











07/09/2011 19:13:11









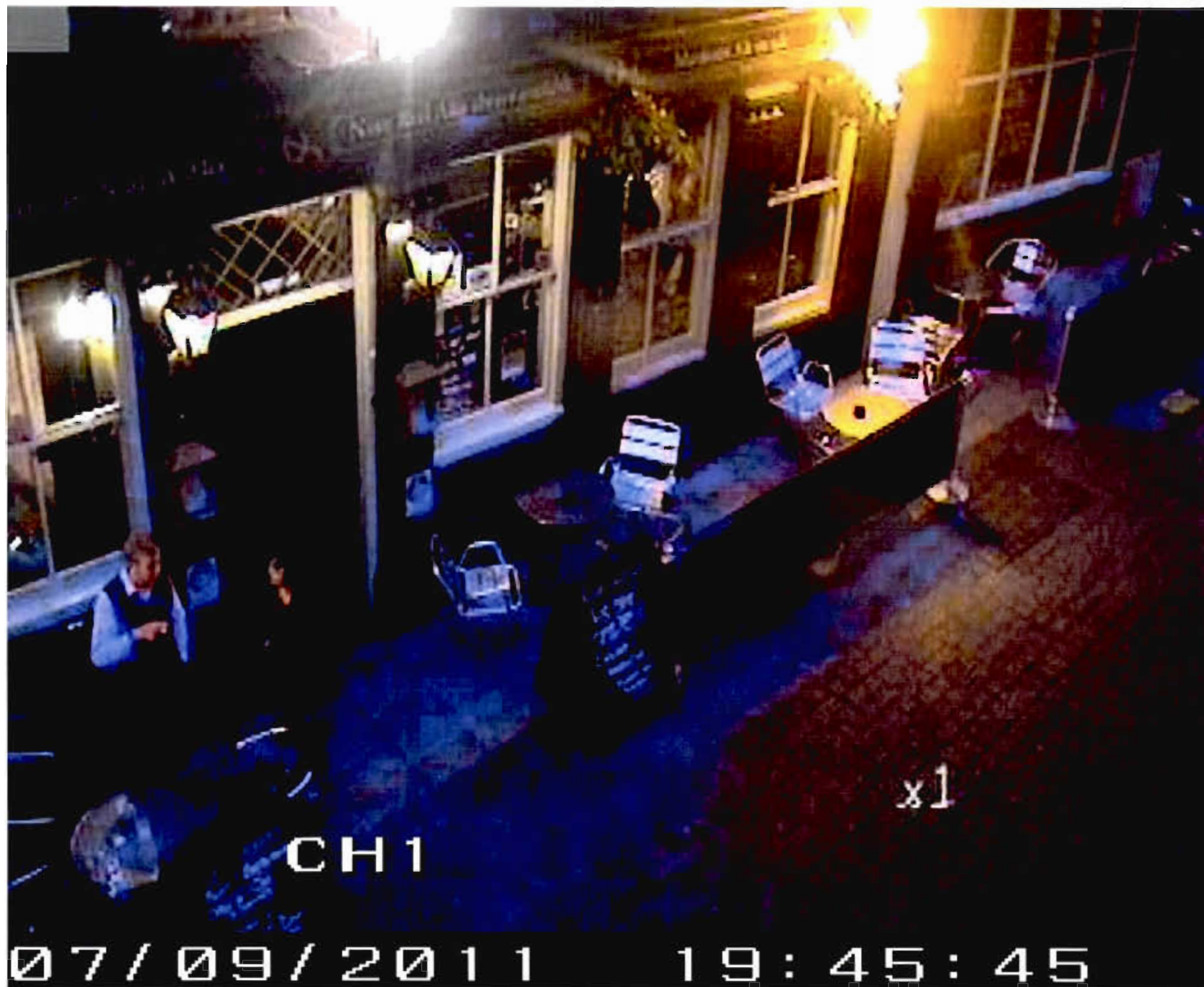


CH1

07/09/2011

19:27:23





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07/09/2011 19:45:45







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07/09/2011

20:06:10









CH1

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07/09/2011

20:33:17









CH1

x1

07/09/2011

22:06:58





**Seal, Colin**

**From:** Jones, Hannah  
**Sent:** 20 September 2011 11:33  
**To:** CMSI  
**Subject:** FW: Moss & Leakey Enforcement Complaint  
**Attachments:** 10 09 11 GROUP STAND DRINK A.JPG; 10 09 11 GROUP STAND DRINK B (2).JPG; 10 09 11 GROUP STAND DRINK C.JPG; 10 09 11 GROUP STAND DRINK D.JPG; 10 09 11 GROUP STAND DRINK E.JPG; 10 09 11 GROUP STAND DRINK F.JPG; 10 09 11 GROUP STAND DRINK G.JPG; 10 09 11 GROUP STAND DRINK H.JPG; 10 09 11 GROUP STAND DRINK J.JPG; 10 09 11 GROUP STAND DRINK K.JPG; 10 09 11 GROUP STAND DRINK L.JPG; 10 09 11 GROUP STAND DRINK M.JPG; 10 09 11 GROUP STAND DRINK N.JPG; 10 09 11 GROUP STAND DRINK P.JPG; 10 09 11 GROUP STAND DRINK Q.JPG; 10 09 11 GROUP STAND DRINK R.JPG; 10 09 11 T&Cs FINAL DISMANTLE.JPG

Please can this also be scanned to CN: 32915  
Many thanks

**Hannah Jones**  
Executive Assistant  
(to Bridget Buttinger, Deputy Chief Executive)

Norwich City Council  
City Hall  
Norwich  
NR2 1NH

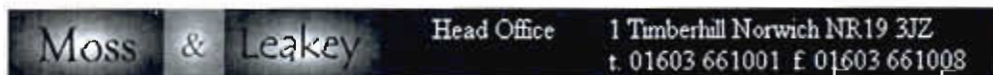
T: 01603 212166  
E: hannahjones@norwich.gov.uk

Telephone number for all enquiries 0344 980 3333  
[www.norwich.gov.uk](http://www.norwich.gov.uk)

To take part in the city council's 'your services your say' budget consultation visit  
[www.norwich.gov.uk](http://www.norwich.gov.uk)

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**From:** David Foscett [REDACTED]  
**Sent:** 16 September 2011 15:24  
**To:** Massey, Jerry  
**Subject:** Moss & Leakey Enforcement Complaint



Dear Mr Massey

Gardeners Arms - Breach of Licence Condition

Event Log – Saturday 10<sup>th</sup> September

21/09/2011

General            continual instances of disturbance noise nuisance emanating from the site that remains completely ignored and uncontrolled by the Licensee as conditioned

Continual instances of PH customers standing and drinking both in the licensed area and public highway, several instances are caught on CCTV for your inspection (seven day loop)

Continual instances of furniture out of position throughout the whole site which is not repositioned by PH staff, some caught on still images and CCTV for your inspection (seven day loop)

Saturday 10 09 11

1/ Sample standing drinkers, joined by PH staff and left unchallenged. Images follow;

17:54:14	A	man stands drinking from table
17:56:21	B	ditto
17:58:43	C	ditto
18:41:05	D	man stands drinking, doorman looks on and leaves unchallenged
18:52:26	E	man stands drinking, joined by doorman, remains unchallenged
19:06:44	F	man stands drinking, doorman looks on and leaves unchallenged
19:07:14	G	ditto
19:07:55	H	others join, standing drinking
19:22:12	J	man stands drinking, doorman unconcerned
19:26:44	K	ditto
19:38:50	L	others in group now leave table and stand drinking with doorman, doorman unconcerned
19:43:08	M	ditto
19:48:35	N	ditto
20:13:45	P	(same) man stands drinking, doorman unconcerned
20:53:56	Q	man standing drinking, large group forming, doorman unconcerned
21:52:52	R	(same) others in group stand drinking, doorman unconcerned

This event spanned over four hours and the same customers were left unchallenged to stand drinking at will

**Attached herewith is photographic snapshot evidence (sixteen)**

2/ Site hours

23:35:56            final dismantle of site, beyond licensed hours

**Attached herewith is photographic snapshot evidence**

**Please note:** when viewing the above evidence these images also illustrate,

a/ the failure of the Licensee to manage the re-positioning of site furniture which remains out of pattern and strewn around the site and,

B/ that large groups form within the site in part because of this failure, causing considerable noise nuisance

C/ the dearth of attendance from PH staff in general

As Enforcement will not view CCTV footage to corroborate our written evidence, to confirm the time lines and extent of breaches, we submit these serial 'diary' images in demonstration instead.

