



NOTICE OF DETERMINATION

Date of Hearing:	29 May 2014
Licence Type:	Application for the variation of a premises licence
Name of Applicant:	Revolution Bars Limited, 21 Old Street, Ashton under Lyne B71 3AU
Name of Premises/Postal Address of Premises:	Revolution 6 Queen Street, Norwich NR2 4SQ
Licensing Sub-Committee: ("the Committee")	Councillors Gayton (Chair), Button and Gihawi
Responsible authorities:	Michelle Bartram, Norfolk Constabulary Licensing Team
Other persons present:	on behalf of the applicant – Andrew Woods (Solicitor), Ashley Adams (Premises Manager), Menesh Madguadlia (Area Manager)
Also present were:	Ian Streeter (Norwich City Council Licensing Manager) and Luke Parker (Solicitor, nplaw)

DETERMINATION:

1. Cllr Gayton led the introductions and outlined the procedure to be followed.
2. Mr Streeter presented his report and advised the Committee that Condition 5 of Annex 2 of the current premises licence was inconsistent with the variation application in that it prescribes for a thirty minute wind down period after licensable activities (except late night refreshment) have ended whereas the variation application sought for all licensable activities, save for the supply of alcohol, to finish at the terminal hour of 0300.
3. The Committee heard from Mr Woods the applicant's solicitor. There was no attendance by the local residents, the company or the councillor who had made representations.
4. Mr Woods advised that the applicant had met with the Norfolk Constabulary about a proposed one hour extension to licensable activities at the premises and as a consequence the applicant had revised their application and now only sought a 45 minute extension in respect of the sale of alcohol. Given the proposed terminal hour of 0300 this will provide for a 15 minute wind down period. In addition he said the applicant planned to play quieter music from 0230 until close. When questioned by Mr Parker, Mr Woods confirmed that the condition agreed with the Constabulary

prohibiting entry or re-entry of customers to the premises between 02:30 and close, was been offered by the applicant as part of their variation application.

5. With regards to Condition 5 of Annex 2 Mr Woods said the applicant had not previously noticed the conflict with the application. He questioned whether the condition was still appropriate given that the Constabulary had met with the applicant and as a result of which they had agreed a revised application. He highlighted to the Committee the fact that there was no record of anti-social behaviour at the premises. In terms of the objectors he said that the applicant was previously unaware of their concerns as none of them had approached the applicant. He said the applicant does all that it can to ensure patrons leave quietly and do not disturb local residents. There is a dispersal policy in place and patrons wishing to use taxis are directed to the local taxi rank.
6. Cllr Gayton asked Mr Woods what the applicant's response was to the objections about anti-social behaviour in the area. Mr Woods said there was no evidence to suggest that the applicant's patrons were responsible and pointed out that there are a number of other premises in the area. Beyond measures such as the dispersal policy there was little the applicant could do regarding anti-social behaviour outside the premises other than to report such incidents to the Police.
7. Ms Bartram said that the Constabulary had no concerns with the application as amended. She said that the applicant had operated extended hours under a number of Temporary Event Notices in the past and these had passed without incident.

DECISION OF THE LICENSING SUB-COMMITTEE

8. The Committee granted the application as amended subject to the deletion of Condition 5 to Annex 2 of the operating schedule. It was noted that prior to the Committee hearing the applicant had amended the operating schedule to include the following condition:
 - (a) There will be no entry or re-entry of customers between 0230 until close with the exception of those using the dedicated smoking area.

REASONS FOR THE COUNCILLORS' DECISION

9. The Committee determined the application having due regard to the Licensing Act 2003, the section 182 Guidance, the Council's Licensing Policy and all the evidence both written and oral, whilst attaching the appropriate weight to each.
10. The Committee noted that the Norfolk Constabulary had no representations to make following their meeting with the applicant as the latter had agreed their concerns and amended the application accordingly. The Committee placed great weight on the lack of concern from the Norfolk Constabulary and the other responsible authorities in contrast to the concerns of the two local residents and the councillor regarding disturbance by anti-social behaviour.
11. The Committee found that there was insufficient evidence to justify the imposition of conditions. The conditions in the amended operating schedule were appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

12. The Committee considered that Condition 5 of Annex 2 of the operating schedule was no longer appropriate. The Committee noted that neither the Constabulary nor any of the other responsible authorities had any representations to make. The application provided for a 15 minute period between the last sale of alcohol and the closing of the premises which was appropriate. Likewise the restriction on entry / re-entry from 0230 until close was sensible and the committee welcomed the applicant's intention to tone down any music played from 0230 until close.

RIGHT OF THE PARTY TO APPEAL AGAINST THE DECISION OF THE LICENSING SUB-COMMITTEE

13. For your information, applicants and any persons who have made relevant representations who are aggrieved by the decision or the imposition of any condition, term or restriction, may within 21 days of the date on which they receive notification of the decision, appeal to the magistrates court.

Dated this 5 June 2014