

Agenda

Licensing and Gambling Acts Sub-Committee

Members of the Committee:

Cllr R Elliott (Chairman)

Cllr J Easter

Cllr J Halls

Date

Tuesday 13 October 2020

Time

10.00 am

Place

Remotely at
South Norfolk House
Cygnet Court
Long Stratton Norwich
NR15 2XE

Public Attendance

The meeting will be live streamed for
public viewing [here](#)

Contact

Claire White
tel (01508) 533669
South Norfolk District Council
Cygnet Court
Long Stratton Norwich
NR15 2XE

Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

If you have any special requirements in order to attend this meeting,
please let us know in advance

Large print version can be made available

A G E N D A

- 1. To report apologies for absence and identify substitute voting members (if any);**
- 2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972. [Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.];**
- 3. To receive Declarations of Interest from Members;**
(Please see guidance form and flow chart attached to the agenda page 4)
- 4. Application for a New Premises Licence;** (papers attached page 6)

Premises: The Norfolk Spirit Company
46 Minnow Way, Mulbarton, NR14 8FP (appendix 1 – page 11)
(appendix 2 – page 17)
Applicant: Benjamin Crisp (appendix 3 – page 18)
Application for: New Premises Licence (appendix 4 – page 19)
(appendix 5 – page 21)
(appendix 6 – page 29)
(appendix 7 – page 31)

Members of Committee and Accreditation details:

Members of Licensing, Appeals & Complaints and the Licensing and Gambling Acts Committees	Expiry of training accreditation-Taxi	Expiry of training accreditation-Licensing Act 2003
Elliott Cllr R	29/05/21	29/05/21
Kemp Cllr W	03/06/21	03/06/21
Burrill Cllr D	29/05/21	29/05/21
Curson Cllr F	03/06/21	03/06/21
Easter Cllr J	29/05/21	29/05/21
Glover Cllr L	03/06/21	03/06/21
Halls Cllr J	29/05/21	29/05/21
Hardy Cllr P	29/05/21	29/05/21
Holden Cllr T	29/05/21	29/05/21
Hornby Cllr J	03/06/21	03/06/21
Legg Cllr N	29/05/21	29/05/21
Rowe Cllr J		
Savage Cllr J	03/06/21	03/06/21
Spruce Cllr T	03/06/21	03/06/21
Wilby Cllr J	29/05/21	29/05/21

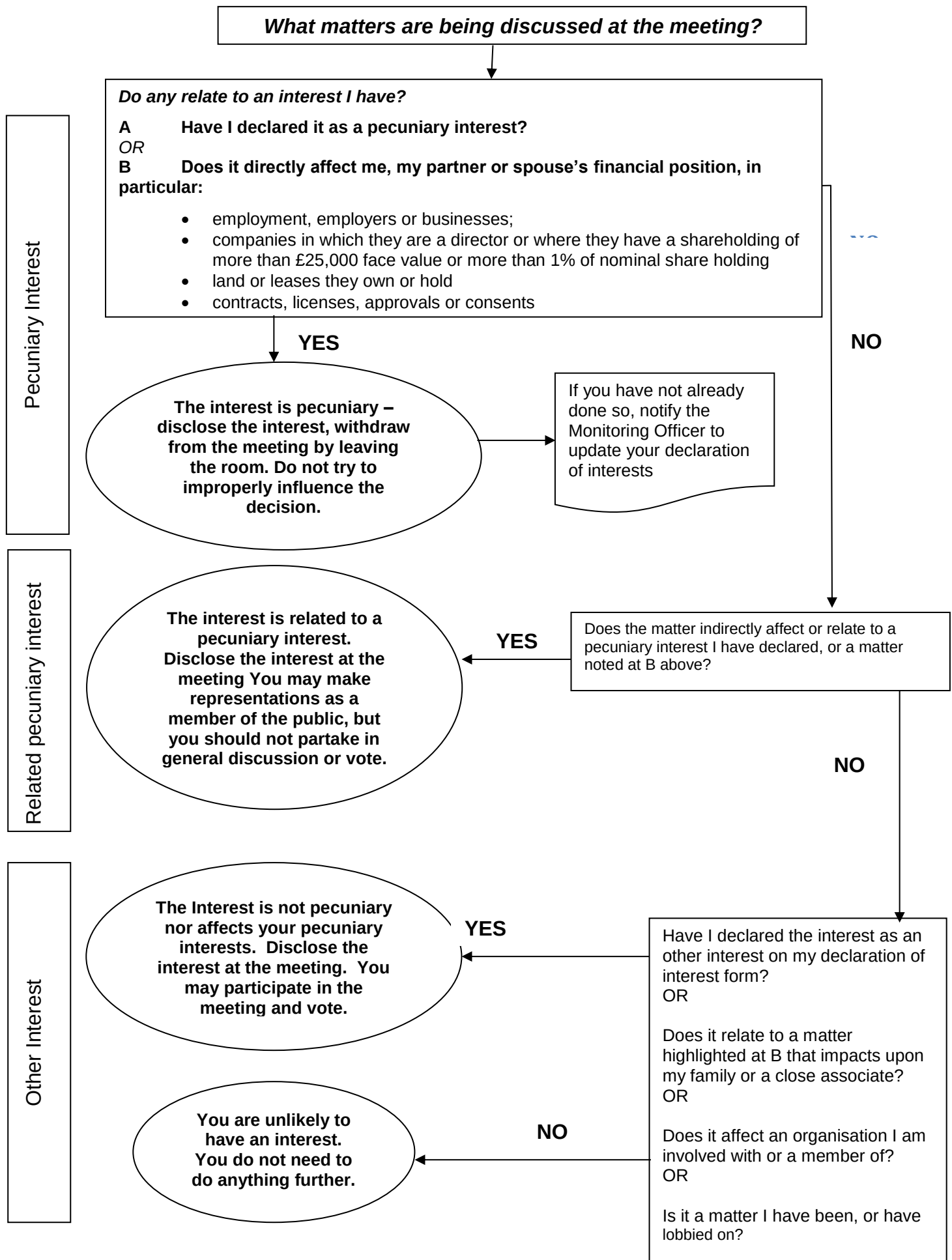
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.
Does the interest directly: 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in If the answer is "yes" to any of the above, it is likely to be pecuniary. Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.
Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above? If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.
Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST
INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Agenda Item:4
Licensing and Gambling Acts Sub Committee
13th October 2020

