



NORWICH
City Council

NORWICH CITY COUNCIL

NOTICE OF DETERMINATION

Date of Hearing: 5th August 2021

Application for the variation of a premises licence under the Licensing Act 2003

Address: 52 Prince of Wales Road, Norwich NR1 1LL

Applicant: Pure Gold Limited

Members of the Licensing Sub-Committee: Councillor Stutely (Chair), Councillor Giles and Councillor Button.

Other persons attending committee: Mr Chris Reynolds and Ms Maxine Fuller, officers of Norwich City Council, Mr Rob Edge representing the applicant company, Mr David Lowens, solicitor and committee legal advisor, Cllr Lesley Grahame (objector) and Mr Dan Grimmer, press.

The committee took place in the Council Chamber, City Hall. No additional papers were presented in addition to those provided in advance of committee.

DETERMINATION / NOTES OF HEARING

1. There were no apologies or declarations of interest.
2. Ms Fuller presented the report.
3. The Chair welcomed those present. He questioned whether the comments on pages 45 and 48 of the agenda sufficiently stated the likely effect of the grant of the variation proposed for these premises upon the promotion of the licensing objectives to count as relevant representations.
4. Mr Edge addressed committee on behalf of the applicant, mentioning that Mr Vladi, owner of the premises, was currently abroad. The premises had operated since 2014 and was well run. Following discussions with the Norfolk Constabulary licensing team there was a proposed last entry time of 03:45 AM and in order to reduce the risk of public nuisance the applicant did not seek an extension for alcohol sales, which should reduce the risk of public nuisance. Mr Edge noted that the operating schedule was robust and had been prepared with the assistance of the police. There was a noise management plan, a refusals log, an incident log and other controls.

5. In response to a question from the Chair Mr Edge confirmed that there was no request to extend live music hours and confirmed that there was an error regarding last re entry time between pages 21 and 33 of the agenda. The correct time was 03:45AM.
6. There was discussion regarding the capacity of the premises, though this was noted to be a matter for the Norfolk Fire and Rescue Service. There was discussion regarding numbers of SIA staff and annex 2 condition 12 was noted.
7. Mr Edge responded regarding control of the risk from drunk persons in the early hours, noting that drunk persons were not allowed entry and that dancers would be escorted from the door to their transport.
8. Cllr Grahame addressed committee and raised several questions including covid precautions, the incident log and her worries regarding the stockpiling of drinks. Mr Edge noted that covid policies were continually under review, that the incident log was kept at the premises and was available to any responsible authority in the same way as the refusals log was and that persons were not allowed to stockpile alcohol prior to the close of sales. The Chair asked Mr Edge to consider the wording of a relevant condition.
9. The Chair noted noise concerns raised by those who had made relevant representations, Mr Edge mentioned that when preparing for committee he had spoken with the Public Protection team at Norwich City Council who had confirmed there were no complaints about noise nuisance registered to Pure Gold. Mr Edge noted that there was a problem with noise in the city centre but suggested that it was not attributable to his client's premises. He described the efforts made to check noise levels which was done on a regular basis at points close to residential premises. Appropriate levels would vary by the time of day. Music levels would be reduced if necessary
10. Cllr Giles asked about additional steps to control the smoking area, Mr Edge felt the operating schedule was sufficiently robust already. In response to a question from Cllr Button as to whether it would be sensible to limit those using the smoking area to a single person Mr Edge suggested this would be a source of friction and best avoided. The smoking area was next to the likely location of door staff who could intervene if persons were too noisy.
11. Mr Edge summarised the application, noting that there were no objections from any responsible authority and noting the additional conditions being put forward by the applicant (set out below). He suggested there was no evidence from residents regarding noise directly from these premises.

Further conditions:

No more than two persons at a time will utilise the smoking area between 4am and 6am.

A telephone contact number is to be available for the use of residents to contact the premises during opening hours, in case of any noise concerns.

Condition 44 is to be amended to note the cleaning up will take place on a regular basis and particularly within the hours of 4am to 6am. Litter will include promotional literature.

The premises licence holder will ensure that between 03:30 and 03:45 hours there will be no stockpiling of drinks by customers, meaning that no more than one drink per person will be served and customers will be informed that no alcohol sales will take place after 03:45 hours.

DECISION OF THE LICENSING SUB-COMMITTEE

The variation application was approved, with the operating conditions as amended.

REASONS FOR THE COMMITTEE'S DECISION

In coming to its decision, the Committee had regard to the Statutory Guidance published under S182 of the Licensing Act 2003, as well as the Council's own licensing policy and the evidence before committee.

Weight was given to the fact that the local authority department responsible for environmental health functions, including noise, had not made any representation and that the Committee must therefore proceed on the basis that there were no concerns from this department regarding the proposals in terms of public nuisance.

Similar weight was given regarding the lack of concern from the Norfolk Constabulary, relevant regarding the licensing objective of the prevention of crime and disorder.

The committee had been unable to seek further comments from residents regarding noise as those residents who made relevant representations had not attended committee.

Committee noted the existing measures to control noise arising from the premises and the efforts made by the applicant to avoid noise nuisance arising and that the behaviour of members of the public when beyond the control of the premises licence holder is a matter for personal responsibility. The operating schedule was felt to be robust and sufficient to support the licensing objectives.

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

Any person who has submitted a relevant representation may appeal this decision at the Magistrates Court within 21 days of the date on which they are notified in writing of this decision in accordance with the appeal provisions under Schedule 5 of the Licensing Act 2003.

Dated: 13 August 2021

A handwritten signature in black ink, consisting of a stylized, cursive script that appears to be the initials 'JH' followed by a long horizontal stroke.

Signed: (Chair, Licensing Sub-Committee)