Yours sincerely

David Foscett  
Managing Partner

21/09/2011























10/09/2011

19:07:14



















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10/09/2011

19:48:35



x1

CH1

10/09/2011

20:13:45





CH1

x1

10/09/2011

20:53:56





**Seal, Colin**

**From:** Jones, Hannah  
**Sent:** 20 September 2011 11:29  
**To:** CMSI  
**Subject:** FW: Moss & Leakey Enforcement Complaint  
**Attachments:** 11 09 11 STAND DRINK A.JPG; 11 09 11 STAND DRINK B.JPG; 11 09 11 STAND DRINK C.JPG; 11 09 11 STAND DRINK D.JPG; 11 09 11 STAND DRINK E.JPG; 11 09 11 STAND DRINK F.JPG; 11 09 11 STAND DRINK G.JPG; 11 09 11 STAND DRINK H.JPG; 11 09 11 STAND DRINK J.JPG; 11 09 11 STAND DRINK K.JPG; 11 09 11 STAND DRINK L.JPG; 11 09 11 T&Cs FINAL DISMANTLE.JPG; 11 09 11 T&Cs PARTIAL DISMANTLE.JPG; 12 09 11 GROUP STAND DRINK.JPG; 12 09 11 GROUP STAND DRINK A.JPG; 12 09 11 GROUP STAND DRINK C.JPG; 12 09 11 GROUP STAND DRINK D.JPG; 12 09 11 T&Cs FINAL DISMANTLE.JPG; 12 09 11 T&Cs PARTIAL DISMANTLE.JPG

Please can this be scanned to contact no. 32915

**Hannah Jones**  
Executive Assistant  
(to Bridget Buttinger, Deputy Chief Executive)

Norwich City Council  
City Hall  
Norwich  
NR2 1NH

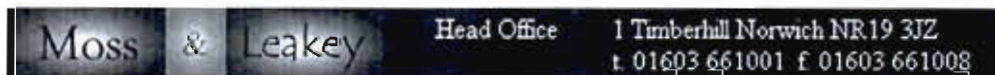
T: 01603 212166  
E: hannahjones@norwich.gov.uk

Telephone number for all enquiries 0344 980 3333  
[www.norwich.gov.uk](http://www.norwich.gov.uk)

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[www.norwich.gov.uk](http://www.norwich.gov.uk)

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**From:** David Fosskett [REDACTED]  
**Sent:** 19 September 2011 17:41  
**To:** Massey, Jerry  
**Subject:** Moss & Leakey Enforcement Complaint



Dear Mr Massey

Gardeners Arms - Breach of Licence Condition

Event Log dates: Sunday 11<sup>th</sup> & Monday 12<sup>th</sup> September

21/09/2011

General

There is inadequate management and inadequate staffing of the site resulting in continual instances of;

- 1/ disturbance noise nuisance emanating from the site which is uncontrolled, in breach of condition
- 2/ PH customers standing and drinking in the licensed area (and public highway), in breach of condition
- 3/ furniture out of position and/or not repositioned, in breach of condition

Please note: still images and CCTV (seven day loop) available for your inspection

Sample Events - (not an exhaustive list of these)

1/ standing drinkers, left unchallenged by PH staff. Images follow;

Sunday 11 09 11

16:20:41	A	man stands drinking, not challenged by PH staff
16:21:55	B	ditto
16:26:38	C	ditto
16:35:24	D	ditto
16:40:24	E	man stands drinking
19:17:32	F	(same) man stands drinking, not challenged by PH staff
19:19:25	G	ditto
19:24:23	H	ditto
19:30:50	J	ditto, others in group stand drinking
19:31:19	K	ditto
19:35:07	L	group stands drinking

This event spanned (intermittently) a period over three hours, at no time were the standing drinkers challenged by any member of the PH staff

**Attached herewith is photographic snapshot evidence (eleven)**

Monday 12 09 11

20:07:12	A	group congregates, stand drinking, not challenged by PH staff
20:07:55	B	ditto
20:09:20	C	ditto
20:14:21	D	ditto

**Attached herewith is photographic snapshot evidence (four)**

2/ Site furniture

Sunday 11 09 11

22:14:08	furniture partially dismantled, two barriers some chairs
22:57:37	final dismantle commences

Monday 12 09 11

22:29:24	furniture partially dismantled, two barriers some chairs
23:06:01	final dismantle

The 'in part' positioning of furniture at the site is in breach of licence conditioning

**Attached herewith is photographic snapshot evidence (four)**

**Please note:** when viewing the above evidence these images also illustrate,

- a/ the failure of the Licensee to manage the positioning and re-positioning of site furniture which remains out of pattern and strewn around the site and,
- B/ that large groups regularly form within the site causing considerable noise nuisance and,
- C/ the general lack of attendance from PH staff