Application for a new premises licence
The Norfolk Spirit Company, 46 Minnow Way, Mulbarton, NR14 8FP

Report Author(s): Martina Wilson
Licensing and Enforcement Officer
01508533956
mwilson@s-norfolk.gov.uk

Portfolio: Regulation & Public Safety

Ward(s) Affected: Mulbarton & Stoke Holy Cross

Purpose of the Report:

The purpose of this report is to determine an application for a new premises licence where an objection has been received.

Recommendations:

The Sub-Committee is expected to make its determination based on an assessment of the evidence on both the risks and benefits for or against making the determination, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

The Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

Where a licensing authority determines an application, it must notify the determination and its reason of making it to –

- (a) The holder of licence
- (b) The applicant
- (c) Any person who has made relevant representations, and
- (d) The chief officer of police for the police area in which the premises are situated

1. INTRODUCTION

- 1.1 An application was received for a new premises licence for The Norfolk Spirit Company, 46 Minnow Way, Mulbarton, NR14 8FP. A relevant representation has been made regarding this application.
- 1.2 Given the above, the application must be determined by a hearing of the Licensing and Gambling Acts Sub-Committee.
- 1.3 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
 - (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The revised guidance issued under section 182 of the Licensing Act 2003;
 - (c) South Norfolk Council's Statement of Licensing Policy published in January 2016;
 - (d) The representations (including supported information) presented by all parties.

2 BACKGROUND

- 2.1 South Norfolk Council is the authority responsible for issuing licenses within the district under the Licensing Act 2003, which came into effect on the 24th of November 2005.
- 2.2 Since the Licensing Act 2003 came into effect, further legislative amendments have been made through the Live Music Act 2012 and the Deregulation Act 2015.
- 2.3 As part of the application process, the applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local publication on at least one occasion within 10 workings days after the application has been submitted.
- 2.4 In accordance with the Licensing Act (Hearings) Regulations a notice of the application was also published on the Council's website for the duration of the consultation period.

3 PROPOSALS

- 3.1 An application was submitted on the 19th August 2020 by Mr Benjamin Crisp. The application form is attached as Appendix 1 and the proposed plan of the premises as Appendix 2.
- 3.2 The application requests the following licensable activity:

The supply of alcohol for consumption off the premises via online sales only:

Monday – Sunday 24hrs a day

Opening hours – whilst the premises will not be open to the public 24hr online sales are proposed
- 3.3 The applicant provided further details in support of his application which are attached as Appendix 3.

- 3.4 In response to the consultation the following representations were received: -
- Police – No objection
 - Fire – Std response raising no objection but providing guidance relating to fire risk assessments
 - Planning – No objection
 - Community Protection – No objection. Applicant to implement measures in their operating schedule. A copy of this representation can be found as Appendix 4.
 - Parish Council – Objections raised under the licensing objectives – the prevention of crime and disorder, public safety and the prevention of public nuisance. A number of these objections are not relevant as they do not relate to licensable activities. However, the applicant has sent a response to each of the points raised. A copy of both are attached as Appendix 5.

4 CURRENT POSITION/FINDINGS

- 4.1 Sales made online, by telephone or mail order are specifically referred to in the Revised Guidance issued under section 182 of the Licensing Act 2003 at 3.9 taken from Section 190 of the 2003 Act. A copy of these can be found as Appendix 6.

5 PROPOSED ACTION

- 5.1 The application for a new premises licence must be determined by a hearing of the Licensing Sub Committee, as under the Act, determination may not be delegated to officer level. This determination should only be made in relation to received representations relevant to the content of this application, the four licensing objectives, the Revised Guidance issues under Section 182 of the Licensing Act 2003 and South Norfolk Council's Statement of Licensing Policy published in January 2016.

6 OTHER OPTIONS

- 6.1 The authority must, having regard to the application and any relevant representations, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are –

(a) To grant the licence subject to –

- (i) the conditions mentioned in subsection(2)(a) modified to such extent as the authority considers (appropriate) for the promotion of the licensing objectives, and
- (ii) any conditions which must be met under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premise's supervisor;

(d) to reject the licence.

- 6.2 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged.

Licence conditions;

- (a) must be appropriate for the promotion of the licensing objectives;
- (b) must be precise and enforceable;
- (c) must be unambiguous and clear in what they intend to achieve;
- (d) should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- (e) must be tailored to the individual type, location and characteristics of the premises and events concerned;
- (f) should not be standardised and may be unlawful when it cannot be demonstrated that they are not appropriate for the promotion of the licensing objectives in an individual case;
- (g) should not replicate offences set out in the 2003 Act or other legislation;
- (h) should be proportionate, justifiable and capable of being met;
- (i) cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- (j) should be written in a prescriptive format.

- 6.3 There is a right of appeal to the Magistrates Court within 21 days.

7 ISSUES AND RISKS

- 7.1 Resource Implications – None

- 7.2 Legal Implications – Yes, legal advice sought at Committee Hearing

- 7.3 Environmental Impact – see licensing objectives

- 7.4 Equalities Impact – The sub-committee, in its decision making, must have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

- 7.5 Crime and Disorder – see licensing objectives

- 7.6 Risks – the council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal in the Magistrates Court.

