



NORWICH
City Council

Notice of Determination

Date of Hearing: 21 January 2010

Licence Type: Application for variation of Premises Licence

Name of Applicant: Margaret and Kevin Martin

Name of Premises: Comfortably Numb

Postal Address of Premises (or description of premises):

13 St Benedicts Street, Norwich, NR2 4PE

Licensing Sub-Committee:

Councillors Hooke(Chair), A Little and Cannell

The Committee noted the representations from interested parties. There were no representations from responsible authorities but the Committee noted that Mr & Mrs Martin had altered their operating schedule following consultation with Environmental Health.

The applicants wished to remove the mandatory conditions listed at Annex 1 3. and to remove the conditions at Annex 2, 19 through to 29, these latter now having been superseded by the Regulatory Reform (Fire Safety Order) 2005.

The applicants also wished to remove conditions 33 and 44 at Annex 2.

Condition 33 stated that "any amplified music will be from a unit 40 watts per channel max.

Condition 44 stated "Children under the age of 14 will not be permitted on the premises".

The variation also sought to amend current condition 3 that the last admission to the premises shall be 00:00hrs (midnight) and;

Current condition 32 that all live amplified live music will cease at 23:00hrs.

Proposed variation to current condition 3 was that: No new customers will be admitted to the premises after 00:00hrs (midnight), to allow customers who went outside to smoke to return inside the premises.

Proposed variation to current condition 32 was that: all amplified live music shall cease at 23:30hrs.

Determination –

The premises licence was granted as asked for save for the removal of Condition 44. The applicants' addition to their operating schedule was that "All live and recorded amplified music will be controlled by a sound limiter set by Norwich City Council's Environmental Health and will not be altered without consultation with Environmental Health".

The Committee's reasons:

The Committee felt that the amended application promoted the licensing objectives (other than the protection of children from harm) particularly in respect of noise nuisance. In respect of the protection of children from harm the applicants did not appear to have any clear idea between themselves as to how their proposals to have children allowed into the bar would be managed. The applicants disagreed with each other at the hearing about when they wanted children under the age of 14 allowed onto the premises and in what circumstances. They did not propose any particular provisions for the supervision of children, they do not serve food on the premises, and there did not appear to be any particular amenities for children. On balance the committee decided that the applicants had failed to demonstrate in their operating schedule that suitable and sufficient measures had been identified which would be implemented and maintained so as to protect children from harm.

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 any term, condition or restriction, have a right of appeal to the Magistrates' Court within 21 days of the date on which they are notified of the decision.

Dated this 21 January 2010