Yours sincerely

David Foskett  
Managing Partner

21/09/2011











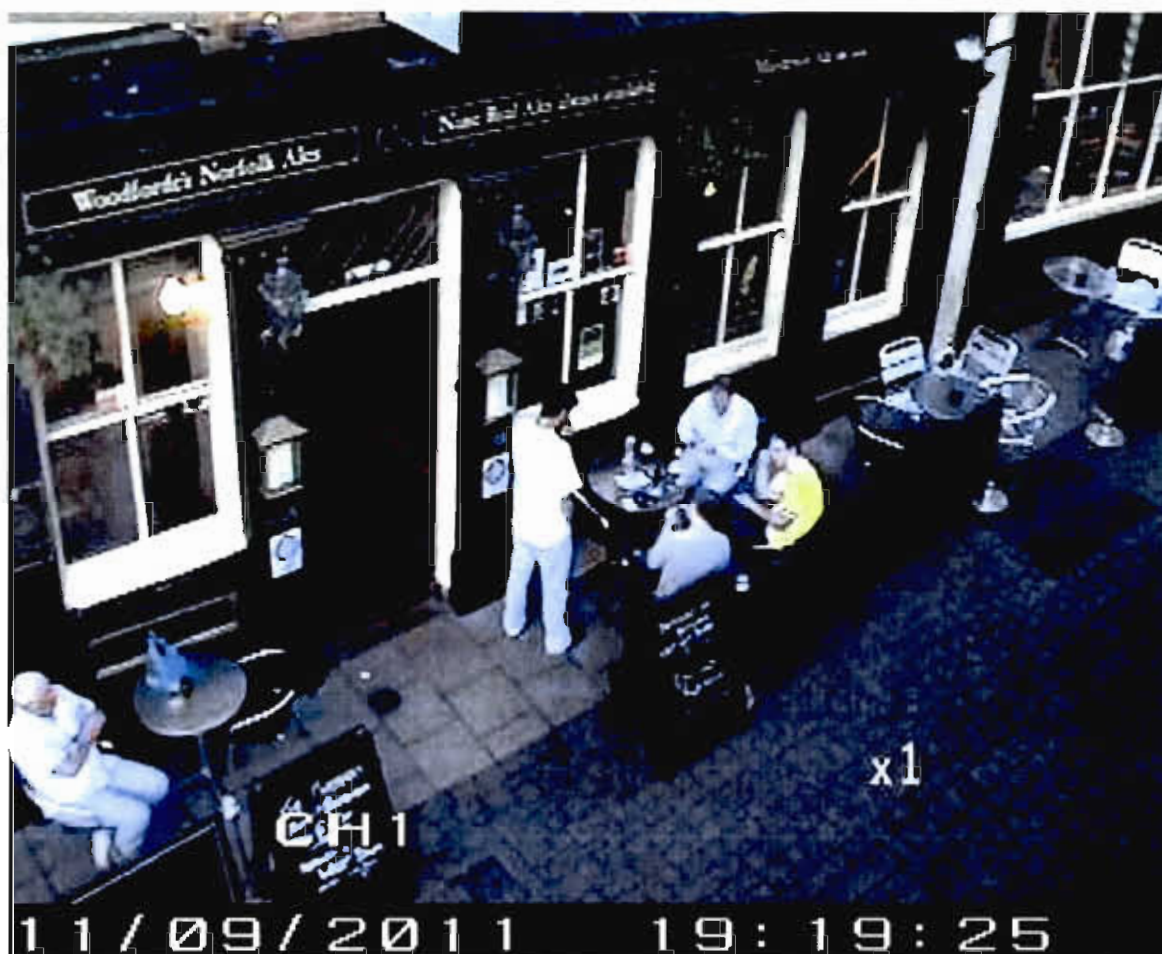








11/09/2011 19:17:32













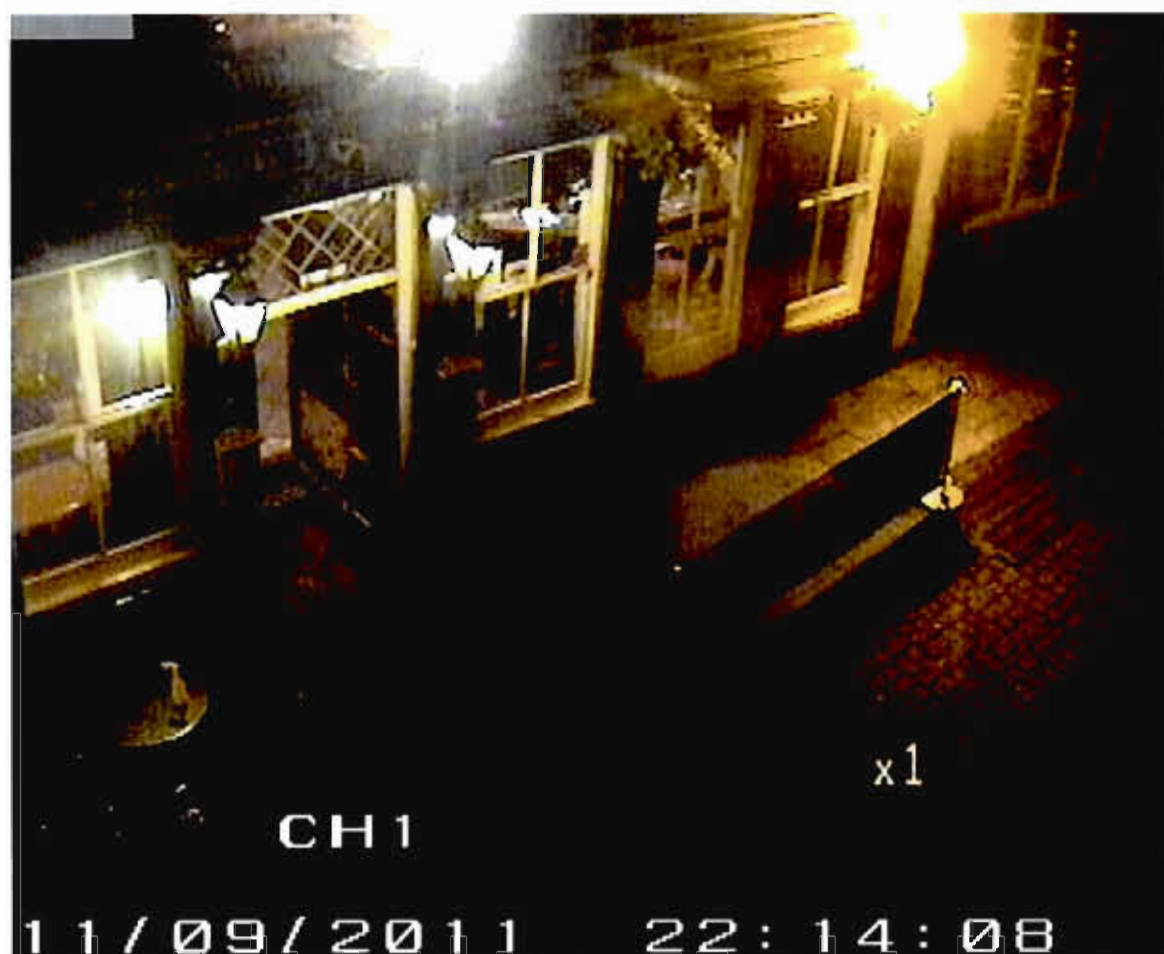




CH1

x1

11/09/2011 22:57:37

















INCOMING EMAIL

From: Ives, Jane <JaneIves@norwich.gov.uk>  
To: Ives, Jane <JaneIves@norwich.gov.uk>  
Date: 26/09/2011 12:55:26  
Subject: FW: Moss & Leahey Enforcement Complaint

Jane Ives  
Executive Assistant to the  
Director - Regeneration & Development  
Norwich City Council  
Room 205b, City Hall  
Norwich NR2 1NH  
Tel: 01603 212226  
Email: janeives@norwich.gov.uk  
Telephone number for all enquiries 0344 980 3333  
www.norwich.gov.uk  
To take part in the city council's 'your services your say' budget consultation visit  
www.norwich.gov.uk

From: David Foskett [REDACTED]  
Sent: 23 September 2011 08:34  
To: Massey, Jerry  
Subject: Moss & Leahey Enforcement Complaint

Dear Mr Massey

Gardeners Arms - Breach of Licence Condition

Event Log dates: Thursday 15th & Friday 16th September

General

There is inadequate management and inadequate staffing of the site resulting in continual instances of;

- 1/ disturbance noise nuisance emanating from the site which is uncontrolled, in breach of condition
- 2/ PH customers standing and drinking in the licensed area (and public highway), in breach of condition
- 3/ furniture out of position and/or not repositioned, in breach of condition

Please note: still images and CCTV (seven day loop) available for your inspection

#### Sample Events - (not an exhaustive list of these)

1/ A sample episode of the positioning & repositioning of tables and chairs follows. Furniture pattern is ignored and left out of position by PH staff. Images follow;

Friday 16 09 11

18:21:27	A	two tables and two chairs (should be six), doorman looks on, standing drinker
18:29:32	B	ditto, no repositioning of furniture, PH staff and doorman look on
18:41:54	C	ditto, ditto, PH staff read newspaper with doorman
18:47:36	D	ditto, ditto, men stand around table, doorman looks on
18:58:33	E	ditto, ditto, PH staff and doorman look on
19:17:04	F	ditto, ditto, young females stand with drinks as no chairs to sit at
19:29:12	G	ditto, ditto, men stand around table, doorman looks on

We have complained about the persistent breach of this condition and submit the above which illustrates the deliberate nature of this. As we have complained for four years, the Licensee has clearly instructed his staff to continue to maximise the standing area by the main door and they will not replace the furniture as required. Attached herewith is photographic snapshot evidence (seven)

2/ standing drinkers, left unchallenged by PH staff. Images follow;

Friday 16 09 11

11:47:07	A	2 men stand drinking, not challenged by PH staff
11:49:00	B	ditto
11:50:28	C	ditto
11:53:06	D	ditto

Attached herewith is photographic snapshot evidence (four)

3/ Site furniture

Thursday 15 09 11

22:13:13	A	furniture partially dismantled, two barriers some tables & chairs left in site
23:09:04	B	ditto, just two barriers
23:16:28	C	final dismantle

Friday 16 09 11

23:07:38	A	furniture partially dismantled, stand drinkers not challenged by PH staff
23:29:12	B	furniture dismantled, standing drinker

The 'in part' positioning of furniture at the site is in breach of licence conditioning, these extended events spanned a period in excess of one and a half hours

Attached herewith is photographic snapshot evidence (five)

4/ noise nuisance and disorderly conduct

Friday 16 09 11

From 16:20 to 17:20 two women at table by M&L door at low end of site  
Extremely rowdy throughout, no challenge by PH staff to stem the nuisance

One woman lifts her T-shirt (to man inside PH?)



We are continuously bothered by nuisance noise from the site but by any standard this was an unseemly and distracting episode which caused enormous nuisance inside our premise, the PH staff completely ignored the problem and did not ask the customers to be quiet or leave the site. The 'flashing' incident only served to make the incident worse with all the attention and 'gutter humour' that followed it. For obvious reasons there is no photographic evidence submitted

Please note: when viewing the above evidence these images also illustrate,  
A/ the failure of the Licensee to manage the positioning and re-positioning of site furniture which remains out of pattern and strewn around the site and,  
B/ that large groups regularly form within the site causing considerable noise nuisance and,  
C/ the general lack of attendance from PH staff

Yours sincerely

David Foscett

Managing Partner Attachments:

- (1) 15 09 11 T&Cs PARTIAL DISMANTLE A.JPG(86 B)
- (2) 15 09 11 T&Cs PARTIAL DISMANTLE B.JPG(93 B)
- (3) 15 09 11 T&Cs PARTIAL DISMANTLE C.JPG(104 B)
- (4) 16 09 11 STAND DRINK A.JPG(127 B)
- (5) 16 09 11 STAND DRINK B.JPG(106 B)
- (6) 16 09 11 STAND DRINK C.JPG(123 B)
- (7) 16 09 11 STAND DRINK D.JPG(117 B)
- (8) 16 09 11 T&Cs PARTIAL DISMANTLE A.JPG(80 B)
- (9) 16 09 11 T&Cs PARTIAL DISMANTLE B.JPG(88 B)
- (10) 16 09 11 T&Cs POSITIONING A.JPG(109 B)
- (11) 16 09 11 T&Cs POSITIONING B.JPG(110 B)
- (12) 16 09 11 T&Cs POSITIONING C.JPG(99 B)
- (13) 16 09 11 T&Cs POSITIONING D.JPG(104 B)
- (14) 16 09 11 T&Cs POSITIONING E.JPG(97 B)
- (15) 16 09 11 T&Cs POSITIONING F.JPG(86 B)
- (16) 16 09 11 T&Cs POSITIONING G.JPG(91 B)
- (17) moss lh.GIF(6 B)



