



NORWICH City Council

Notice of Determination

Date of Hearing: Friday 14th September 2012

Licence Type: Application for Variation of a Premises Licence

Name of Applicant: Murco Petroleum Limited of 4 Beaconsfield Road, St Albans, Hertfordshire, AL1 3RH

Name of Premises: Costcutter Express, St Benedicts filling Station

Postal Address of Premises (or description of premises): 9 Dereham Road, Norwich, NR2 4HY

Licensing Sub-Committee:

Councillors Kendrick (Chair), Button and Henderson

Other Persons Present:

Ian Streeter - Licensing Manager
David Lowens - Solicitor/Committee Clerk
Caroline Richardson – Interested Party

On behalf of the applicant:

Chris Mitchener – Licensing Specialist
Andy Edwards – Regional Manager, Murco
Nick Perduno – Area Manager, Murco
Mr Arumainayagam Suthakaran – Designated Premises Supervisor

Determination:

The Committee heard from the applicant and from interested party Caroline Richardson of 27 Dereham Road, Norwich, NR2 4HY.

Mr Mitchener addressed the Committee on behalf of the applicant. He noted that this was an application to vary a premises licence for a premises already open for trade for 24 hours per day to enable them to sell alcohol during extended hours. The applicant noted the application complied with national and local guidance and further noted there were no representations from any responsible authorities. He asked the Committee to give weight especially to the fact that there was no Norfolk

Constabulary objection to the application and therefore noted that the police were happy with the proposal. The applicant stated the premises were well run and in answer to a suggestion in the agenda papers in particular denied that there was a crowd of vagrant and/or drunken persons on site waiting for the premises to open for alcohol sales in the morning. The applicant noted that the concerns of the local residents were sincere but suggested that they were not issues that were within the control of the applicant and instead suggested that difficulties with street drinking were matters for the Norfolk Constabulary. The applicant provided Committee with sight of the refusals book in use at the premises together with details of the training provided to staff and checked by management in respect of alcohol sales. The applicant discussed the Challenge 25 policy and the CCTV system and confirmed that entry inside the premises building during late evening and early morning hours was within the discretion of the staff. In summary the applicant noted that there was no direct evidence against these premises which could be relied on in refusing this variation.

Caroline Richardson asked questions of the applicant relating to the presence of staff, the location of the CCTV and the Challenge 25 policy.

The designated premises supervisor confirmed that he was present often from the early morning and supported the comments made on behalf of the applicant.

Ms Richardson summarised her concern stating that the residential area within which the premises lies already had problems with antisocial behaviour and that there was no need for this variation. The applicant summarised its application stating that the complaints had no relevance to the variation of licenceable activities applied for, that there were no police objections to the proposal and no evidence against granting this application, and mentioned the case of Thwaites. Committee was provided with the refusals book and training manuals in use at the premises. The applicant also gave details of the proposed amendment to the plan of the premises.

The Committee's decision:

The Committee reviewed the evidence heard in private.

The Committee granted the variation sought including to the plan of the premises.

The Committee's reasons:

The premises appear well run and the refusals book and training paperwork indicated that care and attention was being paid to the licensing objectives. There had been no evidence from Ms Richardson of activities at these premises contrary to the licensing objectives which arose from her own experience. The Committee was able to give only limited weight to anecdotal points especially in view of the contrary comments provided by the applicant. The Committee gave weight to the fact that the Norfolk Constabulary had made no objection to the variation application.

In summary and noting the availability of a review procedure, there was insufficient evidence to show that any of the licensing objectives would be harmed by the granting of the variation sought.

Right of a 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 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.

Dated this 14th September 2012