8 RECOMMENDATIONS

- 9.1 The Sub-Committee is expected to make its determination based on an assessment of the evidence on both the risks and benefits for or against making the determination, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

- 9.2 The Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.
- 9.3 Where a licensing authority determines an application, it must notify the determination and its reason of making it to –
- (a) The holder of the licence
 - (b) The applicant
 - (c) Any person who has made relevant representations, and
 - (d) The chief of police for the police area in which the premises are situated

Appendices

Appendix 1 - Application Form

Appendix 2 - Proposed Plan

Appendix 3 – Supporting application document from the applicant

Appendix 4 – Representation from Community Protection South Norfolk Council

Appendix 5 – Representation from the Parish Council & applicant's response

Appendix 6 – Correspondence from the Parish Council & officer's response

Appendix 7 - Relevant section of Revised Guidance issued under section 182 of the Licensing Act 2003 and Section 190 of the 2003 Act.

Martina Wilson

From: eforms@s-norfolk.gov.uk
Sent: 12 August 2020 22:11
To: Licensing Team
Subject: New Premises Licensing Application (WEB-PRN-21)
Attachments: IMG_0153.HEIC; Bens passport.pdf; Consent Page 1.jpg

Categories:**New Premises Licensing Application (WEB-PRN-21)**

A new premises application has been received.

Application

Applicant capacity:
b) limited company/limited liability partnership

Reason for application:
Carry on business

Premises details

Premises address:
**46 Minnow Way
Mulbarton
Norfolk
NR14 8FP**

Premises contact number:

NNDR value:
A (£0-4300)

Premises plan send method:
Attach

Applicant details

Name:
Benjamin Crisp

Main contact:

Yes

Address:

|
|
|

Registered number:

Description of applicant:
Company Director

Preferred contact:
Telephone

Contact number:

Email:

|

Operating schedule

Premises licence start:
13/09/2020

Premises licence limited period:
No

Premises description:
The premises is a double garage that is situated on my premises. It is my intention to only use these premises for the sale of alcohol via retail sales from the companies website direct to the customer via courier and so no public will be permitted to enter these premises.

Expected attendance exceeds 5000:
No

Open times

Sunday	●●●●●	—	●●●●●
Monday	↓		↓
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday	↓		↓

Seasonal variations:

Non-standard timings:

Activity - alcohol

Sunday

Monday ~~00:00:00 - 23:59:00~~ 00.00 - 00.00

Tuesday ~~00:00:00 - 23:59:00~~

Wednesday ~~00:00:00 - 23:59:00~~

Thursday ~~00:00:00 - 23:59:00~~

Friday ~~00:00:00 - 23:59:00~~

Saturday ~~00:00:00 - 23:59:00~~

↓

✓

↓

✓

Place:

Off the premises - online sales

Further details:

The premises will be solely used for the sale of alcohol via retail to customers via the companies website and so no music will be played on these premises.

Seasonal variations:

n/a

Non-standard timings:

n/a

Designated premises supervisor

DPS is an individual.

Name:

Mr Benjamin Crisp

Date of birth:

:

Address:

:

:

:

:

Personal licence number:

20/00273/PLPERS

Issuing licence authority:

Consent method:
Attach

Adult entertainment

Providing adult entertainment:
No

Licensing objectives

a) General - all four licensing objectives (b, c, d and e):

First and foremost, the premises are located on my property where my family live and as such I intend that there will be no disruption to affect them or to damage community relations I have built up from living here. I intend to adapt my working practises to never highlight that there is a business located on my premises. The premises to be licensed is the garage of a private dwelling house. A small amount of alcohol shall be stored in the garage prior to being despatched via a courier service to customers. Therefore no opening hours have been proposed within this application. Alcohol supplied under the licence will be via orders taken through the company's website (www.norfolkspiritco.co.uk) and dispatched from these premises direct to the customer via a courier service only, there will never be any music played or members of the public in the premises. There is no other intended use now or in the future for the premises. These premises will never be open to the general public for sales of alcohol by retail. Only myself and my partner will have access to the Licensed Premises where we intend to promote a good working practice of the four licensing objectives at all times.

b) The prevention of crime and disorder:

Minimal stock will be kept at the premises, the remaining stock will be stored in a secure lockup away from the property. There is no public access and the sales of alcohol shall only be permitted where it can be consumed off the premises. The risk of undermining the crime and disorder objectives is therefore deemed extremely low. As a result there are no other measures deemed appropriate for the promotion of this licensing objective.

c) Public safety:

All alcoholic products have been produced by the English spirit distillery following all guidelines. I have copies of all their documentation and this is the exclusive source of my products. I will not be purchasing products from any other sources. There will be no public access to these premises and therefore public safety shall not be undermined. Therefore, there are no other measures deemed appropriate to this application in respect of public safety.

d) The prevention of public nuisance:

The licensed premises shall be used to store a minimal amount of goods prior to them being despatched to fulfil orders which have been placed through a website. Items shall be collected by couriers who will collect during normal office hours (between 0800hrs and 1800hrs Monday to Friday) Deliveries and collections will only take place a maximum once a day. The nature of the business operation makes the risk of public nuisance very remote. For these reasons, there are no additional measures deemed appropriate to promote this licensing objective other than those already contained within other legislation.

e) The protection of children from harm:

Alcohol products sold from these premises shall only be sold via a website. The premises licence holder shall ensure that any website used to sell alcohol have an age verification process in place to ensure alcohol is not purchased by persons under the age of 18. Delivery of age restricted items can only be delivered to the address on the shipping label, but this can include the reception of a commercial building. A signature of the recipient will be required upon delivery. The premises license holder shall adopt a 'Challenge 25' approach to delivery of age restricted products. Photo identification will be required if a person appears under 25, to prove they are over 18 year old. An age restricted item can be delivered to another adult over the age of 18 at the same address. Delivery to a neighbour or nominated safe place location is not available for these items. If an adult over the age of 18 is not available at the address, or if an adult has not been able to show valid photo identification under the 'Challenge 25' approach the item will be returned to the premises for re-delivery. Acceptable photo identification shall be as per Home Office guidance on acceptable means of identification. The premises license holder will only permit alcohol products to be purchased by a credit card or other form of electronic payment such as PayPal or similar.