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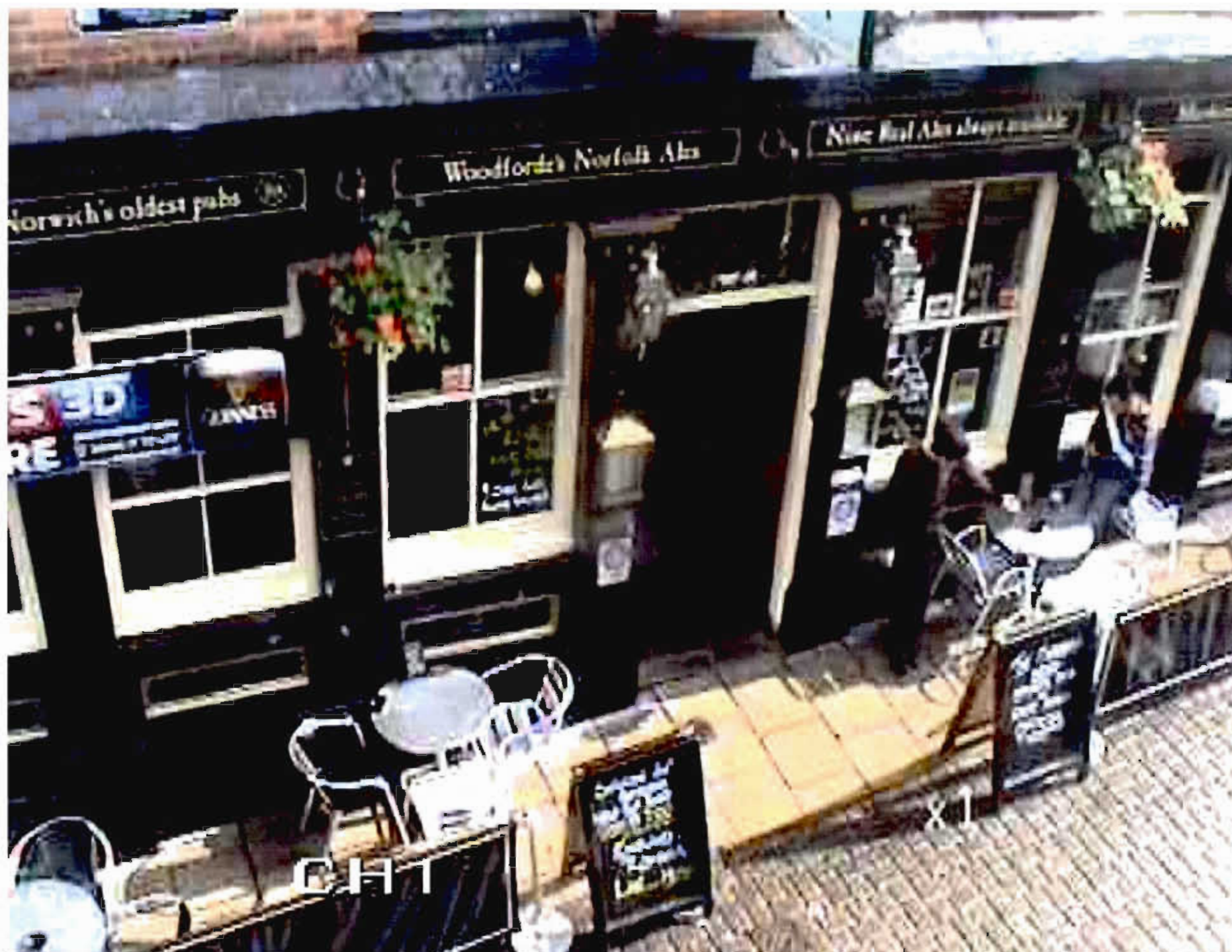
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16/09/2011 11:49:00











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16/09/2011

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18:21:27









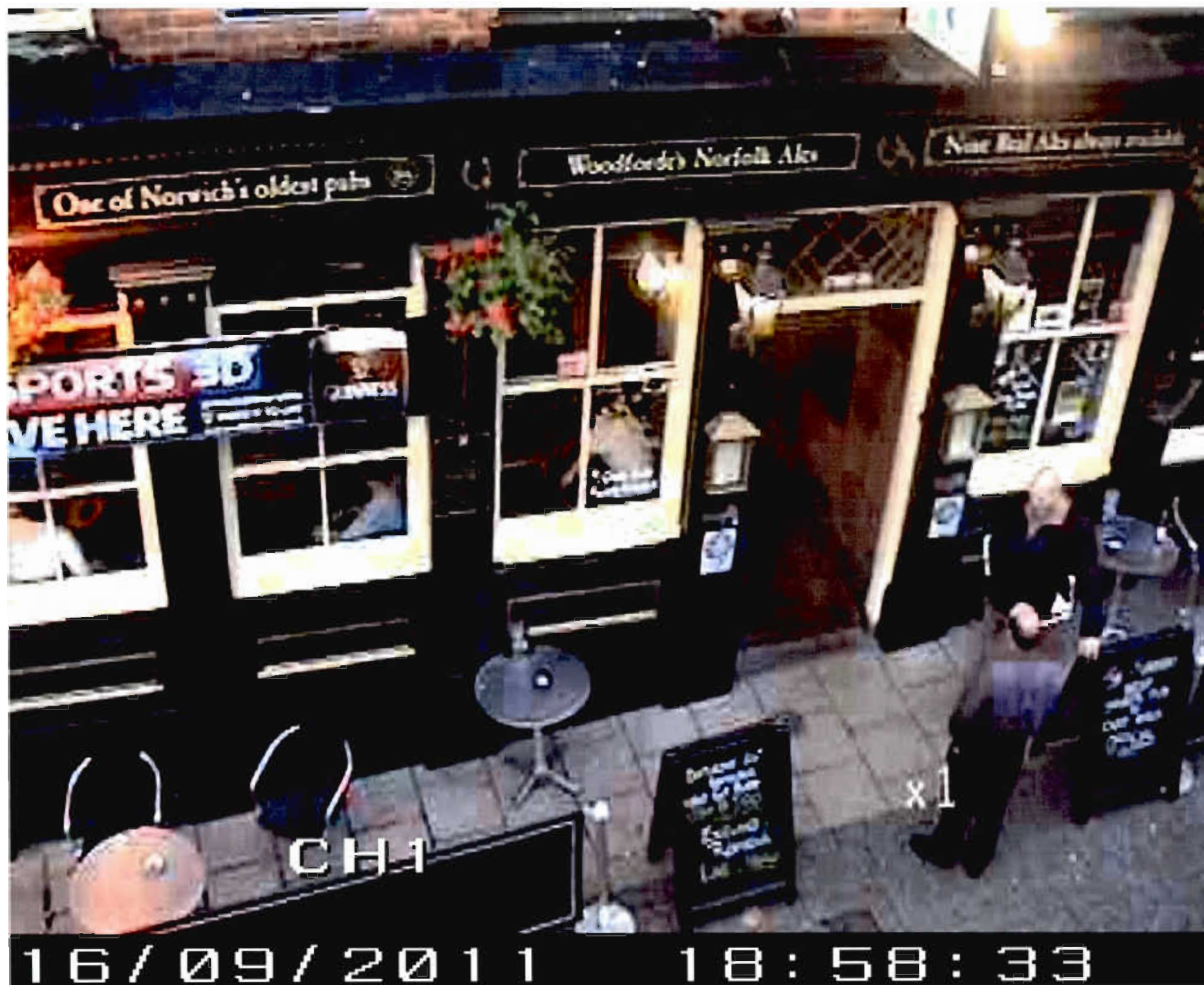




16/09/2011

18:47:36





One of Norwich's oldest pubs

Woodford's Norfolk Ales

New Real Ales always available

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CH1

x1

16/09/2011

18:58:33





16/09/2011

19:17:04



16/09/2011

19:29:12



Attn: Jerry Massey  
 Directorate of Regeneration and Development  
 City Hall  
 Norwich  
 NR2 1NH

Sent by e-mail (re-sent 5<sup>th</sup> October - date corrected version)

5<sup>th</sup> October 2011

Dear Mr Massey

Gardeners Arms - Breach of Licence Condition

We refer you to our letter of 27<sup>th</sup> September and as indicated in that correspondence submit a further event log of breaches. Unless we hear otherwise we assume your receipt of this evidence and that it will be added to your files and provided for the consideration of the decision making Committee.

