

Notice of Determination in respect of an application for a variation of premises licence 20/01335/PREM for The Shop, University Plain, University of East Anglia.

Licensing Sub-Committee date – 20th January 2022. This hearing was held remotely.

Members of committee present– Councillors Stutely (Chair of committee), Button and Sands.

Applicant – University of East Anglia

List of attendees:

	Name	Role
1	Cllr Sally Button	Committee member
2	Cllr Susan Sands	Committee member
3	Cllr Ian Stutely	Committee member
4	Phil Steele, Director of Sport and Commercial Services, UEA	For the applicant
5	Wendy Storey, Head of Catering and Retail, UEA	For the applicant
6	Simon Joseph	Objector
7	Rachel Bennett	Officer
8	Leonie Burwitz	Officer
9	David Lowens	Solicitor, legal advisor

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. It was confirmed that the applicant was happy to proceed without legal representation.

Ms Bennett presented the report, noting in summary that this was an application to extend off sales of alcohol to 3am on all days.

Mr Steele addressed committee, noting that the premises licence holder worked closely with the security persons on campus and had the flexibility to respond quickly to concerns under the licensing objectives. There were growing concerns regarding student welfare, especially when travelling off campus at night to obtain alcohol from local 24 hr sites such as the Fiveways garage and the food court at Bowthorpe Road. Mr Steele suggested that granting the variation would assist the concerns of the objector Mr Joseph regarding possible anti-social behaviour as students would no longer need to travel off-campus during the proposed opening hours to obtain alcohol. The proposals had been discussed with the campus security team and the Norfolk Constabulary.

Mr Steele mentioned in response to Cllr Sands that the LCR finishes at 3am on club nights.

Security patrols are organised to take account of events on campus and there is an extensive CCTV system in operation at the UEA. The LCR was close to the shop and it was expected that after close of entertainment the site would be cleared in 15 to 30 minutes with most attendees then making their way home.

In response to a question from the Chair regarding the police concerns noted in correspondence shown in the agenda, Mr Steele mentioned that security persons had radio communications, if there is a build up of persons this would be noted and dealt with. Students who wished to drink were able to obtain alcohol from other sources, he did not feel that the variation would lead to increased drinking. The shop would not be selling alcohol at a time when students were leaving the LCR en masse. Mr Steele noted the concerns of the objector but suggested the variation about shop sales should not be confused with noise from the LCR, that latter matter was not relevant. CCTV enabled the behaviour of students in larger groups to be monitored.

Mr Joseph addressed committee. He lived on Bluebell Road and felt the UEA was not a good neighbour regarding responding to complaints. Alcohol sales were not needed at 3am. He wondered why the 24-hour outlets mentioned had been given licences and was concerned regarding the behaviour of persons drinking. He was concerned that the application was even being considered. Mr Joseph had no questions for the applicant, other than asking how staff from the shop would safely travel home at the end of a shift.

Mr Steele mentioned that staff would travel home via arranged taxi. He appreciated the wider ramifications alluded to by Mr Joseph but there was good discipline on campus. The telephone number for the 24-hour security team on campus was available and he would mention the concern to the manager of the security team.

Ms Storey confirmed that the night hatch would be used from 23:00 rather than from midnight if the application was successful, and proposed condition agreed with the police of "The shop will use a night hatch from midnight until close" was amended accordingly by the applicant.

Ms Storey also confirmed that the shop operated a Challenge 25 process rather than Challenge 21 and condition 8 of Annex 2 of the premises licence was amended accordingly. The control of age restricted items was enforced via a till prompt

In response to a question from the Chair it was confirmed that the premises did use a refusals book and Ms Storey confirmed that the applicant wished to include the following condition in their operating schedule:

A refusals book in both written and electronic formats will be in use to record any refusal of an age restricted product, and this data will be available to the police and the licensing authority upon request.

Decision of committee

Committee approved the application and did not feel that it was appropriate to impose any further conditions.

This was the unanimous decision of committee.

Reasons for the committee's decision

The committee notes that the Norfolk Constabulary are their primary source of advice regarding the crime and disorder licensing objective and give significant weight to the fact that they have no outstanding concerns regarding the licensing objectives.

The committee notes and gives weight to the lack of objections from the public protection section of the council, relevant to concerns regarding public nuisance.

The applicant has discussed matters with the police and mitigation exists regarding concerns, such as the use of campus security where needed.

The committee has carefully noted the concerns of Mr Joseph, however need is not a relevant consideration for the committee. There is no provided evidence to show a link between the extension of hours and an increase in crime and disorder, noting the security and CCTV mitigation available and noting the views of the Norfolk Constabulary. So far as the variation decreases the foot traffic outside campus in the early hours of the morning an extension of hours is likely to marginally reduce noise concerns. The committee notes the statutory guidance regarding the behaviour of members of the public being a matter for personal responsibility when beyond the immediate area surrounding the premises (paragraph 2.24) and also notes the existence of the review procedure.

The committee appreciates the amended conditions such as the use of Challenge 25 and the operation of a refusals book in the promotion of the licensing objectives.

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 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 section 35 of the Act,

he 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 16th February 2022