Correspondence

Name:

Benjamin Crisp

Address:

4
1
1
1

Preferred contact:

Telephone

Contact number:

(

Email:

(

Submit

The customer has ticked the box to indicate they have read and understood the right work entitlements.

The customer has ticked the box to indicate they understand they must advertise their application.

The customer has ticked the box to indicate that if they don't comply with the requirements their application will be rejected.

Payment

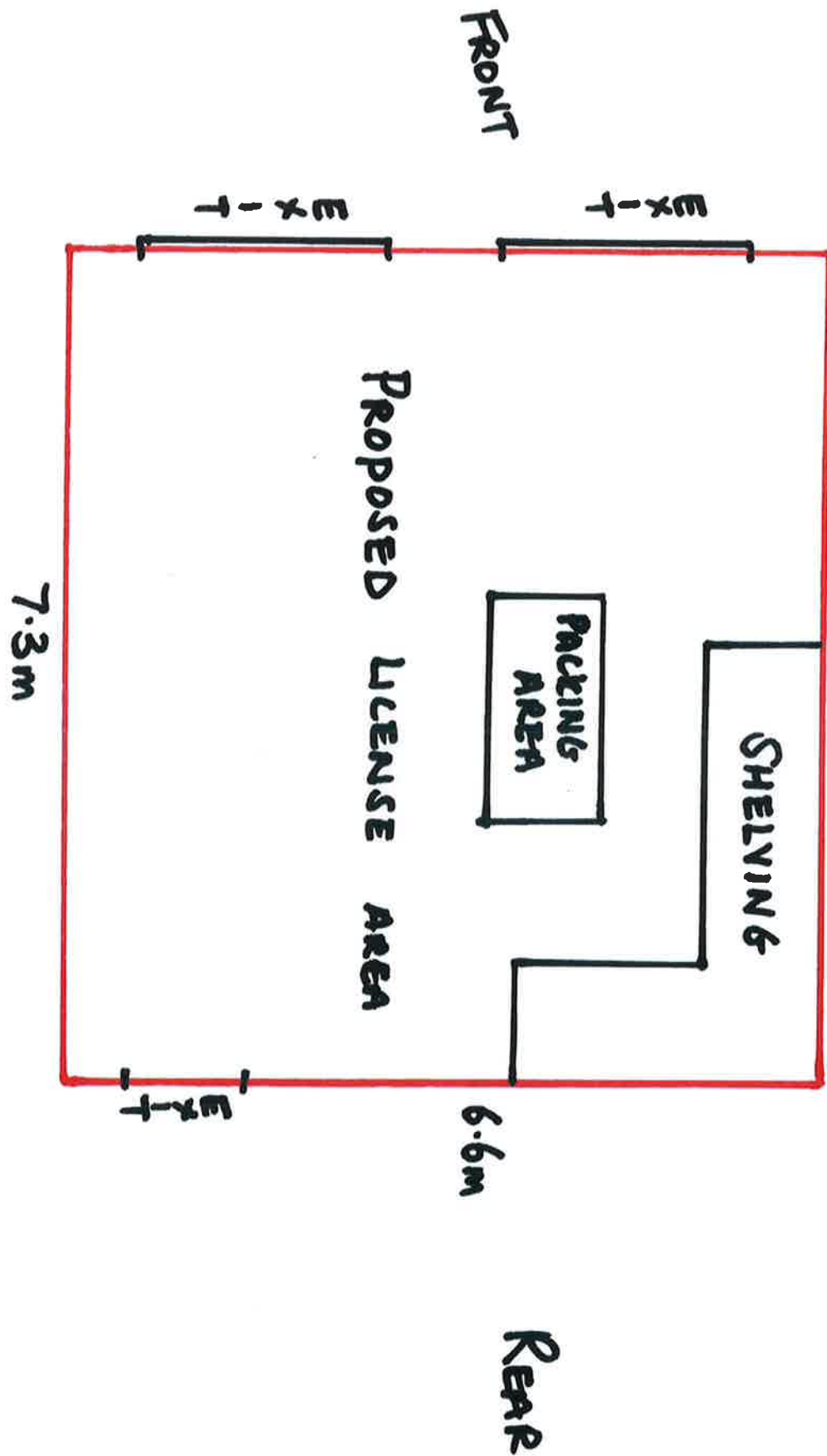
Payment method:
Online

Receipt number:
167910

Follow us







Norfolk Spirit Company
46 Minnow Way
Mulbarton
NR14 8FP
19th August 2020

Dear Martina,

Please could you include the following additions to my premises license application for 46 Minnow Way:

- I have consulted Norfolk and Suffolk police website for extra security for my property. Although I still maintain that minimal stock will be kept in my premises at all times, I will add enhanced security locks to the corners of my front property doors, increased locks on the rear of my property and a CCTV camera at the front in addition to the one that I currently have at the rear.
- There will be no machinery used in my premises at anytime and all doors will remain closed at all times whilst packing.
- I will complete a fire risk assessment as required by the Regulatory Reform (Fire Safety) order 2005.

Kind Regards

Ben Crisp

From: Amanda Cox
Sent: 27 Aug 2020 04:25:00
To:
Subject: 20/00448 - Norfolk Spirit Company - New premises application
Attachments:

Good afternoon Ben,

Please see attached below a representation received from Mr Nicholas, Senior Community Protection Officer with regard to your application for a new premises licence.

Should the licence be granted you will have a legal obligation to comply with those conditions attached under your operating schedule and for this reason I do not require a response from you. This email serves merely for your information.

Kind regards

Amanda Cox
 Licensing & Enforcement Officer
 t 01508 533621 e acox@s-norfolk.gov.uk



This email and any attachments are intended for the addressee only and may be confidential. If they come to you in error you must take no action based on them, nor must you copy or show them to anyone. Please advise the sender by replying to this email immediately and then delete the original from your computer. Unless this email relates to Broadland District Council or South Norfolk Council business it will be regarded by the council as personal and will not be authorised by or sent on behalf of the councils. The sender will have sole responsibility for any legal actions or disputes that may arise. We have taken steps to ensure that this email and any attachments are free from known viruses but in keeping with good computing practice, you should ensure they are virus free. Emails sent from and received by members and employees of Broadland District Council and South Norfolk Council may be monitored.

