



NORWICH
City Council

Notice of Determination

Date of Hearing: 24 April 2013

Licence Type: Review of a Premises Licence

Name of Applicant: Norfolk County Council Trading Standards Service

Name of Premises: Norwich Mini Market and Off Licence, 31 St Stephens Road,
Norwich

Licensing Sub-Committee:

Councillors Kendrick (Chair) Thomas and Henderson

Other Persons Present:

Messrs Harris and Lucking on behalf of the Applicant, Mr B Hardie on behalf of Messrs Sert and Capti, Messrs Sert and Capti as Respondents, Ms M Bartram on behalf of the Norfolk Constabulary together with P.Cs Spinks and Brown, Mr I Streeter as Licensing Officer, two members of the press, Ms T Eddison from nplaw.

Determination

The Committee listened carefully to all the representations made by the two officers Messrs Harris and Lucking on behalf of the Applicant, the representations made for and on behalf of the Respondents by the Solicitor Mr Hardie and the Respondents themselves being Mr Capti the Licence Holder and Mr Sert and the representations made by the Council's Licensing Officer Mr Streeter and the representative for the Police Ms Bartram in respect of the assertion that Mr Capti the Licence holder had not been served with notice of the application for review in the required time period.

The Committee's decision:

The Committee refused to hear the application for review as it was not satisfied that the Licence Holder had been given the required notice of the review, together with its accompanying documents, in accordance with S51(3)(a) of the Licensing Act 2003 and Regulation 29 of the Licensing Act 2003 (Premises Licences) Regulations 2005.

The Committee's reasons:

The Committee were mindful of the strict statutory requirement on the Applicant to give notice containing details of the application to the holder of the premises licence and each responsible authority within the prescribed period.

On the balance of probabilities the Committee considered that there was a real prospect that the Licence Holder did not receive notice of the review as required.

In reaching this decision it was not persuaded that the Licence holder had any difficulties in receiving post, but was persuaded by the date the Licence Holder had sought legal advice namely 5 April 2013.

The Committee further placed considerable weight on the fact that the Applicant was unable to produce any documents to prove service on the Licence Holder.

The Committee were also surprised that the Agenda appeared to contain no paperwork addressed to the Licence Holder.

Due to the element of doubt, the Committee considered the benefit of the doubt should fall in favour of the Licence Holder, due to the potential prejudice non service may cause to him.

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 or 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 25 April 2013