



NORWICH City Council

Notice of Determination

Date of hearing: Thursday 17 October 2013

Licence type: Application for a variation of a Premises Licence

Name of applicant: Motor Fuel Group Limited

Name of premises: Costcutter Express

**Postal address of premises
(or description of premises):** Plumstead Road Service Station, Plumstead Road,
Norwich NR1 4JT

Licensing Sub-Committee (“the Committee”):

Councillors Gayton (Chair), Harris and Stammers

On behalf of the applicant: Mr Chris Mitchener, Licensing Agent

Responsible Authorities None

Other Persons Present Mr Ian Streeter, Norwich City Council, Mr D Lowens, nplaw.

Determination:

The councillors heard from the representative of the applicant company. There was no attendance by those local residents who had made representations.

The applicant described the nature of the business and responded to the written representations received from local members of the public. The applicant mentioned the reasons for their application and answered questions about staff training and controlled access to the premises during the night. The applicant mentioned that they were not aware of any incidents of disorder or public nuisance arising at these premises and confirmed that the close circuit television included the forecourt of the premises. The applicant mentioned that whilst Challenge 21 was mentioned in the operating schedule the applicant was operating Challenge 25 currently.

The Licensing Sub-Committee's decision:

The Sub-Committee imposed the following changes to the conditions in Annex 2:

1. Condition 7 was amended to add, "such request to be made via the designated premises supervisor or their designated person".
2. Condition 3 – this condition was amended by the replacement of "Challenge 21" by "Challenge 25" and the replacement of "embraced" by "utilised".
3. Condition 16 – this condition was amended to replace "Challenge 21" with "Challenge 25" and the replacement of "embraced" with "utilised".

The application to extend the hours for the sale by retail of alcohol (for consumption off the premises) and the additional conditions sought were otherwise approved.

The Committee's reasons:

The members of the Licensing Sub-Committee took account of the fact that there were no representations made by responsible authorities. The councillors had considered the comments of the local residents but felt that there was insufficient evidence before them to justify refusal of the application on the basis of the residents' concerns as it had not been shown that the granting of the application would involve nuisance and disturbance to local residents. The members of the Sub-Committee noted that they should not take account of purely speculative matters and they gave weight to the lack of objections from the Norfolk Constabulary when considering crime and disorder and public nuisance. The members of the Licensing Sub-Committee in accordance with the statutory guidance did not take account of the need or otherwise for further alcohol sales when considering this application.

The changes to the conditions mentioned above were carried out to assist data protection in respect of condition 7 and to assist the protection of children from harm and the enforceability of these conditions relating to proof of age in respect of conditions 3 and 16.

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, has a right of appeal to the Magistrates' Court within 21 days of the date on which they are notified of the decision.

Dated this 22 October 2013