



NORWICH
City Council

Notice of Determination

Date of Hearing: Thursday 9th October 2008

Licence Type: Variation of a Premises Licence

Name of Applicant: Enterprise Inns Plc

Name of Premises: Maid Marian Public House

Postal Address of Premises (or description of premises):

59 Ipswich Road, Norwich, Norfolk

Licensing Sub-Committee:

Councillors Stephenson (Chair), Divers and Lay

Determination –

The Committee noted that subject to a condition relating to the limitation of outdoor use after 2300 hours the Norfolk Constabulary had withdrawn their objection.

The Committee noted that the applicant had agreed to amend their operating schedule by the insertion of the following conditions:-

1. All doors and windows shall be closed save for access and egress at all times that live music is being provided.
2. Notices requesting that customers leave quietly will be displayed at the premises and in the car park.
3. Music and other amplified sound, e.g. voice, shall be inaudible at the perimeter of the property.
4. With the exception of emergency situations, entry and exit to the premises shall be via the main doors on the western facade of the building whenever live music is being performed and/or when performers are entering or leaving the premises.

Committee noted that the applicant intended to close the premises to the public no later than 1.30 a.m.

The Committee's decision:

The Committee granted the variation application as sought.

1. The hours for the supply of alcohol are extended to 10.00 a.m. to midnight Monday to Sunday inclusive.
2. The licensable activities of the playing of live music and the facilities for making music are licensed between the hours of 10.00 a.m. and midnight on Monday to Saturday inclusive.
3. Late night refreshment is permitted between 2300 and midnight on all days.
4. On the Friday, Saturday and Sundays of bank holiday weekends, and on Christmas Eve and on Boxing Day the terminal hour for activities mentioned in paragraphs 1 - 3 above are extended until 1.00 a.m.
5. The supply of alcohol is permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
6. The condition requiring that alcohol may only be served for consumption as ancillary to a meal in the restaurant area is removed.

The Committee imposed the following condition:-

1. Between 2300 and 0700 hours the outside area available to customers shall be restricted to the area on the western side of the premises running between the exterior of the building and the Ipswich Road frontage and extending for the length of the canopy being an area of approximately 6 x 13 metres as is more clearly shown on the plan produced at Committee and attached to the Premises Licence.

The Committee's reasons:

The reasons for the Committee's decision were:-

Members felt the inaudibility condition for music and other amplified sound e.g. voice at the perimeter of the property was significant and would deal with the main cause of concern of those persons who had opposed the sought variation on the grounds of noise nuisance. The requirement that performers enter and leave the premises via the doors on the western side of the premises should rectify a particular problem of the use of the conservatory doors disturbing a local neighbour.

Committee understood the concerns of the Environmental Health Department regarding possible disturbance from persons using the outside area after 2300 hours for the consumption of alcohol. The Committee did not find there was sufficient evidence before committee of problems sufficient to justify the imposition of a condition prohibiting the consumption of alcohol at the outside area post 2300 hours whilst allowing the outside area to be used for other purposes and noted in respect of the obligation to consider the prevention of crime and disorder that the Norfolk

Constabulary had withdrawn their objection.

Noting the need for an external smoking area and noting the location of the dwellings of surrounding residents the Committee imposed a condition setting out a restricted area for external use after 2300 in a position least likely to cause nuisance and disturbance to neighbours and noted that if it became clear that the use of the external area past 2300 hours was causing an unacceptable problem to any neighbour then the review procedure was available.

Right of a Party to appeal against the determination of the Authority

For your information, applicants and any party who made a relevant representation, or submitted an objection notice, who is aggrieved by the decision, or the imposition of any term, condition or restriction, have a right of appeal to the Magistrates' Court within 21 days of the date below.

Dated this 14th October 2008