



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Hearing: 30 August 2012

Licence Type: Application for Variation of Premises Licence

Name of Applicant: Karunanithy Kumarasamy

Name of Premises: Bootleggers

Postal address of Premises: 76, Prince of Wales Road, Norwich, NR1 1NJ

Licensing Sub-Committee: Councillors Kendrick (Chair) Button and Neale

Determination-: The Committee heard the application for a variation of the premises licence at the above premises. The variation asked for was to extend the hours for the sale by retail of alcohol for consumption off the premises until 04:00hrs Sunday to Thursday and to operate an alcohol delivery service for the hours requested Sunday to Monday and the existing hours on Friday and Saturdays.

Norfolk Constabulary made representations as a Responsible Authority and residents from St Faiths Lane and Cathedral Street, Norwich also made representations.

The committee heard that the police felt that the hours requested would undermine the licensing objectives in that there was a significant likelihood of an increase in crime and disorder beyond the hours of 3am. The premises is located in the heart of the night time economy zone where incidents already occur and by selling alcohol until 04:00hrs would encourage patrons to buy alcohol and remain rather than dispersing. The police also gave details of an incident which was witnessed by a police officer when a male was seen to enter the shop to make a purchase and when he left the premises staggered up the street knocking into cars as he passed, appearing to be already intoxicated. The committee also heard that the staff in the premises had not believed him to be intoxicated when he was sold the alcohol.

The committee also heard evidence of voluntary work undertaken between the owners of licensed premises on the street and the police licensing team, to limit their opening hours and the sale of alcohol in order for the police to be able to maintain public order and the police felt that to extend the hours as asked for would undermine the licensing objectives and the efforts made by other premises owners.

The committee heard from the applicant that he employed an SIA doorman and Fridays and Saturdays evenings.

The police had suggested conditions to the variation which they felt would be appropriate to promote the licensing objectives and these were the following:

- The staff to be trained in relation to the sale of alcohol and a record of this training, to be available on-site to police or the licensing officer upon request.
- Challenge 21 Policy to be in use.
- A CCTV system shall be installed and in use at all times when the premises is open for business and maintained in good working order, CCTV to be recorded and stored for 28 days and to be available to police or the licensing authority upon their request.
- That there would be one SIA door supervisor employed from 22:00hrs until close on Friday and Saturday nights.
- A record of the door supervisor's name, badge number, date and shift times will be kept on the premises and be available to police and the licensing authority.
- That alcohol delivered, would not be supplied to public spaces- and an address to be provided for all sales.
- Names, addresses and contact numbers of customers to be taken before delivery.
- Any person receiving a delivery of alcohol and who appears to be intoxicated or unable to confirm their age as being over 18 with I.D. will be refused the alcohol.

The applicant stated that he wanted to vary his operating schedule by adopting the conditions suggested by the police and listed above.

The committee heard from nearby residents about already existing problems with crime and disorder and with people drinking alcohol in Cathedral Street and St. Faiths Lane, Norwich and causing fear and noise nuisance with aggressive attitudes and threats and leaving broken glass and various bodily fluids around the area which residents clean up.

The committee heard from the applicant in respect of this who asserted that there was no evidence that these people had purchased items from his premises and could have obtained alcohol elsewhere.

The Sub-Committee's Decision:-

The Committee granted the application in respect of the proposed delivery service but did not grant the extended hours, for sale by retail of alcohol for consumption off the premises or for the delivery service.

The committee imposed a condition upon the premises licence that the applicant mark his stock with the premises name, in order that if alcohol related disturbances occurred, the police, residents and the applicant would be able to ascertain if the alcohol in question was purchased from these premises.

The Committee's Reasons:-

The committee found that there was evidence that the noise and other disturbances complained were as a result of alcohol fuelled behaviour. There was anecdotal evidence from residents that people purchased alcohol from Bootleggers and then drank it near the resident's homes. The committee also took into account that other premises in the area sold alcohol. The committee considered the efforts made by the police and other premises owners to attempt to reduce crime and disorder in this area and it was felt that extending the hours was not appropriate and would undermine the licensing objectives.

Right of a Party to appeal against the determination of the Authority.

For your information, applicants and any party who made a relevant objection, 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 12 th September 2012