



NORWICH
City Council

Notice of Determination

Date of Hearing: Wednesday 21 November 2012

Licence Type: Application for the Grant of a Premises Licence

Name of Applicant: Jomist Leisure Limited, Queenshead House, The Street, Acle, Norfolk NR13 3DY

Name of Premises: Zootz

Postal Address of Premises (or description of premises): 13 – 17 Bank Plain, Norwich NR2 4SF

Licensing Sub-Committee:

Councillors Kendrick (Chair), Neale and Stammers

Other Persons Present:

Ian Streeter - Licensing Manager, Norwich City Council
Luke Parker – Legal advisor to the Committee (Solicitor, nplaw)
Rosalyn Thompson – Trainee Solicitor, nplaw
Tony Shearman – Responsible Authority (Environmental Protection, Norwich City Council)

On behalf of the applicant:

Brian Hardie – Birketts solicitors
John Pooley – Applicant
Nick Perduno – Applicant (proposed Designated Premises Supervisor)

Determination:

Ian Streeter, the Licensing Manager, presented the Head of Citywide Services' report to the Licensing sub-committee ("the Report").

The Committee heard from the Applicant via Mr Hardie. He noted the representations from Fosters solicitors. He said that the Premises will have toilets so it is unlikely that its customers will want to leave and use neighbouring doorways instead. Also there would be CCTV of the outside smoking area and door supervisors in the evening which should discourage such activity from taking place.

Mr Hardie drew the Committee's attention to Appendix B to the Report and the steps to promote the licensing objectives. Mr Hardie said that condition (e)(1) on page 13 of the Report contained an error and should read "under the age of 18 years" rather than "under the age of 21 years".

The Committee heard from Mr Shearman who represented Environmental Protection at Norwich City Council, a responsible authority. He said that both the licensing and planning regimes need to be in place and until recently have been considered separate. He referred the Committee to paragraph 9.41 of the Guidance issued under section 182 of the Licensing Act 2003. Mr Hardie advised that the applicant has submitted an application under both regimes but they are entirely separate and he is not involved in respect of the planning application. Mr Hardie noted that the Planning Officer had no objection to the licensing application.

Mr Parker noted the proposed standard days and hours for the licensable activities as shown at paragraph 3 of the Report and the first two conditions at paragraph 8 which had been added to the operating schedule following discussion with Norfolk Constabulary. Mr Parker said the timings are misleading as drafted as they run into the following day but on a literal interpretation of what has been proposed this is not so. Mr Parker asked the Applicant if they would accept his proposed revised format for the timings which had been circulated to all those present so that there is no doubt as to the days and times when the licensable activities are permitted and when the SIA door supervisors need to be deployed on duty. Mr Hardie thought the timings as proposed were generally acceptable and queried the apparent 1 minute interval in the revised timings. He was advised that the revised format of the timings reflected those as applied for as they are inclusive timings.

The Committee's decision:

The Committee granted the application subject to the format of the inclusive timings for the licensable activities and SIA door supervisor duty times as revised by the legal advisor to the Committee.

The Committee's reasons:

The Committee noted the representations from Environmental Protection and that the issues raised would be a matter for the planning process. They noted the provision of the statutory guidance to which Mr Shearman directed their attention and that at present the planning application for the Premises has yet to be determined.

The Committee noted that the Planning Officer had no objection to the licensing application.

In respect of the representations from Fosters solicitors concerning past and future anti-social behaviour in the area the Committee did not find a linkage with the Premises and the concerns raised. The Committee gave weight to the fact that the Norfolk Constabulary had made no objection to the application following discussion with the Applicant and the additional conditions being added to the operating schedule. The conduct of customers beyond the immediate vicinity and control of the Premises is a matter for individual responsibility and for Norfolk Constabulary.

In summary and noting the availability of a review procedure, there was insufficient evidence to show that any of the licensing objectives would be harmed by the granting of the premises licence.

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, 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 21st November 2012