From: Adrian Nicholas <ANicholas@S-NORFOLK.GOV.UK>
Sent: 24 August 2020 10:37
To: Martina Wilson <mwilson@s-norfolk.gov.uk>
Cc: Licensing Team <LicensingTeam@S-NORFOLK.GOV.UK>
Subject: RE: 20/00448 - Norfolk Spirit Company - New premises application

Hi Martina,

Thank-you for consulting Environmental Protection with regard to a new Premises Licence Application for The Norfolk Spirit Company, 46 Minnow Way, Mulbarton, Norfolk, NR14 8F.

I note from the application form that:

- The apparent mode of operation of this business is the online sale of alcohol from a detached double garage to a detached house.
- The hours of opening are 00:00hrs to 00:00hrs Monday to Saturday.
- It is also stated in the application that there will never be any members of the public on the premises and no music played and that the premises will never be open to the general public for sales of alcohol by retail.
- Collections or deliveries will take place between 08:00hrs and 18:00hrs.

We also note that there is some separation between the detached double garage in question and neighbouring dwellings. In addition, there would appear to be sufficient space for delivery / collection vehicles to stop in front of the garage without significantly impacting the amenity of neighbouring dwellings.

Having regard to the above, we would not wish to register an objection to this application subject to any Premises Licence issued requiring either:

- The applicant to implement the measures they have outlined in their application for "The prevention of public nuisance".

OR

- The applicant to produce and implement a nuisance management plan that includes details of the measures outlined in the application form for "The prevention of public nuisance" will be achieved. The nuisance management plan shall be to the written approval of the Licensing Authority.

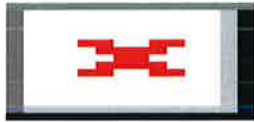
Regards,

Adrian.

Adrian Nicholas

Senior Community Protection Officer

t 01508 533722 e anicholas@s-norfolk.gov.uk



This email and any attachments are intended for this addressee(s) only and may be confidential. If they come to you in error you must take no action based on them. You must not copy or share them in any way. Please advise the sender by replying in this email immediately and then delete the original from your computer. Unless this email relates to Broadland District Council or South Norfolk Council business it will be regarded by the council as personal and will not be authorised by or sent on behalf of the council. The sender will have sole responsibility for any legal actions or disputes that may arise. We have taken steps to ensure that this email and any attachments are free from known viruses but in keeping with good computing practice, you should assume they are virus free. Emails sent from and received by members and employees of Broadland District Council and South Norfolk Council may be monitored.

Premises Licence Application (New) application for The Norfolk Spirit Company, 46 Minnow Way, Mulbarton, Norfolk, NR14 8FP

Applicant – *Mr Benjamin Crisp*

Having considered this application and the information supplied by the applicant, Mulbarton Parish Council (MPC) at it's Council meeting on 7 September 2020 decided to oppose this application.

Before setting out the reasons for opposing this application against each of the 4 licensing objectives, MPC wish the following points be taken into account.

1. MPC is concerned that neighbours have not been formally consulted about this application.
2. MPC considers it important that you are fully aware of the type and location of the premises. The house is a five bed detached property with an adjacent double garage sited on the corner of Minnow Way and Gudgeon Road within a recently built residential estate of some 180 properties. The house faces an area of recently planted flowering lawn with anti-parking posts. There is public access to the side of the property along a strip of grass. The house and garage was built recently (in the past 2 years) by Hopkins Homes. It is surrounded by residential houses, many of which are occupied by families. The type of materials and security of these properties is well known. The property is situated on a bend on a narrow road.
3. The applicant's company, Norfolk Spirit Company, has according to companies house, the following 3 aspects;
 - 46342 Wholesale of wine, beer and spirits and other alcoholic beverages.
 - 47810 Retail sale via stalls and markets of food, beverages and tobacco products
 - 47910 Retail sale via mail order houses or via internet.

MPC is concerned that the business could develop into a much larger scale, and hence a more disruptive, operation than is claimed in the application.

4. MPC notes with concern the findings of recent research which shows that current methods of age verification, as proposed in this applicant, are ineffectual (Effective age-gating for online alcohol sales, Muirhead, J. & Grout, V., Wrexham Glyndwr University, 2020).

Turning to MPC's specific reasons to object to the application:

a) General

MPC does not accept that it will be possible for the applicant to stop or avoid people knowing that there is a business located at his premises nor the nature of that business. The address of the business is readily available on the company's and Company House website. It is already known locally to be taking place.

The applicant refers to the storage of "small" and "minimal" amounts of alcohol. No definition of what is meant by small or minimal is given. Once the Premises Licence is granted there will be nothing to stop the applicant from transferring spirits currently stored in a lock-up on a different site to the garage. There will be nothing to stop the applicant from storing larger quantities of alcohol in the garage as the commercial enterprise grows. In particular, MPC is concerned that the

current arrangement using a fulfilment company and the use of an off site storage facility will be ended and the business operation transferred to 46 Minnow Way.

MPC believes that it will be impossible for the business to operate without introducing commercial vehicle movements into a residential area which will cause a nuisance to neighbours in particular and have a negative impact on the village in general. This will be particularly relevant as the business grows.

