limit the service available in any additional hours to delivery only and put in place provisions to limit noise and ensure that rubbish would be cleared up regularly.
9. Mr Hamdani reiterated that he was willing to work with local residents to minimise any nuisance, including the provision of SIA door staff on Friday and Saturday nights from 10pm to close of business, monitoring and reducing noise nuisance relating to deliveries and customers (including through use of signage) and removing rubbish within a reasonable distance from the premises. He had already agreed conditions with the police relating to CCTV and a risk assessment regarding the provision of security staff. Mr Hamdani confirmed (in response to a question raised by Ms Moss, Legal Advisor to the Sub-Committee) that he was willing to offer conditions relating to the above.

*(Hearing closed to allow time for drafting of wording of conditions by Legal Advisor to the Committee on behalf of the Applicant)*

10. On reopening of the hearing, the Legal Advisor to the Committee advised Mr Hamdani before reading out the proposed wording for each condition that he was under no obligation to accept the wording of the conditions put forward and was free to change, add to or omit wording as he wished. Mr Hamdani was also offered time in private after the reading of each condition, to consider the wording. Mr Hamdani confirmed that he was happy with and accepted the wording for each of the following conditions:

- i. The premises licence holder shall operate a 24/7 CCTV system to cover the area of the premises open to the public and immediately outside the premises, such CCTV system to be maintained in good working order and operated by trained staff. The CCTV footage is to be stored for a minimum of 28 days and be made available to the police or Licensing Authority on request.
- ii. The premises licence holder shall put in place a written risk assessment for the premises, assessing the need for employment of Security Industry Authority (SIA) licensed door staff, such risk assessment being made available to the police or Local Authority on request. The licence holder shall ensure that an appropriate number of SIA door staff are employed on a Friday and Saturday night from 10pm until close of business, with the employment of SIA door staff on other nights of the week being determined by the findings of the risk assessment.
- iii. For the avoidance of public nuisance, the premises licence holder, premises supervisor and any door supervisors shall ensure that delivery drivers do not sound their horns or slam car doors loudly at arrival of the premises, at any time.
- iv. The premises licence holder shall provide clear and legible notices displayed at the exit and immediate external area of the premises requesting customers waiting at or leaving the premises to have regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors or sounding vehicle horns and requesting them to leave the area quietly and dispose of rubbish appropriately.
- v. The premises licence holder shall collect on a regular basis and at close of business very day any business food packaging within the immediate vicinity of the premises and at a reasonable distance from the premises.

11. Ms Sidebottom confirmed that she believed the Applicant's proposed conditions to be fair and that they addressed her concerns adequately.

## **DECISION OF THE LICENSING SUB-COMMITTEE**

The Sub-Committee approved the application for variation of the premises licence with modification and addition of conditions as mentioned above.

## **REASONS FOR THE COMMITTEE'S DECISION**

In coming to its decision, the Committee had regard to the Statutory Guidance published under S182 of the Licensing Act 2003, as well as the Council's own licensing policy.

The Sub-Committee were unanimously of the opinion that sensible controls had been provided by condition in respect of noise, prevention of crime and litter and the licensing objectives of public nuisance and the prevention of crime and disorder had been upheld accordingly. It was also noted that the police representation had been withdrawn on the Applicant's agreement to controls in relation to CCTV and risk assessment for the employment of SIA staff. The objector's agreement and contribution to the discussion as to the proposed controls was noted.

## **RIGHT OF A PARTY TO APPEAL AGAINST THE DECISION OF THE LICENSING SUB-COMMITTEE**

The Applicant and any person who has submitted a relevant representation may appeal this decision at the Magistrates Court within 21 days of the date on which they are notified in writing of this decision in accordance with the following appeal provisions under Schedule 5 of the Licensing Act 2003: –

(1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.

(2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.


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

(a) that any variation made ought not to have been made, or

(b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,

he may appeal against the decision.

Dated 17 February 2021

Signed:  (Chair, Licensing Sub-Committee)