

Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Thursday 18 April 2019** at **9:30am** when there were present:

Mrs S C Gurney – Chairman

Mr S Dunn

Mr V Tapp

In attendance were Mr D Lowens (the Committee's legal advisor), the Food, Safety and Licensing Team Manager, the Technical Officer – Licensing Enforcement and Licensing Administrator and the Committee Officer (JO).

Also present were:

- (1) Kevin Smith (Head of Food) and Stuart Jefferies (Area Manager) – for the applicant.
- (2) Sue Holland and Peter Lumb, Spixworth Parish Council – objecting.
- (3) Anthony Lee, near neighbour of the store – objecting.

### **48 LICENSING ACT 2003 – APPLICATION TO VARY A LICENCE**

The Chairman welcomed everyone to the meeting and invited all present to introduce themselves. She referred to the procedure to be followed and sought confirmation from all present that they all had copies of the papers for the meeting.

The Committee was asked to consider an application to vary a Premises Licence in respect of the East of England Co-op, 113-117 Crostwick Lane, Spixworth, Norwich, NR10 3AF for the sale of alcohol by retail for consumption off the premises.

The Food, Safety and Licensing Team Manager advised Members that the applicant had requested an amendment to the submitted application, as it had been pointed out that the premises was only permitted to open between 7am and 11pm Monday to Sunday.

The amended application was therefore: Monday to Saturday (including Good Friday): 07:00am to 23:00pm and Sunday 07:00am to 22:00pm.

The Food, Safety and Licensing Manager reminded the Committee that, to be relevant, any representations received had to relate to one of the four licensing objectives which were:

- The Prevention of Crime and Disorder
- The Protection of Children From Harm
- The Prevention of Public Nuisance
- Public Safety

No correspondence had been received from the Responsible Authorities in respect of the application, save for the Planning Department which had raised the issue of the store hours permitted by planning permission and was the reason for the applicant's request to amend the original application to align with its licensed hours with its permitted opening hours.

Representations from the Parish Council, as well as neighbouring residents had been received in objection to the application.

The Food, Safety and Licensing Team Manager advised the meeting that revised Government guidance under section 182 of the Licensing Act 2013 (April 2018 edition) recommended that the benefit of the doubt should be given to those making representation to the Committee. He also emphasised that the Committee should only take into account matters that were relevant to the clear purpose of the licensing objectives.

The Government guidance also suggested that a licensed premises should be able to sell alcohol when open unless there were very good reasons for it not to do so.

Members were asked to note that beyond the immediate vicinity of a premises individuals were personally accountable for public nuisance under the law and their behaviour was not the responsibility of the shopkeeper.

The Committee then heard representation from the applicant. Mr Smith informed the Committee that the Co-op was extending its off-licensing hours to align with its opening hours in order to improve the business.

In response to a query, the Committee was informed that the Co-op had policies in place to prevent the sale of alcohol to those under the age of 18. Staff actively challenged individuals seeking to buy alcohol who were perceived to be under 25 and required photo ID before any sales were made. A Refusal Register was also maintained and staff received training on a six monthly basis. Shops were subject to internal audit on a regular basis, as well as an independent test purchase service for retailers of age restricted products.

The Committee were advised that there had only been seven incidents of anti-social behaviour in the vicinity of the store in the last five years and were provided with the statistics confirming this (attached at Appendix 1 to the signed copy of these Minutes). Members were also asked to note that the

East of England Co-op had an Anti-Social Behaviour Manager, 24 hour response teams and CCTV monitoring as well as an educational team for crime and anti-social behaviour awareness.

Mr Lee, who lived in a neighbouring property, informed Members that the additional licensing hours would lead to more vehicle movement and noise, which would negatively impact on his quality of life.

Mr Lumb from the Parish Council added there had been an increase in anti-social behaviour in the area, as well as the amount of litter and he was concerned that the additional licensing hours could make it worse.

*All parties present, with the exception of the Committee Members, the Legal Advisor and the Committee 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:*

The Chairman advised those present that the Committee had considered the application in the light of the four Licensing Objectives and had concluded the following:

- As there had been no Police response to the application, the Committee had concluded that there were no issues in respect of the Prevention of Crime and Disorder.
- The Committee was satisfied that the store had robust policies, controls and checks in place to prevent the sales of alcohol to under 18s. So children were adequately protected from harm.
- There were few incidents of public nuisance in the vicinity of the store, which was confirmed by the lack of response from the Police to the application.
- There were no Public Safety issues relating to the application that were not covered by the policies and processes and procedures of the company. It was also noted that the Co-op was not responsible for activity outside its curtilage.

Having therefore carefully considered the above representations and information, the Committee granted the variation, as applied for.

All present were advised that there was a right of appeal against the decision, details of which were contained within Schedule 5 of the Licensing Act 2003, and must be exercised within 21 days from the date of the written decision.

*The meeting closed at 11.21am*