

Licensing & Regulatory Committee

Minutes of a meeting of the **Licensing & Regulatory Committee** held via video link on **Thursday 29 October 2020** at **9:30am** when there were present:

Cllr S Gurney – Chairman

Cllr A Adams

Cllr K Kelly

In attendance were Mr D Lowens (the Committee's legal advisor), the Governance Manager, the Licensing & Enforcement Officer (CN) and the Democratic Services Officer (DM).

Also present was Imogen Oliver, applicant. The objector was not present and attempts were made to contact her by email but without success. No telephone contact number had been provided. The objector had not contacted the Council to request an adjournment or to explain why she was not present. The committee agreed to continue with the meeting in the absence of the objector.

7 LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE – 15 JOYCE WAY, THORPE ST ANDREW, NORWICH, NR7 0ZG

The Chairman welcomed everyone to the meeting, confirmed who was in attendance and that they all had effective remote connections. She explained the procedure to be followed for the meeting and sought confirmation from all present that they had copies of the papers for the meeting.

The Licensing and Enforcement Officer read out the officer's report and invited the Committee to consider the application for a Premises Licence in respect of 15 Joyce Way, Thorpe St Andrew, Norwich, NR7 0ZG for the supply of alcohol (for consumption off the premises) Monday to Sunday 7.00am to 22.00am.

Representations had been received from the Police, which had subsequently been withdrawn following the applicant's agreement to the conditions proposed by the Police Licensing Officer. These conditions were read out. A representation had also been received from a local resident raising concerns about public nuisance from the proposal. In essence their concerns related to the inexperience of the applicant to run the operation safely, disruption to the neighbours from deliveries and visitors to the property, potential for break-ins and concern for the welfare of young people resident at the property. Members noted the location of the application premises in relation to the objector's residence.

In response to questions, the Licensing & Enforcement Officer stated that no details were included in the application regarding fire safety measures and

confirmed that the required notices regarding the application had been advertised correctly, having been posted at the front of the property and being visible from the public highway.

The Committee then heard from Imogen Oliver, the applicant, who acknowledged the right of others to make representations on her application and acknowledged that it may not have been totally clear from her application what her exact proposals were which may have led to assumptions being made and concerns being raised which she hoped to address. She had made the application as it was a legal requirement to enable her to operate her intended business. The business was a home delivery pre-made cocktail business involving the making and delivery of cocktails solely by the applicant at the premises in low volumes and delivered by her to customers. No customers would visit the property to order, consume or collect the product. With regard to concerns raised by the objector, who she had not met, about her ability to responsibly run the business, the applicant stated that, despite her young age, she was a very mature, level headed and responsible person and had experience of working in other relevant industries. She felt the representations made were stereotypical and any refusal of the licence on the basis of her age would be discriminatory. She had worked as an independent travel advisor in a customer based, face to face, role managing complex customer needs with care, responsibility and diligence. She also had managerial experience in a supermarket including alcohol sales with relevant ID checks. She lived with her parents and 3 siblings at the family home which would be the business premises. Her parents were fully supportive of her venture. She did not feel the business would impact on traffic in the cul-de-sac where the premises was situated and she and her brother already parked their cars away from the house to avoid congestion. The family had good relations with their neighbours. She would be continuing with her current full time employment and would utilise the permitted hours to make cocktails before and after work for delivery at convenient times to fit around her other work commitments, potentially on her way to work, depending on her shifts. She purchased her supplies from a local wholesaler in person.

With regard to young persons being in the house, there was already a supply of alcohol in the house for infrequent domestic use as with many households and given low volume nature of the proposed business there would only be a modest increase in this and measures would be taken to store this safely in a locked cabinet. With regard to other assumptions made about the nature of the business, the applicant stated that she had made use of social media to document her the business and would continue to use her extensive experience of this method of promotion, eventually launching a website if the licence was granted. She did not feel her business premises would be any more attracted to break-ins than other premises in the relatively affluent area in which the premises was situated. With regard to the claim that demanding customers could potentially be turning up on the doorstep and her ability to deal with this, she reassured members that there was no intention to encourage visitors to the premises and no need for them to visit.