The property is situated on an estate specifically designed and laid out for residential properties. The road layout is narrow and twisted and not designed for commercial vehicles other than occasional deliveries to homes. In addition, access to the estate from Cuckooofield Lane has and continues to be a cause of concern and complaints regarding safety and is unsuitable for large commercial vehicles.

b) The prevention of crime and disorder

MPC believes the storage of alcohol in a garage in a residential setting will constitute a significant risk to crime and disorder and will be a very attractive target for criminals.

c) Public Safety

The risk of crime has been covered above. Other concerns that MPC has include:

- The property is situated on a bend and road junction with no parking or pavement opposite, courier vans and delivery lorries or other parked vehicles would create a safety issue to other road users and residents.
- The business will create an increase in traffic through a residential estate with roads which are narrow and designed to slow the flow of traffic to the 20 mph limit. They were also designed on the basis of low traffic numbers.
- Children and families will be located next to the garage and need to walk past the area on that side of the road as there is no alternative pavement.
- Courier companies are notorious for timing and MPC do not see or believe the claims that this can be controlled.
- MPC believe there is a significant fire risk of alcohol, paper, cardboard and other packaging being stored in a "standard" garage. MPC ask that the fire service carry out a proper and independent assessment of the premises.

d) Prevention of a public nuisance

As has been stated above, MPC considers that the granting of this Premises Licence will cause a significant public nuisance particularly to neighbours and those living on the routes into and out of the estate. Councillors do not agree with the applicant that it will be possible to coordinate deliveries and collections.

MPC is most concerned that the granting of this licence will result in the establishment of a significant commercial enterprise in the middle of a residential estate that will cause a nuisance to neighbours and one that will create commercial traffic movements via roads that were not designed for such traffic.

Dear Anne,

I hope this finds you well

Firstly, just to let you know that I missed the deadline for submitting the advert for my application in the newspaper so have had to resubmit the application. I'm pleased to say that the advert was published in the Diss Mercury last week. The deadline is now the 17th of September 2020 and as I have previously said I am incredibly happy for any members of the Parish Council to visit me to discuss my application and view the premises I am applying for a license. I wanted to wait until the licensing team at South Norfolk Council approved my new application until I replied to your original representations. It has taken me longer than I had hoped with both myself and my partner going back to work and looking after a teething 11 month when at home, it's been hard to find the time to give it my full attention. I assume that your representations remain the same. Please see my response to your original email, I have included your questions (in red) just for ease.

The applicant is already operating this business without the appropriate licence, yet no action has been taken to stop this. It has been possible, since the notification of the premises licence application was received by MPC, to order and pay for bottles of spirits on the Norfolk Spirit Company website, address given as 46 Minnow Way.

I would like to clarify that I am not operating the business without the appropriate licenses. Please see my explanation.

I can confirm that I am running a business from 46 Minnow Way, I can also confirm that my products are being sold on my website. However, as I touched on in my email dated 7th August 2020 and I state on my website I use a licensed fulfilment company that allows me to do this. I do not need a premises license to do this, they do, and they have. I handle no products in any of the transactions.

I can also confirm that I am selling my products to local shops and public houses around the county. This is not a licensable activity and my company is AWRS registered which allows me to do this, I do not require a premises license for this. My AWRS number is XNAW00000114105 and is also stated in my T&C which is found on my website.

I can also confirm (although I haven't yet due to the current climate) that I intend to trade at farmers markets and local shows. I have a personal license that allows this and as long as the premises that they event is taking place is licensed, then I am able to sell my products. If the premises are not, then I am able to apply for a Temporary License through the council and my personal license to allow me to trade at the premises. I do not need a premises license for this.

I can also confirm that I have a small amount of stock on my premises, approximately 12 bottles at the time I write this. The products have the appropriate duty paid, it's my property and my product. Once again, I do not need a premises license for this.

The reason that my address is on the website is that it is my registered business address, it's also on the T&Cs. I believe this is common practise for businesses and doesn't mean that goods are stored there. However, I am happy to take the address down if it's not required, thought it will need to remain in my T&Cs which are found on my website.

It is unlikely that neighbours have been properly informed about this application. The formal notices regarding the application appear to have been placed on the garage doors which is some distance from the public highway. Neighbours are unlikely to see them and are unlikely to cross private land to read them.

I have spoken to my direct neighbours; they are supportive of my venture. I have moved the blue notice on to public land and has an unrestricted view. I was mistaken in thinking the sign had to be on my property and attached to the part that was up for license, in this case my garage. However, I placed it on my garage door next to public land, so nobody had to cross my land, though they were welcome to.

MPC was informed at its meeting on 3 August by SNC District Cllr Vivienne Clifford-Jackson, following a meeting with the applicant, that she has informed you of her support for this application. However, MPC is concerned and regrets that in reaching her decision, Cllr Clifford-Jackson did not consult MPC or the neighbours of the applicant's property.

I'm unsure why this forms part of the MPC representations and is perhaps an issue between SNC District Cllr Vivienne Clifford-Jackson and yourselves. SNC District Cllr Vivienne Clifford-Jackson has visited my property as arranged to discuss my application which she is within her rights to do, she is not part of the decision making process. I answered her questions and she included me in an email to South Norfolk Licensing team that she had no objections. I don't believe it is SNC District Cllr Vivienne Clifford-Jackson duty to consult the neighbours, that's what the blue notice and newspaper advert is for. SNC District Cllr Vivienne Clifford-Jackson has been very approachable and supportive to which I am grateful for. SNC District Cllr Vivienne Clifford-Jackson like any member of the public is entitled to contact me regarding my application as it's a public notice, I invite any member of Mulbarton Parish Council to visit me.

Norfolk Spirit Company, according to companies' house, has the following 3 aspects:

- 46342 Wholesale of wine, beer and spirits and other alcoholic beverages.
- 47810 Retail sale via stalls and markets of food, beverages and tobacco products
- 47910 Retail sale via mail order houses or via internet.

The application states that the use will be solely for the supply of alcohol via orders taken through the company' website i.e. no 47910 as listed by Companies House. The licence application does not refer to the other 2 elements, listed above.

Is MPC correct to assume that the premises will not be used in connection with 46342 and 47810 as listed by Companies House?

If MPC cannot assume this, then MPC ask that the application is resubmitted to reflect this. MPC is concerned that the business could develop into a larger scale operation without proper consideration of the licencing objectives.