Event Log dates: Sep 2011: 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30  
 Oct 2011: 01, 02, 03, 04

General

There is inadequate management and inadequate staffing of the site resulting in continual instances of;

- 1/ noise nuisance and annoyance from the site which is uncontrolled, in breach of condition
- 2/ PH customers standing and drinking in the licensed area (and public highway), in breach of condition
- 3/ furniture out of position and/or not repositioned, in breach of condition
- 4/ the area is occupied partially with furniture, in breach of condition

Please note: digital images (time dated) are included with this submission

Sample events

1/ Permission Hours 08:00 to 23:30

Saturday 17 09 11

23:14:56	A	furniture part dismantled	
23:30:08	B	ditto, standing drinkers	
23:39:10	C	ditto, ditto	
00:00:06	D	ditto	
00:18:38	E	ditto, final dismantle commences	
00:19:49	F	final dismantle complete (duration to clear 71 seconds), duration of breach	49 mins

Thursday 22 09 11

22:59:50	A	furniture part dismantled	
23:30:00	B	ditto	
23:39:18	C	final dismantle complete	duration of breach 9 mins

Partners Dr. N. Sasitharan & D. Fiskert

Head Office 1 Timberhill Tel 01603 661001

Also at 16 Norfolk Street  
 Norwich NR1 1AN

29 Market Place  
 Norwich NR1 2AP

15 High Street  
 Hunstanton NG36 5AB



Wednesday 28 09 11

22:13:00	A	furniture part dismantled	
23:30:00	B	ditto, customers occupying furniture	
23:37:16	C	final dismantle complete	duration of breach 7 mins

Monday 03 10 11

22:22:48	A	furniture part dismantled	
23:30:10	B	ditto	
23:44:21	C	final dismantle complete	duration of breach 14 mins

**Attached herewith is photographic snapshot evidence (fifteen images)**

2/ Site Furniture positioned in part only

Saturday 17 09 11

23:14:56	A	furniture part dismantled	
23:30:08	B	ditto, standing drinkers	
23:39:10	C	ditto, ditto	
00:00:06	D	ditto	
00:18:38	E	ditto, final dismantle commences	
00:19:49	F	final dismantle complete (duration to clear 71 seconds),	duration of breach 65 mins

Sunday 18 09 11

21:59:59	A	furniture part dismantled	
22:32:34	B	final dismantle complete	duration of breach 33 mins

Monday 19 09 11

22:22:17	A	furniture part dismantled	
23:21:58	B	final dismantle complete	duration of breach 59 mins

Tuesday 20 09 11

21:44:53	A	furniture part dismantled	
22:58:35	B	final dismantle complete	duration of breach 74 mins

Wednesday 21 09 11

21:51:53	A	furniture part dismantled	
23:01:05	B	final dismantle complete	duration of breach 70 mins

Thursday 22 09 11

22:59:50	A	furniture part dismantled	
23:30:00	B	ditto	
23:39:18	C	final dismantle complete	duration of breach 40 mins

Saturday 24 09 11

23:02:49	A	furniture part dismantled	
23:26:46	B	final dismantle complete	duration of breach 24 mins

Sunday 25 09 11

22:14:23	A	furniture part dismantled	
23:14:58	B	final dismantle complete	duration of breach 60 mins

Monday 26 09 11

22:19:05	A	furniture part dismantled	
23:11:25	B	final dismantle complete	duration of breach 52 mins

Tuesday 27 09 11

22:06:21	A	furniture part dismantled	
23:04:30	B	final dismantle complete	duration of breach 58 mins

Wednesday 28 09 11

22:13:00	A	furniture part dismantled	
23:30:00	B	ditto, customers occupying furniture	
23:37:16	C	final dismantle complete	duration of breach 24 mins

Friday 30 09 11

23:15:35	A	furniture part dismantled	
23:32:33	B	final dismantle complete	duration of breach 17 mins

Saturday 01 10 11

22:57:26	A	furniture part dismantled	
23:16:33	B	final dismantle complete	duration of breach 19 mins

Sunday 02 10 11

21:56:57	A	furniture part dismantled	
22:44:40	B	final dismantle complete	duration of breach 48 mins

Monday 03 10 11

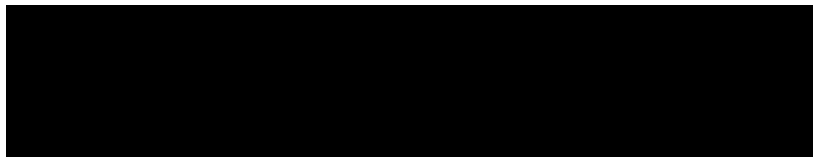
22:22:48	A	furniture part dismantled	
23:30:10	B	ditto	
23:44:21	C	final dismantle complete	duration of breach 82 mins

Tuesday 04 10 11

22:11:53	A	furniture part dismantled	
23:24:30	B	final dismantle complete	duration of breach 73 mins

**Attached herewith is photographic snapshot evidence (thirty nine images)**

Yours sincerely



David Foskett  
Managing Partner



CH1

x1

17/09/2011

23:14:56





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17/09/2011

23:30:08





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00:00:06





















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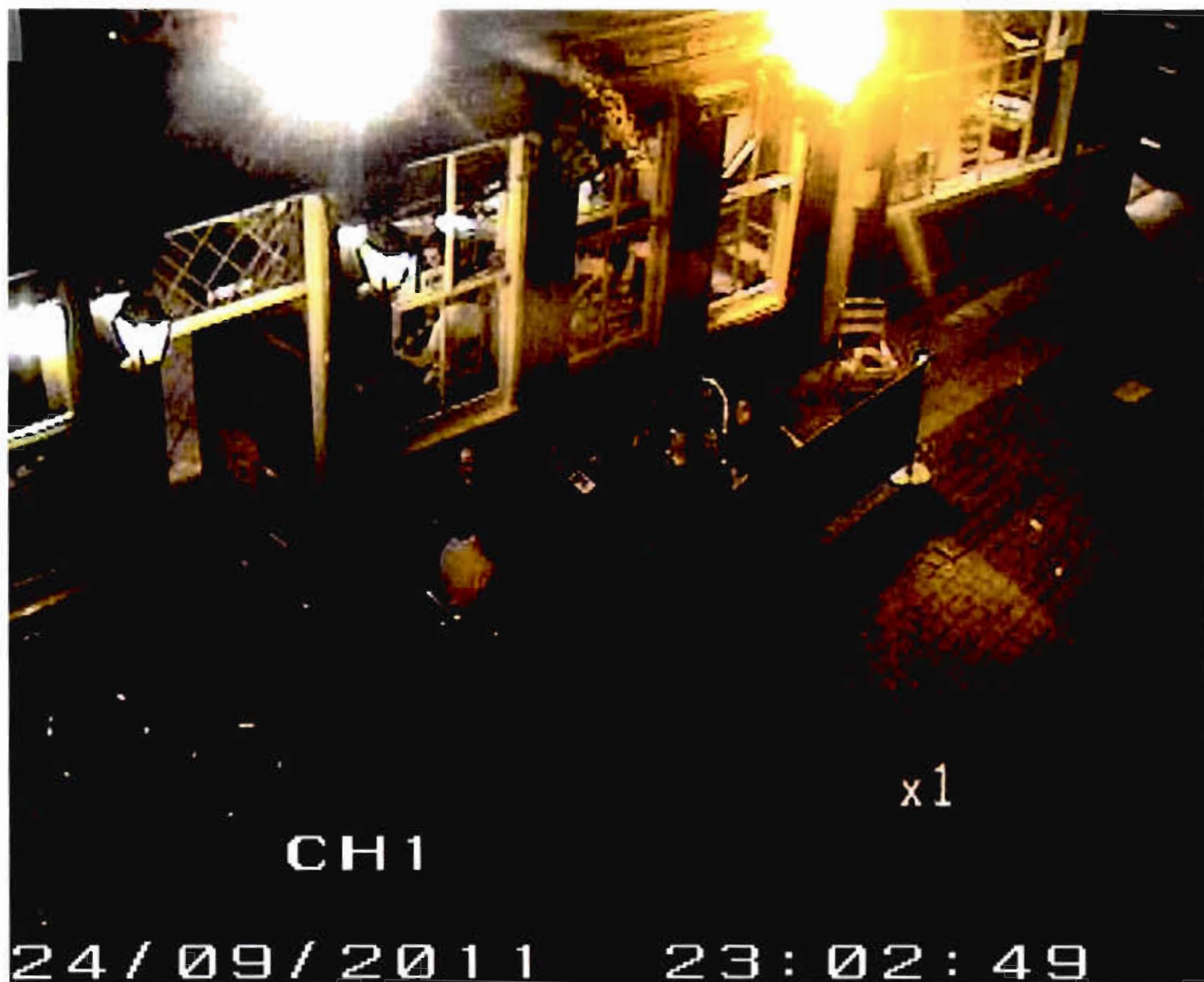
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27/09/2011

23:04:30



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30/09/2011 23:15:35







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01/10/2011

22:57:26















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01 / 10 / 2011

23:16:33









CH1

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02/10/2011

22:44:40







21st September 2011



APPENDIX  
J

To: Ian Street

Dear Ian,

Re: MURDERERS APPLICATION FOR TABLES AND CHAIRS.  
APPLICATION 11/01678/TABCITA

Whilst we are not directly effected by the application, <sup>however</sup> we would still like to register our support for this application. We understand the importance that having a pavement license for your customers has on your business.

