



NOTICE OF DETERMINATION

Date of Hearing:	16 April 2014
Licence Type:	Application for the grant of a premises licence
Name of Applicant:	Anna Chalu
Name of Premises/Postal Address of Premises:	46 St Benedicts Street, Norwich NR2 4AQ
Licensing Sub-Committee:	Councillors Gayton (Chair), Button and Stephenson
Present on behalf of Applicant:	Mr Ben Eyre and Ms Anna Chalu
Other persons present:	Andy Champ, Martin Harris, Ronald Scott and Councillor Maxwell (in a personal capacity).
Also present were:	Ian Streeter (Norwich City Council Licensing Manager), David Lowens (nplaw Solicitor) and Mr Anthony Shearman (Environmental Health Section, Norwich City Council).

DETERMINATION:

Mr Streeter presented the report and then the Applicant and her husband Mr Eyre explained their intentions in respect of this application and these premises. They mentioned their intention was to provide a continental drinking experience with plates of food being offered to persons in the premises. They mentioned that though local to Norwich they had spent five years in Spain running a guest house and wished to introduce that style of drinking to Norwich. Their intention would be to focus upon the sale of quality food rather than the sale of alcohol.

The Applicant confirmed that they had agreed the proposed conditions of the Norfolk Constabulary set out on page 5 of the agenda (mentioned below). During discussions before Committee the Applicant agreed to two further conditions as follows:-

1. The side door to the premises will be locked during the opening hours of the premises should members of the public be present on the premises.
2. "Challenge 21" notices will displayed at the bar.

The Applicant mentioned the efforts that had been taken to soundproof the ceiling after taking advice from the Environmental Health Department of Norwich City

Council. Ms Chalu confirmed that she held a personal licence and would be the designated premises supervisor. A discussion took place about whether it was necessary to amend the hours for the sale of alcohol to enable a drinking up time. The Applicant confirmed that an application for a music licence had been withdrawn as their intention was only to play quiet background music and they understood that this did not count as a licensable activity. The Applicant also mentioned that it would not be their intention to have the doors at the front of the premises open frequently, noting that those persons eating in the vicinity of the doors were likely to become cold should this occur. The Applicant and her husband confirmed they would be present at the premises to deal with any complaints that might arise and in response to a question from Councillor Gayton confirmed that they had processed a food registration form with the Norwich City Council and had received a visit from an Environmental Health Officer dealing with food hygiene though it was likely another visit would be booked following the installation of the new kitchen. It was agreed the premises had no outside area but the Applicant confirmed they would discourage persons from loitering outside the premises so far as they were able to do so. In response to a question from a local resident Mr Eyre confirmed that he was not yet able to say how effective the soundproofing would be.

Councillor Maxwell, Mr Andy Chapman, Mr Martin Harris and Mr Ronald Scott spoke to the Councillors detailing their concerns regarding noise from these premises and possible antisocial behaviour by persons in the vicinity of the premises. Following the explanation as to the intended use of the premises local residents were generally less concerned regarding the crime and disorder implications but some concern remained regarding noise nuisance from the premises and its' clientele.

Mr Shearman in response to a request from Cllr Gayton confirmed details of technical matters under the Environmental Protection Act 1990 in respect of the measuring of noise nuisance and confirmed that the character of the area would be taken into account. He confirmed he had provided informal advice to the Applicants and understood that his advice had been followed. He mentioned how important it was for both parties either side of the party wall to talk to each other and attempt to understand any noise problem.

Discussion took place regarding those matters mentioned on Appendix A and the matters agreed with the Norfolk Constabulary. The Applicant agreed to amend their operating schedule to delete those matters which were no longer needed from the intended operating schedule as follows:-

1. Under the steps to be taken to promote all four licensing objectives together- "minimum agreed beverage pricing structure" and "proof of age requested if needed".
2. Under the prevention of crime and disorder- "CCTV already installed and functioning on exterior of building".
3. Under the prevention of public nuisance- "volume level of music kept to a minimum at all times" and "no outdoor seating/smoking area".
4. Under the protection of children from harm- "proof of age taken at all times".

Decision of the Licensing Sub-Committee

The Committee approved the application for the licensable activity sought during the hours requested, noting the agreed conditions. Those matters suggested by the Norfolk Constabulary and agreed by the Applicant are as follows:-

1. A digital CCTV system will be installed and maintained on the premises and in working order at all times. Sufficient cameras will be installed to monitor the public area within the building and the immediate vicinity outside. Copies of images must be downloadable in a digital format and provided to Police representatives upon reasonable request. Images must be retained for a minimum of 28 days.
2. A refusal book will be kept on the premises to record all refused sales and will be available for inspection by the Police or licensing authority upon request.
3. An incident log is to be kept on the premises to record all incidents of crime or disorder that occur at the venue. This log will be kept on the premises and will be available to Police or licensing authority upon request.
4. All staff involved in the sale of alcohol will receive training relating to the sale of alcohol. A copy of this training will be available to the Police or licensing authority upon request.
5. A Challenge 21 policy will be used.
6. No patron will be allowed to leave the premises whilst in possession of any open drinking vessel or glass bottle whether empty or containing any beverage.

Reasons for the Committee's Decision

The Councillors felt the Applicant has taken reasonable and responsible actions in respect of their obligations under the Licensing Act 2003, having taken and followed advice from the Environmental Health Department in relation to noise mitigation and having agreed the suggestions put forward by the Norfolk Constabulary.

The Councillors noted the government guidance and the limitations upon conditions that should be imposed. The Councillors noted that it was only appropriate to impose conditions which could be complied with by the Applicant and which were within their control. The Councillors therefore did not impose any condition regarding control of the behaviour of the public when present on the public highway or on private land outside the premises licence holders control though it was expected that the Applicant would endeavour to discourage persons from loitering in the area of the premises.

The application could be approved, noting the hours and the licensable activity sought without the need to impose any further conditions.

Right of Party to Appeal against the determination of the authority

A person who has made relevant representations in relation to the application who wishes to contend that the licence should not have been granted or that on granting the licence the licensing authority should have imposed different or additional conditions or should have taken a step mentioned in s18(4)(b) or (c) of the Licensing Act 2003 may appeal to a Magistrates' Court within 21 days of the date on which they are notified of this decision.

Dated this 16th April 2014