Your assumptions are correct, and I will not be resubmitting as these are not valid representations. The application for 46 Minnow way is solely for the purpose of category 47910 Retail sale via mail order houses or via internet which is a licensable activity and why I am applying for a premises license where the other categories are not. Wholesale (business to business) requires an AWRS registration which my business has, not a premises license. As I stated before I am selling to local businesses however I am part of a group called the Norfolk Hub, they hold a quantity of my stock, sell and deliver to local businesses on my behalf, so I only take the products from my storage to them. Should my application be approved then I will have a legal obligation to comply with conditions under my operating schedule which was only for the retail of alcohol through internet.

MPC do not accept that it will be possible for the applicant to stop or avoid people knowing that there is a business located at his premises nor the nature of that business. The address of the business is readily available on the company's and Company House website. It is already known locally the activities that are taking place at the premises.

I have no issues with people knowing that there is a business operating from the premises. I am aware of many businesses that are operating in and around Mulbarton. My point was that there will be no visual activity that would highlight that there is a business located here and no activity to cause a nuisance to anyone around. The only activity will be the packaging of goods in a locked garage away from the public and a courier collecting the goods, nothing more, I intend to keep good relations with my neighbours.

Could you confirm what activities are already known to be taking place? My garage up to this weekend was full of my parents' possessions and I have a fulfilment company dispatching the products, so other than day to day business activities such as writing emails and sending invoices there is no activity to note. If it was due to a number of vans around my property that I believe one of your members had seen one day last month, I explained in the email dated 7th August 2020 that this was my parents moving their possessions in to my garage for storage. These were cleared on Saturday 29th August using another van.

MPC believes the storage of large quantities of alcohol in a "standard" garage will constitute a significant risk to crime and disorder.

The applicant is proposing to store a high value product in a garage which as the applicant himself describes as "a standard detached garage".

Unless it has been altered from the standard Hopkins Homes specifications, the garage will only have two metal garage doors with twin locks of nylon tongues into metal slots. The wooden side door to the garage is secured by a single point lock possibly not of residential quality.

The address of the alcoholic storage is readily available from Companies House and the premise address is on the company's website that is already being used for sales. There is

public access alongside the property next to the garage. MPC believes this will be a very attractive target for criminals. There could also be customers who arrive unannounced to attempt to purchase alcohol.

In my email dated 7th August 2020 I stated that there would not be large quantities of alcohol stored in my garage and my stance on this hasn't changed. My products are stored at a suitable secure location away from my property where only a few people have access to the building and only myself to the stock. The premises have secure doors and 24/7 CCTV and is fully insured and away from the public. However, regardless of whether the garage is licensed or not I am entitled to store duty paid alcohol in my garage, where we do agree is that storing large quantity would not be sensible. The vast majority of houses on the estate have a standard garage and are used to store cars, bikes, tool etc which would all be more desirable and valuable than a small quantity of alcohol. Your comments would suggest that garages shouldn't be used as storage for any item of value such as a car. I have consulted the Norfolk and Suffolk police website regarding extra security measures for my garage and will implement them. However once again I will not be storing large quantities of alcohol in my garage at any time.

The address on companies' house is the registered business address, it does not state that large quantities of alcohol are stored at the address and as previously stated I do not store alcohol here, the address that I do store my products is not visible on the internet. There are thousands of business with a home address as the registered business, this doesn't mean that stock will be kept there.

I doubt very much that customers would arrive unannounced and attempt to buy alcohol. Should this happen then I would advise them that the products are only available online or in one of the shops that stock my products. It would be against my operating schedule to sell alcohol to a member of the public at this address and it's something that I would not do.

The property is situated on a bend and road junction with no parking or pavement opposite; any delivery / courier vans or other parked vehicles would create a safety issue to other road users including cyclists and pedestrians.

With there being no pavement opposite children and families will need to walk past the premises and navigate around any delivery/collection vehicles.

The business will create an increase in traffic through a residential estate with a speed limit of 20 mph limit. The estate roads were designed to be narrow and winding on the basis of low traffic numbers.

Courier companies are notorious for timing and MPC do not see or believe the claims that this can be controlled. There is no mention of the type of vehicles that will be used for delivery of goods for the business to store pending re-packaging for outward transit/sale.

MPC believe there is a significant fire risk of alcohol, paper, cardboard and other packaging being stored in a "standard" garage. MPC request that the Fire Service carry out a proper fire safety assessment of the premises.

In the 2 years that I have lived here never have I seen a delivery van obstruct the pavement or cause families to navigate around them. Your comments suggest that no deliveries should take place at my property.

Representation received from Mr Nicholas who is the Senior Community Protection Officer at South Norfolk Council states –

“We also note that there is some separation between the detached double garage in question and neighbouring dwellings. In addition, there would appear to be sufficient space for delivery / collection vehicles to stop in front of the garage without significantly impacting the amenity of neighbouring dwellings”.

I do not receive regular deliveries for my business, at the very most there would be one delivery every 3 months, however as my products are stored away from my premises it is likely that the deliveries will not be to this property. The delivery vehicle will be no bigger than the refuse collection vehicle that navigates its way around the bend successfully a number of times a week.

I expect low volume of sales, hence why I am attempting to use my garage instead of renting a commercial unit. I have stated that at most I would use one courier collection on a day after I have sold a product. I have contacted a courier who has confirmed that the collection of any goods will be done by the driver who is already delivering on the route so the majority of times the vehicle will be on the estate dropping items off to other properties so not creating any additional traffic. I don't anticipate a large volume of sales so there will not be daily collections and I will ensure that the time that I book a collection will be between 0800 – 1800 Monday to Saturday.

As required, I will complete a fire risk assessment which is required by the Regulatory Reform (Fire Safety) order 2005. There will be very little products stored in the garage and there won't be a source of ignition.

MPC considers that the granting of this Premises Licence will cause a significant public nuisance to neighbours and those living on the routes into and out of the estate. Councillors do not agree with the applicant that it will be possible to coordinate deliveries and collections. It is evident that running this business from a residential property will, by default, generate more traffic and nuisance to neighbours.

