

## **Public discussion only**

### **Notice of Determination in respect of an application for the grant of a premises licence for 16 Prince of Wales Road, Norwich.**

Committee date – 21 September 2021.

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

List of attendees:

	<b>Name</b>	<b>Role</b>
1	Cllr Ian Stutely	Committee member
2	Cllr Caroline Ackroyd	Committee member
3	Cllr Adam Giles	Committee member
4	Hemn Hamaamin Fatah	Applicant
5	Daniel Bayatgolam	Applicant's proposed Designated Premises Supervisor
6	Michelle Bartram	Norfolk Constabulary, objector
7	Cllr Lesley Grahame	Objector
8	Leonie Burwitz	Officer
9	Rachel Bennett	Officer
10	David Lowens	Solicitor, legal advisor

## **Summary Notes of Hearing**

There were no declarations of interest and no apologies for absence.

There were additional papers to those shown on the agenda, namely an email and letter from the Norfolk Constabulary, which had been circulated in advance of committee.

Mr Fatah addressed committee. He amended the hours sought by the application, namely in respect of Monday to Thursday to seek licensing hours and opening hours to 24:00, on Friday night/Saturday morning to 01:00 and on Saturday night/Sunday morning to 01:00. Mr Fatah confirmed his agreement to the matters set out in the police correspondence of 20<sup>th</sup> September 2021 and that these would be introduced to his proposed operating schedule.

Ms Bartram on behalf of the Norfolk Constabulary addressed committee, noting that the police were very concerned with persons in Prince of Wales Road using off licence premises to “pre-load”, being the rapid consumption of alcohol before entering a venue, which made it difficult for the venues to manage these persons once inside the premises. Having an off licence in Prince of Wales Rd open to the hours suggested will assist pre-loading. An off-licence premises already open to 3am

in this street has caused problems and this would be added to by a further off licence within walking distance of these others. The operating schedule as originally proposed was insufficient to promote the licensing objectives and it was useful that the conditions proposed had been agreed.

The police concern was mainly with the hours, after midnight footfall increased. A closing time of midnight was suggested by the police as appropriate.

The police also had concerns regarding persons taking the alcohol outside and drinking in the street, the police would need to take action to promote public order. Many customers choose to ignore the advice given in warning notices and open the purchases immediately outside the premises to consume them in the street, and a gathering of persons may need a police presence. Ms Bartram asked committee to note the comments in the expanded police representation.

Ms Bartram also noted concern regarding an absent DPS, the proposed DPS having another licensed premises in Diss, and the police had concerns that there would not be anyone appropriately trained who was present in the premises.

Mr Bayatgolam addressed committee, noting that he would be on site on a daily basis and as much as he could. Signage would be placed and persons who were drunk would not be served.

Cllr Grahame addressed committee, noting she did not feel it was possible for the premises licence holder or his staff to control the behaviour of persons once they had left the shop. Prince of Wales Road had many problems, and she requested the application be rejected.

Cllr Grahame asked the applicant how he would protect children and prevent crime and disorder taking place on the street, he responded that drunk persons would not be served and that a security guard would be available post 8pm. They would call the police if needed.

(At this point the live stream was turned off and the committee continued in the absence of the public, considering confidential data and having determined that it was appropriate to consider some matters in private).

(Committee then returned to public matters and the livestream restarted)

The applicant was asked by the Chair to give details of signage and other controls over the behaviour of the public, the proposed DPS responded that drunk persons would not be served and they would look to find security staff. The applicant responded that if matters were not in front of him then they were beyond his control.

The proposed conditions were discussed and the applicant confirmed the following changes to the proposed operating schedule in addition to the agreed conditions contained in the correspondence from the Norfolk Constabulary, namely the introduction of the following:

1. Multipacks will be opened and each item of alcoholic stock will be individually marked with the premises name or initial (This is an addition to the condition starting "All alcoholic stock at the premises").

2. A minimum of one SIA staff is to be employed as door control from 8pm on all days until close of business.
3. SIA staff (or other staff when SIA staff are not present) will inform all customers leaving the premises with alcohol that they should not drink in the street.

### **Decision of committee**

The application for a premises licence was granted, however a condition was imposed relating to opening and licensed hours, namely that in respect of both licensed activities and opening hours the closing time was to be no later than 24:00 on all days.

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

This is the unanimous decision of committee.

The original proposed operating schedule was very poor, with insufficient evidence of promotion of the licensing objectives. The proposed operating schedule conditions, as amended by the introduction of the conditions proposed by the police and as added to by the applicant during committee, now promote the licensing objectives.

The licensed hours sought by this application were reduced at the start of committee. Committee thinks it is appropriate to reduce these further and specify a 24:00 close, taking account of and giving weight to the views of the police regarding the problems which are already arising in Prince of Wales Road from antisocial behaviour arising from the consumption of alcohol from off-licence premises and noting the s182 guidance under the Licensing Act 2003 that the police are a primary source of advice regarding the crime and disorder licensing objective.

### **Rights of appeal**

Rights of appeal are set out in Schedule 5 of the Licensing Act 2003. Any appeal should be raised with a magistrates' court within 21 days of receipt of the written decision appealed against.

Signed:



Councillor Ian Stutely, Chair, Licensing Sub-Committee.

Dated 18 October 2021