The Chairman asked if the applicant had any witnesses to call and the applicant confirmed she did not but that she did have a character reference to support her application from a nearby neighbour which she was happy to share. Having taken legal advice, and having sought confirmation that the reference did not raise any new material or evidence, the Chairman invited the applicant to read the reference. The reference highlighted that the authors lived very close to the applicant's premises, and that they had no concerns with the proposals. The applicant was a very sensible, mature, considerate person and was to be commended in her plans to set up a new business in the current climate. She had complied with all the requirements necessary and they wished her will with her endeavors.

In answer to questions, the applicant explained why she wished to operate her business from 7am to 10pm. This was to enable her to prepare cocktails before commencing her main employment, not necessarily to deliver them at that time. She confirmed the finish time was 10pm and not 9pm as stated in section M of the application form. She would be making the cocktails in the family kitchen/dining room and would work around family use of these facilities. She confirmed that ingredients would be stored in a locked cabinet and she enabled members to view the cabinet. The applicant confirmed that she would be delivering to domestic homes and not public places; she understood public places to be places outside a home with free movement of people. She confirmed that she was a Designated Premises Supervisor and had undertaken the course on-line in July this year.

In the absence of the objector, the Committee had regard to the representations made in their written submission and the applicant had addressed the main areas of concern raised in the representation.

All present were then invited to make their closing statements.

The applicant stated that she had learnt a great deal in preparing her application and would not be able to please everyone. She had dedicated her sole to creating her new business, which in the current environment was to be applauded. People were being made redundant in current environment. The business was a special occasion service to supply cocktails to people celebrating special occasions at home. She was a capable mature individual with a strong desire to succeed and she hoped that members now had an informed understanding of the nature and operation of the business which would enable them to support her application.

All parties present, with the exception of the Committee Members, the Legal Advisor and the Democratic Services Officer, then left the meeting whilst Members discussed the matter. All parties were then re-admitted to the meeting and advised of the Committee's decision, as follows:

Decision of the Licensing Committee 29 October 2020 – 15 Joyce Way, Thorpe St Andrew, Norwich, NR7 0ZG

The application was approved, with the following imposed conditions:

1. Drink ingredients containing alcohol are to be stored in a sturdy, secure and locked (not glass) container/cupboard.
2. Alcoholic drinks once prepared are to be stored in a sturdy, secure and locked (not glass) container/cupboard – this can be the same container as that holding the ingredients.
3. Alcoholic ingredients and prepared drinks are to be kept separate from items stored for domestic purposes.
4. The premises licence holder is to request the Norfolk Fire and Rescue Service or other properly authorised body to carry out a fire safety inspection of the licensed storage areas and is to act on their recommendations.

REASONS FOR THE COMMITTEE DECISION

There is insufficient evidence to support the concerns of the objector that the operation of this business would cause a nuisance to persons in the area, noting that the hours of operation are reasonable, the scale of operations is limited in scope and that no member of the public will visit the premises to obtain alcohol. The premises licence holder has limited but relevant experience of alcohol sales. The business will be delivery only and there are adequate controls regarding age verification and training. Significant weight is given to the fact that there are no outstanding representations from the Norfolk Constabulary or any other responsible authority and that the proposals presented by the Norfolk Constabulary to promote the licensing objectives and to ensure that the proposals offered by the applicant were enforceable have all been agreed.

The preparation of the alcoholic drinks takes place in a domestic setting, as a result the committee has imposed conditions regarding security of alcohol, the keeping of the business stock separately from the domestic storage of items and the carrying out of appropriate measures to ensure safety against fire.

RIGHTS OF APPEAL:

Rights of appeal are set out in Schedule 5 of the Licensing Act 2003. Any person wishing to appeal this decision by the licensing authority regarding either the decision to grant the application or the conditions imposed or which should have been imposed should do so within the period of 21 days from the

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receipt of written notification of the decision appealed against. Any appeal must be sent directly to the Magistrates' Court.

A written decision would be provided within 5 working days of the meeting and circulated to all those making representations.

The meeting closed at 11:40am