MPC has concerns that this could develop into an operation larger than that described in the application, particularly in light of the fact the business is already operating without the necessary licenses.

The way of shopping has changes, especially in recent times. With online shopping becoming more normal there is a huge rise in deliveries made to residential areas. 7 days a week I count countless supermarket delivery van from all the major supermarkets, couriers from amazon, DPD, fed-ex etc delivering goods to residence close to me who have ordered online, many will be delivering alcohol and these will continue if I am granted a license or not. I am unaware of MPC claiming that these are causing nuisance to the neighbourhood, they cause me no distress. One of these

delivery vans stopping at my premises a number of times throughout the month and collecting goods I believe will go un-noticed by my neighbours.

I would love my business to develop into something larger than what it is now. I have aspirations of a distillery and shop down the line. However, I am aware of the limitations that come with my garage. However, it is more than suitable for me to use to build my business up so that I have a good foundation that will allow me, when established to rent a larger unit that will allow me to grow further. I once again confirm that I am not operating without the appropriate licenses.

I believe that I have covered all of your representations, if I have missed anything please contact me and I will ensure that I cover these. Once again, I am happy for any (or all) of the members of the Mulbarton Parish Council to visit me, I am willing to attend a Parish Council meeting (subject to my work commitments). I am very keen to resolve our differences; I do not wish to cause any disruption to the neighbourhood that I live on and have good relationship with the families that live here. I do not intend to run a large business with multiple deliveries/collections a day, simply an option that allows me to ship any orders that I may take from my online business while it grows and it can sustain the cost of renting a larger unit, instead of putting myself and family under financial pressure. I would like to be able to resolve this between ourselves rather than go to a hearing which will use a lot of peoples time.

Please feel free to contact me if you require any further information.

Dear Anne,

With regard to the operating schedule, the consultations received each raised no objection to the application and therefore additional conditions were not proposed. Having looked through the application myself I feel the applicant has adequately covered each of the licensing objectives and whilst slight amendments will be made to the wording (should the application be approved) they will remain as intended on the application form.

Amanda Cox
Licensing & Enforcement Officer



Good afternoon,

Please see below email sent to Martina who we now understand is out of the office.

Kind regards
Anne

Anne Phillips

Clerk, Mulbarton Parish Council

Parish Office, The Common, Mulbarton, NR14 8AE

Please note: the Parish Office is only open part time. Emails will be checked twice a week.

**STAY
ALERT** ▶ **CONTROL
THE VIRUS** ▶ **SAVE
LIVES**

From: Mulbarton Parish

Sent: 23 September 2020 17:23

To: Martina Wilson <m.wilson@mulbartonpc.org.uk>

Subject: 20/00377/PLANEW - The Norfolk Spirit Company - New premises application

Good afternoon Martina,

Thank you for your email dated 18.09.2020.

The Parish Council will need to consider and discuss your response at their meeting on Monday 5th October and then advise if they wish to uphold their objections.

In order to assist their discussions and deliberations are you able to advise/clarify the conditions that could be applied?

Kind regards

Anne

Anne Phillips

Clerk, Mulbarton Parish Council

Parish Office, The Common, Mulbarton, NR14 8AE

www.mulbartonpc.org.uk

Please note: the Parish Office is only open part time. Emails will be checked twice a week.

**STAY
ALERT** ▶ **CONTROL
THE VIRUS** ▶ **SAVE
LIVES**

against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

Mobile, remote, internet and other delivery sales

- 3.8 The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act. Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.
- 3.9 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.
- 3.10 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

Regulated entertainment

- 3.11 Schedule 1 to the 2003 Act sets out what activities are to be treated as the provision of regulated entertainment and those that are not and are therefore exempt from the regulated entertainment aspects of the licensing regime, including incidental music – (see paragraphs 16.1 to 16.3 below). Chapter 16 of this Guidance document sets out the types of entertainment regulated by the 2003 Act.

Licensing Act 2003

2003 CHAPTER 17

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

Interpretation

190 Location of sales

- (1) This section applies where the place where a contract for the sale of alcohol is made is different from the place where the alcohol is appropriated to the contract.
- (2) For the purposes of this Act the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Licensing Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by 2015 c. 20 s. 67(2)Sch. 17
- s. 2(1A) inserted by 2015 c. 20 s. 67(1)
- s. 8(1)(ba) inserted (temp.) by 2020 c. 16 s. 11(3)
- s. 10(4)(a)(xiv) inserted (temp.) by 2020 c. 16 s. 11(4)(a)
- s. 10(4)(e) and word inserted by 2011 c. 13 s. 121(3)(b)
- s. 10(4)(da) inserted (temp.) by 2020 c. 16 s. 11(4)(c)
- s. 57(2A)(2B) inserted (temp.) by 2020 c. 16 s. 11(6)(a)
- s. 57(12) inserted (temp.) by 2020 c. 16 s. 11(6)(f)
- s. 140(2)(e) inserted by 2015 c. 20 s. 67(4)(b)
- s. 141(2)(e) inserted by 2015 c. 20 s. 67(5)(b)
- s. 143(2)(e) inserted by 2015 c. 20 s. 67(6)(b)
- s. 144(2)(e) inserted by 2015 c. 20 s. 67(7)(b)
- s. 147A(4)(c) inserted by 2015 c. 20 s. 67(8)(b)
- s. 153(4)(d) inserted by 2015 c. 20 s. 67(9)(b)
- s. 172F-172L and cross-heading inserted (temp.) by 2020 c. 16 s. 11(2)
- s. 172F(10)(d) power to amend conferred by 2020 c. 16 s. 11(11)s. 11(14)(a)
- s. 172K(3) power to amend conferred by 2020 c. 16 s. 11(12)
- s. 197(3)(cza) inserted by 2015 c. 20 s. 67(12)(a)
- s. 197A197B inserted by 2011 c. 13 s. 121(2)
- Sch. 5 para. 8C8D and cross-headings inserted (temp.) by 2020 c. 16 s. 11(7)