Furthermore "The Murderers" is very important to all our independent traders as it brings many people to Timberhill that otherwise would not come. The table & chairs outside the Murderers not only provides a service to its customers it also acts as an advert to the traders that are walking below Timberhill and attracts them into Timberhill.

Whilst only having traded since the start of the year we are unaware of any problems as Houlder having this facility has caused. We are also aware how seriously Phil Cutler takes his responsibility to ensure no problems can occur.

We confirm our support for this application.

Yours Sincerely

PETER GARDNER  
OWNER CAFE ITALIA  
7 ORFORD STREET

**Fuller, Maxine**

**From:** Graham Patching  
**Sent:** 05 October 2011 17:54  
**To:** Licensing  
**Subject:** your ref: 11/016878/TABCHA

Dear Mr Ian Streeter,

I am writing this with reference to the above application for a licence to place tables and chairs outside The GardenersArms/Murderers Cafe Bar, 2-8 Timberhill, Norwich. Not only do we fully support this application, we would actively encourage it. The above premises is a fine example of an extremely well run public house with conscientious owners and well trained staff. Mr Cutter is a well established and well respected publican within the the licensed trade and is more than capable of maintaining good order within the profiles of this application. His staff are well trained and equally able to maintain standards in any periods of his absence. Please do not hesitate to contact me should you require me to comment further,

Yours faithfully  
Graham Patching  
Manager/Premises Supervisor  
The Castlegates/Malaysian Delights  
11-15 Timberhill  
Norwich  
NR1 3JZ

2-4 Timber Hill  
Norwich  
Norfolk  
NR1 3LB

RE: Gardeners Arms table and chairs license

Dear Sir,

I have no issue with the tables and chair license that the gardeners arms wants to impose on the premises. I have lived above the pub for about 18 months, I am a 24 year old female and I have never had an issue walking past the pub at anytime day or night with patrons sitting outside. I have never witnessed any issues caused due to patrons sitting outside using the tables and chairs facility.

The one issue I do have is that the camera placed on the top of moss and Leakey's shop is directly opposite my bedroom window, and Mr. Foscett has given me no evidence to prove that the camera cannot view the inside of my bedroom. So on occasion that issue can make me feel uncomfortable.

Yours sincerely

Sophie Lowe



# CENTRAL NORWICH CITIZENS' FORUM

2<sup>nd</sup> October 2011

Mr Ian Streeter  
Licensing Manager  
Public Protection (Licensing)  
Citywide Services  
Norwich City Council  
Via e-mail

Dear Mr Streeter

**Re: Application for tables and chairs licence**  
**The gardener's Arms & Murderer's Café Bar**  
**2-8 Timberhill, Norwich**

I am grateful for the opportunity you have provided for us to comment upon the above application which seeks to add one table and three chairs to the provision already made for the seating of customers outside these premises.

We have consistently supported the original application made to the City Council for this facility and its subsequent several reviews for the very good reason that such provision adds to the attractiveness of the streetscape in an area which is already part pedestrianised and where, therefore, pedestrians are already conditioned to know their place in the street which, although relatively narrow, provides ample access for both they and motor vehicles to use the area in complete safety. The provision of 8 tables and 28 chairs will not substantially alter that and we see no reason for any objection. However, I should add in this case, that we are well aware of the several objections that have been made to it by the proprietor of the business trading opposite which we have considered and find utterly unreasonable. We therefore strongly recommend approval

Yours sincerely

**Julian F Foster**  
**CHAIRMAN**

**Streeter, Ian**

---

**From:** dennis kemp  
**Sent:** 01 October 2011 19:51  
**To:** Streeter, Ian  
**Subject:** Table and chairs application for the Gardeners Arms/Murderers.

Dennis Kemp  
150 Holt Road  
Horsford  
Norwich  
NR10 3DW

Dear Sir,

I am writing in connection with the latest application made by the Gardeners Arms/Murderers Public House regarding Standing/Smoking/Drinking/Tables/Chairs etc.

I apologise if this letter is not in the usual format for offering support to an application to the council, but I have little knowledge of such matters, but by the same token feel obliged to write in support nonetheless. I sincerely hope that the viewpoint of someone of a pensionable age might offer a contrast.

Firstly I must make clear that I am over 60 years old, Norwich born and bred, and have been a customer of this public house for over 40 years, so I could not disagree if told that my opinion is biased, for it certainly is.

So what are we dealing with here?

A world famous Norwich City landmark that would appreciate a little help in getting by in these economically troubled times, and at no cost to the general public. Can you imagine Timberhill with no Murders Pub? Could you envisage tourists to our city going out of their way to photograph a boarded up empty shell of a building, perhaps with a nice blue plaque at the front saying "This used to be The Murderers"? No neither can I, but without a little help this could be the case. Plenty of other pubs have fallen by the wayside, let's try to keep this one. Can we?

We are lucky to be blessed with decent weather in this region, even if it not always as tropical as it is at the moment, but sitting outside relaxing in the fresh air with a good pint, watching, but separate from the hubbub of central Norwich as it is funneled below Timberhill is a real treat, and one I try to experience as often as finances allow.

However there are serious downsides to this experience. Being unable to fully relax should I inadvertently move a table, or perhaps misaligned my seat to catch the last sun before it is hidden by the rooftops, or worse, absent minded taking a sip of my drink whilst standing or to stop it spilling whilst carrying it to my outside table and then the worry of if I have been photographed or recorded doing so. On top of that is the concern that these "crimes" are used against the pub and it's staff who I have come to love and think of as family, for such is the welcome afforded within. I have heard of accusations of intimidation to customers from those who would revel in the demise of this establishment, but in the whole time I have used this public house, not once have I been a witness to anything of the sort. In fact the only intimidation seems to come from the opticians opposite, where the proprietor monitors and stares at the customers through his shop windows, and on occasion taking photographs.

Let me tell you straight that this is a most unpleasant experience and is certainly detrimental to the enjoyment of those sat there. Personally I have found this behaviour quite inflammatory and flagrantly antagonistic. On occasion angry parents have needed to be placated by Mr Cutter after being seriously offended with having had their children photographed in this manner. Perhaps if enough of the pub customers were to make official complaints, then maybe this shop could be asked to install frosted glass, and to remove the video camera and thus alleviate the tension between it and the pubs customers.

The opticians is supposed to be high class and pub customers have in some way contributed in the fall of it's custom, but no effort has been made to clean or tidy the exterior of these premises, which look tired and neglected quite frankly. Surely far more off putting to "upper class" customers than people sat outside drinking. In the same period the public house has been repainted several times and is easily recognisable while being easy on the eye. I have witnessed staff from the public house clearing cigarette butts from the entire width of the street, even though dropped by passers by, in an effort to keep the area clean and aesthetically appealing, but also for fear of being blamed for causing the mess and having another black mark entered against it's name.

The atmosphere within the pub lends itself to warmth and friendliness. It is a pub for all ages, colour and

03/10/2011

gender and all mix freely and happily. So safe is the environment that I often take my grandchildren into the cafe/bar and am quite happy to do so. To speak of customer intimidation is a sick joke. I have spoken to people from all over Great Britain and indeed from all over the world who have made a point of visiting the Murderers Pub whilst in this city. Many more come just to take photographs with their backs to the opticians shop, a point which seems to aggravate the opticians which for all intents and purposes is totally ignored. The crazy ruling that drinkers are not allowed to stand is difficult to self police, but the pub staff are very alert. However it is impossible to comply with the current drinking/standing regulations at all times. For instance I witnessed a scenario just recently where four elderly Italian tourists sat near me enjoying the warm sunshine. One of the elderly ladies returned to the table after a toilet visit, but then remained standing to finish her drink. On spotting the lady standing and drinking Phil Cutter came out and politely advised her of the rules, or rather he tried in vain to explain. Eventually after appearing quite flustered and not a little angry the woman said something like "Is ok I shopping now". Whereupon she put the glass down and wandered off not looking too happy. Of course this might have been avoided had there been a plethora of multi lingual signs explaining the conditions attached to the seating agreement, but that would be an awful distraction and would look quite silly.

