



NORWICH City Council

NOTICE OF DETERMINATION

Date of Hearing: 16 May 2017

Licence Type: application for the grant of a Premises Licence.

Name of Applicant: One Life Left Games Ltd

Name of Premises/Postal address of Premises: 21 St Benedicts Street, Norwich, NR2 4PF

Members of Licensing Sub-Committee: Councillors Jones (Chair), Raby and Woollard

Other persons present: Mr John Gage, Ms Christine Way, Objector, Mr Malcolm Seddon, Objector, Mr Anthony Shearman, NCC, Mr D Lowens, Clerk, Mr Gilbert from Archant Newspapers.

There were no declarations of interest.

NOTES OF HEARING:

Mr Shearman presented the report noting that the conditions proposed by the Norfolk Constabulary which are as follows, had been agreed:

1. The DPS will keep a written record of the dates and events when the venue uses the five extensions of the year.
2. Staff will be trained in relation to the sale of alcohol and a record of this training will be kept at the premises and be available to police or licensing authority on request.
3. Patrons will be prevented from taking open vessels of alcohol off the premises.
4. CCTV to record for a minimum of 28 days and be available to police or licencing authority on request.
5. An incident book to record any incidents at the premises will be kept and available on request.
6. An alarm will be in operation at the premises.

Mr Shearman noted the obligation of committee to consider matters which were appropriate to promote the licensing objectives and noted that the gaming machines proposed were not gambling machines.

Mr Gage, applicant representative and director of the business noted this application was in respect of a video game themed café not a bar or club. It was a coffee shop with television on tables. The application for alcohol sales is intended to assist when catering for persons of a legal age to buy alcohol. Generally alcohol sales will only be made in the evening after 1800 hours but there could be private parties during the day. During day time the games would be restricted to ages 12 and below. Mr Gage noted that in relation to the provision of films, recorded music and the provision of anything of a similar description to live music, recorded music or performances of dance the hours sought were amended to be the same as the opening hours. It was agreed that reference in the application to no alcohol sales during the day in section 16 of the application form was made in error and this was removed from the application

During the hearing Mr Gage (on behalf of the applicant) offered the following conditions:

1. The five extensions of hours sought (hours extended include both licensable activities and opening hours) are per calendar year and will not be for later than 2 a.m. the following day.
2. No alcohol sales will be made at any time if persons under 18 are on the premises, alcohol sales will only take place if only over 18's are present.
3. Fire door is to be alarmed
4. Window on courtyard to remain closed
5. Challenge 25 to be in effect

Mr Gage noted that the management retained full control over the games and equipment that is used and tables can be turned off remotely without the need for confrontation. He did not feel that the persons likely to use the premises were those likely to cause disorderly or rowdy behaviour nor was he expecting crime. Decibel levels can be controlled and all windows were double glazed. The courtyard was not part of the premises lease and would not be used by the premises. To assist with the control of noise Mr Gage offered a further condition as mentioned above, namely that the fire door is alarmed.

Mr Gage mentioned that it is his intention to fit CCTV and during discussions it was agreed that the sought hours for the sale of alcohol would be 12:00 to 20:00 hours Monday, Tuesday, Wednesday Thursday and Sunday and would be 12:00 to 22:00 Friday and Saturday, that the hours the premises were open to the public would be 09:00 to 21:00 hours on Monday, Tuesday, Wednesday, Thursday and Sunday and 09:00 to 23:00 hours on Friday/Saturday and that alcohol is for sale for consumption on the premises only.



Mr Gage was questioned about issues relating to possible alcohol sales and confirmed that it was possible for alcohol to be sold during private events in the afternoon. Objectors were concerned regarding possible noise nuisance arising from the premises and worried about persons talking on St Laurence Little Steps. Mr Gage confirmed that the steps were outside his premises and committee was informed by the clerk that therefore this was a matter outside of his control. He noted however that the entrance and exit to his premises was on St Benedict's Street and there was no reason for his customers to be loitering at St Laurence Little Steps.

Mr Gage noted that his seating capacity would be no more than 28/30 persons and in respect of concerns regarding noise from open windows offered a condition that the window on the courtyard would remain closed as mentioned above.



DECISION OF COMMITTEE:

The decision of committee was to grant the application as sought and with the amendments noted to the conditions and hours. No additional conditions were imposed by committee.

REASONS FOR THE COMMITTEE'S DECISION:

The committee noted and gave weight to the fact that there were no police objections and no environmental health objections that would have been expected if the risks of public nuisance from noise or the risk of crime and disorder concerned either responsible authority. The nature of the business, its limited size and hours, the entrance and exit being upon St Benedicts Street and the proposed conditions indicated that granting the application would not damage any of the licensing objectives. Committee felt that there was no evidence supporting the imposition of any further conditions upon the licence. Controls regarding timing and the closure of the courtyard window together with controls on alcohol sales were noted and were felt to be sensible and appropriate. If contrary to expectations noise nuisance does exist then committee noted that a review procedure is available.

RIGHTS OF APPEAL:

Rights of appeal are set out in Schedule 5 of the Licensing Act 2003. Any person wishing to raise an appeal should do so within 21 days of the date they are notified of the decision appealed against.

Dated this 30th January 2018