I have seen by way of the public files on line that Mr Foskett has in the past placed great emphasis on the regulations for outdoor seating as adopted by other councils, quite clearly in an effort to bolster his campaign against the public house, but if he is so public spirited why is the large number of cars and vans that use Timberhill illegally overlooked, or is it merely a matter of time before the pub is held to blame for that too? Many vehicles travel the wrong way up this one way pedestrianised street but many, many more ignore the no right turn sign on the opticians wall and do indeed turn right to gain access to Farmers Avenue. The vast majority of this traffic has also ignored the signs at either end that allow access for loading/unloading only, using Timberhill as an illegal rat-run.

In summary I feel you have a duty to this public house, it's staff and customers and to this lovely City of ours to do everything in your power to not merely keep this establishment alive, but to help it prosper. Anything that can be done to prevent the aforementioned scenario of visitors staring at an empty building from coming to fruition should be considered. I also believe that you must ignore the constant ravings of the complainant. What Norwich do we want after all? Our Norwich or Norwich according to Mr Foskett?

I sincerely hope that you have the foresight and integrity to reach the correct decisions in this matter and that the conditions attached to the allowance of seating can be withdrawn.

People who love Norwich have put their trust in you. How shall you repay them?

Dennis Kemp



34 Blacksmiths Way  
Old Catton, Norwich  
Norfolk NR6 7DT

Mr Adrian Akester  
Head of Citywide Services  
City Hall  
Norwich  
NR2 1NH



26 September 2011

Dear Mr Akester,

**The Gardener's Arms, Timberhill, Norwich**

On a recent visit to The Gardener's Arms (Murderers ph) in Timberhill, I learned of the forthcoming renewal application for the outside tables and chairs licence. I am aware of the concerns of one nearby business over the renewal and feel that I would like to support the application by giving my professional viewpoint in the hope it might ease any worries about the re-granting of this licence

I worked for Norfolk Constabulary for over thirty years, both as a police officer and in media relations. When I left in 2004 to start my own business, I was the force's Media Manager. Since then I have carried out lengthy communications contracts for the local NHS, Norfolk County Council and, very recently, Bedfordshire Police. As such, I might be forgiven if it sounds arrogant when I claim to be a respected member of local society.

I am now 62-years-old and have been a customer of the Gardener's Arms on and off for quite a number of years. I use the pub/restaurant for both food and drink and occasionally for watching sports events on their big screens. I have been there when the place has been packed and at quieter times. I have used it during the week and at weekends. On no occasion have I seen anything or any behaviour that would cause me not to want to use the establishment.

I have sat at the outside tables with friends and watched the world go by feeling very pleased that the city where I was born has moved with the times and adopted a continental approach to socialising.

Many years ago, probably in the 70's/80's, I think I would not have felt quite as confident in writing this type of letter. But over the last 20 years, this great city centre pub has established itself as a nice place to visit, eat and drink. I now witness customers from all walks of life using the place. I have had conversations with visitors to the city who have been having lunch there because they read about the pub before coming to Norwich. How sad it would be if they were deprived of a seat outside on Timberhill?

I have never seen any rowdiness or any damage caused to the pub or nearby premises. The general ambience at the outdoor seated area is usually very quiet and pleasant and this does not change greatly even when there is a home Norwich City football match.

Finally, if you need an even better example of the quality of this establishment, I will tell you about my wife, Carole. She does not drink alcohol and is not a 'pub person' – normally only ever visiting them with me. But when she is shopping alone in the city and wants to stop for lunch, Carole goes to the Gardener's Arms where, she says, she feels very comfortable. That is a fact.

I wholeheartedly support the Gardener's Arms renewal application for its outside seating. In my opinion, it is a very well managed licensed premises and I can see no risk to the city council in re-granting the licence.

Yours sincerely,

Mel Lacey

**From:** Ethika  
**Sent:** 21 September 2011 16:36  
**To:** Akester, Adrian  
**Subject:** Tables and Chairs Licence for Gardeners Arms Public House/Murderers Cafe Bar

Dear Mr Akester,

Following the public advertisement of the re-application for a licence for tables and chairs on the public highway (Timberhill, Norwich NR1) by the proprietors of the Gardeners Arms/Murderers Cafe Bar, I wish to support their submission to City Council. The facility for outside dining and drinking by customers of The Murderers/Gardeners Arms enhances the friendly and accessible character of the street. The pub and its use of public space is consistently well managed throughout the year.

There is a strong community on Timberhill, apparent during events such as the recent celebration of Norwich's accession to the Premiership. As shops and restaurants we are able to provide an inviting and diverse choice to the public. Seeing customers enjoying food and drink outside one of Norwich's oldest pubs demonstrates the warm welcome found throughout the street.

Unfortunately there seems to be one retailer for whom this open, European atmosphere is unwelcome. Some three years ago I received the attached email from Mr Foscett at Moss & Leakey Opticians. At the time, having only recently opened my shop Ethika on Timberhill, I found it somewhat threatening. The hectoring tenure of the note is unpleasant and in part libellous. Most certainly Timberhill, like any other street in Norwich, has its share of foul mouthed and inebriated passers by but these people are frequently carrying their own drink or have perhaps indulged in other stimulants not available from a public house. None of the publicans on Timberhill tolerate anti-social behaviour in their pubs, if anything their vigilance is of great benefit to both local retailers and residents.

The more open and welcoming Timberhill can be the less attractive it is for those who are looking for an uninhabited space to loiter. Let's keep the tables and chairs and a well managed hospitality space on the public highway. In this difficult financial climate hospitality, laughter and openness are perhaps more important than at any other time to encourage confident footfall in a very special street.

I am attaching the email from Mr Foscett for your information.

Yours sincerely,

Roberta Pumer  
Owner Ethika Emporium Ltd



**From:** "David Foskett"

im>

**Date:** 7 May 2008 14:26:54 BST

**To:**

**Subject:** Phil Cutter & Gardeners Arms

moss lh.GIF ~

Dear Roberta

I am David Foskett, Managing Partner

Sorry we haven't met but I felt inclined to write as you have become involved and patently 'taken sides' regarding our objection to the tables and chairs outside the pub

Sorry too that although we haven't even met you have developed such a poor opinion of me personally and so-much-so that you have chosen to write in the public domain that I am "a trader ... generating ill feeling and animosity in the street" ??

Actually like you I find Phil Cutter an extremely likeable chap and have always maintained a friendly relationship with him on a personal level. He certainly has never done anything to offend me and I like to think neither have I to him. Our objection to the tables and chairs outside the pub is just that and not a vexatious or personal attack on any of the staff, managers or licensees there. Helen Orrick next door in the Work Box is another objector but her objection too is regarding the incessant nuisance and damage to her business interest NOT as to whether Phil Cutter is a nice guy.

There is no easy way to put this so I will be frank, we are objecting to the uncontrollable drunken people standing or sitting in the street using the lewdest foulest language at the top of their voices whilst our staff and customers have to listen to this in our practice. Their language is pub-speak and they spend their days discussing who they are shagging, who they have beaten up, where they are doing their shop-lifting, what its like working being a prostitute on Ber Street, what drugs they are doing or trading in, how to swindle more dole money etc etc and ad infinitum. We don't want to suggest it is a majority of Phils customers but certainly enough 'wrong-uns' to make our lives here at No. 1 an absolute misery.

Come and find out what it is really like to have a shop directly opposite the pub, speak with Helen next door or the girls working in my shop. Ask about the 70 football hooligans lined up in front of us or the fights and violence when we are all shaking with fear that it might spill over into our shop. Come and look at my current broken window and I'll show you the bills for all the others we've had to replace over the past five years. Speak with my customers who say "... How bad it is for you (us) here ..." and how they daren't walk up Timberhill (to your shop) because of all the intimidating people stood outside the pub. With respect, if you want your business to flourish you need to think again about how your customers feel about using Timberhill and not whether Phil Cutter is a nice guy.

We have kept a quiet counsel whilst Phils charm offensive has garnered your letters of support to present to the hearing but you didn't do any legwork before writing them. I wonder if you had would you still be happy to have us, your other neighbours and fellow traders, spend another twelve months with our businesses blighted like this. Perhaps you will even do the honorable thing and withdraw your unwarranted and inappropriate letters ??

I am here every day apart from Fridays if you do want to meet me. I thought of coming up and calling in myself to see you but I wouldn't want to have you, or anyone else for that matter, think I was influencing you in any way. I hope now that some calm reflection will sort this matter out.

Assuring you of my very best intentions at all times

David

# ORFORD HILL DENTAL SURGERY

PRINCIPAL: ANDRE POTGIETER

CORPORATE RESOURCES

16 SEP 2011

POST ROOM

Licencing  
Norwich City Council  
Legal & Democratic Services  
City Hall  
St Peters Street  
Norwich NR2 1NH



13<sup>th</sup> September 2011

Dear Sirs

Application for Licence ref: 11/01678/TABCHA

We thank you for your letter dated 12/9/11 concerning the application by Mr Cutler to place tables and chairs outside his premises on Timberhill at the Murderers/Gardeners Arms Café Bar.

We whole heartedly support him in this venture as we feel it is a valuable asset to the Hill, allowing customers to sit and enjoy the surrounding area during the day and on pleasant evenings.



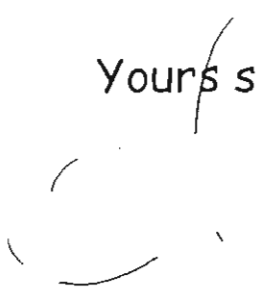
## ORFORD HILL DENTAL SURGERY

PRINCIPAL: ANDRE POTGIETER

There has been no problem with noise or rowdiness as far as we are aware and our staff often frequent the café/bar after a hard days work.

Good luck to Mr Cutler and his staff at this difficult time for public houses are like everyone struggling with the economic climate, and need all the boosts they can get.

Yours sincerely



Andre Potgieter, Principal



Viking Optical Limited  
Blyth Road Industrial Estate Halesworth, Suffolk IP19 8EN UK

ingoptical.co.uk

RECEIVED

19 SEP 2011

Organisational Development

19 SEP 2011

Post Room

Viking Optical Centre  
9 Timberhill  
Norwich  
NR1 3JZ  
15...09.2011

Licensing  
Norwich City Council  
City Hall St Peters Street  
Norwich NR2 1NH

Mr Ian Streeter,

Ref: - 11/01678/TABCHA Application for tables and chairs outside The Gardeners Arms & Murders Café Timberhill Norwich.

Just a few comments that may be of help in your decision to grant a new licence to Mr Philip Cutter, we have no objections to this and feel that it in fact adds corrector to the street, over the last 9 years that we have been here we have not had any problems from people outside the pub and any time there has been a odd small problem with someone that has had a little to much to drink or got a bit noisy Philip and his staff have been very good and claiming things down, and because of the smoking ban his patrons have to come outside better that its controlled like this,

I know for a fact that I have made customers from people how have sat over from the shop and that by having the chairs there it is giving us the chance of being seen,

Norwich has over the years had a great corrector, it's the City that had its 365 pubs and 52 churches lots of people who all add to that atmosphere from Billy Bluelight to Marigold and the puppet man and the Murderers is one of the most well know pubs in the city if closed it would kill Timberhill because it would make the street look dead.

I hope this is of some help

Yours faithfully

~~Martin Drake~~  
Manager Viking Optical Centre

**Fuller, Maxine**

**From:** Stuart Hirschle  
**Sent:** 15 September 2011 15:09  
**To:** Licensing  
**Subject:** 11/01678/TABCHA

Ian,

I just wanted to state on record that I have no issue with the application from The Gardeners Arms/Murderers to have seating and tables outside their establishment as I and my team frequently use Timber Hill and found it always to be a positive addition to the local area and has always been well maintained and kept clean and tidy .

If you require any further information then please let me know .

Regards

Stuart Hirschle MIRP CertRP  
Branch Manager

Blue Arrow 1st Floor, The Bell Hotel , 5 Orford Hill , Norwich NR1 3QB  
t: 01603 615121  
f: 01603 761411  
m: 07703607876

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16/09/2011



Timber Hill, Norwich NR1 3LB.

# London Camera Exchange Group

LONDON CAMERA EXCHANGE LTD.

CORPORATE RESOURCES

14 SEP 2011

POST ROOM



13/09/2011

Licensing  
Legal and Democratic Services  
Norwich City Council  
City Hall  
St Peters Street  
Norwich NR2 1NH



Re: Application for the renewal of a licence to place tables and chairs on the highway, Gardeners Arms 2-4 Timber Hill.

Dear Sir,

I would like to support the above mentioned application by the Gardeners Arms as I believe that this practice has encouraged the increased footfall in Timber Hill and would not like to see it disappear as I feel it adds to the life of the street.

I also believe that if this application is rejected this would have a considered negative impact on the number of people visiting Timber Hill with a subsequent impact on the surrounding local business.

Yours Faithfully

Hannah Press

Branch Manager, London Camera Exchange Norwich

#### Branches At:



228, Wrotham Rd  
Sprowston,  
Norwich  
NR7 8BE  
30-9-11

Dear Adrian Akeser,

I would like to support the application for tables & chairs outside The Murderers P.H on Timber Hill. I think that is ~~of~~ very good for the street.

I worked at the Murderers for about 20 years & thoroughly enjoyed my time there without issue. Unfortunately I had to leave due to the stress that the ophitians put me under. They made claims about the pub constantly. I felt under pressure at trying to serve people & look outside at the front of the pub & then go outside & find that there isn't

anything to worry about, but with the opticians rigging the pub & telling us things are not right, when everything is fine. It got to me as I was worrying about what he was saying rather than looking after my customers, as a result I had to leave due to the stress of it all. It ruined my enjoyment at the Murderers.

When I worked there we had no trouble whatsoever outside, he made things up & I do believe it hasn't changed at all.

I really think that the tables & chairs make Timber Hill look welcoming & make you want to go there not just for the pub but the surrounding shops.

Yours Sincerely,

MRS BEVERLEY AWS



## Annex 2 – Conditions consistent with the Operating Schedule

1     **General - all four licensing objectives**

- 2     1. Existing procedures will be applied to the premises in relation to the additional hours requested.

3     **The Prevention of Crime and Disorder**

- 4     1. The Licensee will operate in strict compliance of the law in respect of the operation of the premises and maintain good standards of behaviour by his customers.  
2. If required to do so by Police he will operate a Text/Radio Pager with local Police.  
3. Door supervisors, who must be SIA registered, will be utilised when required.  
4. The Portman proof of age scheme will be in operation on the premises.  
5. Regular glass collections will take place.  
6. The licensee will advertise, sell and promote the sale of alcohol responsibly, and in such a way that it will not intentionally, or is likely to, encourage the excessive consumption of alcohol.

5     **Public Safety**

- 6     1. The Licensee will undertake ongoing risk assessments in order to comply with Health and safety and Fire Prevention legislation.

7     **The Prevention of Public Nuisance**

- 8     1. The Licensee will undertake a risk assessment to ensure that proper measures are taken to avoid any public nuisance.  
2. The Licensee will ensure that notices will be displayed at all exits requesting the Public to leave the premises and area quietly and to place litter in the receptacles provided..  
3.

9     **The Protection of Children From Harm**

- 10    1) Children are allowed in the cafe bar area of the premises for the purpose of eating, and must be accompanied by an adult.  
2) All children are expected to be off the premises by 18:00. Relevant signage will be affixed in relation to admittance of children.  
3) Any 16/17 years employed at the premises will be risk assessed to assess their suitability for the role.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

1. The Licensee will ensure sufficiently appropriately trained staff working to be able to monitor customers coming in and their actions and behaviour inside and also to be available to manage departure of customers (In addition to those needed to serve alcohol and general running of the business etc)
2. 'No ID-No Entry' policy for those persons that appear to be under 21 at times when door supervisors are in operation.
3. Security Industry Authority (SIA) trained door supervisors will be on duty on Friday and Saturday evenings with ability to screen customers coming in, manage behaviour inside and prevent incidents and drunkenness, and to manage dispersal by marshalling, standing at the door as people leave.
4. The Designated Premises Supervisor (DPS) will become a member of Norwich Pubwatch and Norwich Licensing Forum. The DPS or appropriate representative to attend minimum of 3 meetings of each group per year.
5. An adequate CCTV system will be installed and operated covering inside the premises and the entry and exit points.
6. The outside seating area will close at 2330hrs with tables and chairs securely removed.
7. The outside seating area will be cleared of empty glasses at 15 minute intervals.