



NORWICH City Council

NOTICE OF DETERMINATION

Date of Hearing:	12 May 2015
Licence Type:	Application for the variation of a premises licence
Name of Applicant:	Greene King Retailing Limited, Abbot House, Westgate Brewery, Bury St Edmunds IP33 1QT
Name of Premises/Postal Address of Premises:	Coach & Horses, 51 Bethel Street, Norwich, NR2 1NR
Licensing Sub-Committee: ("the Committee")	Councillors Button (Chair), Bogelein and Woollard
Responsible authorities:	None
Other persons present:	Mr Lewis Belsey (Applicant's employee & DPS) Mr Matthew Phipps (Applicant's solicitor)
Also present were:	Mr Ian Streeter (Norwich City Council Licensing Manager) and Mr Luke Parker (Solicitor, nplaw)

DETERMINATION:

- a. The Chair introduced those present.
- b. Mr Streeter presented the licensing report. He advised that there were no remaining representations from any of the responsible authorities as both the Police and Environmental Protection had withdrawn their representations after the applicant had agreed to additional conditions as part of its proposed operating schedule (see paragraph "e." below). In addition the local resident's objection detailed on page 22 of the agenda had been withdrawn following correspondence with the applicant's solicitor. Mr Streeter said that the only remaining objection was that detailed at page 21 of the agenda.
- c. Mr Phipps, the applicant's solicitor, said that the bar servery in the former cellar at the rear of the building which would be created if the application was approved was shown on the plan adjacent to the lower end of the hatched area ("the outside bar"). He said that the outside area of the premises shown unhatched on the plan was used as a smoking area up to 02:00. This was a small area which

could accommodate up to 16 people and he added that the total capacity of the premises was restricted to 100 persons at any time. He said that Mr Beasley, the DPS, had started at the premises in September 2014 and since then the pub has been redecorated and there was an emphasis in selling cask and real ales as well as providing food. He said that the use of the hatched area shown on the plan is presently unrestricted however if the application is granted then its use will be subject to conditions (as per paragraph "e." below). The applicant anticipates that the outside bar would be open on Friday afternoons and at weekends. He said that the outstanding objector had been contacted but the applicant had not received a response. Regarding the ventilation window referred to in the objector's letter this had been removed and bricked up about a year ago.

- d. The Committee members asked various questions including: whether there would be a physical barrier to section off that part of outside area closed after 2100; and whether customers were allowed to drink in the smoking area. Mr Belsey said that moveable fencing would be used as a barrier and Mr Phipps stated that customers using the smoking area were allowed to take their drinks into the area and added that the entire area will be covered by CCTV.
- e. When asked by Mr Parker, Mr Phipps confirmed that the following conditions were offered as part of the applicant's operating schedule:
 - 1. No sales of alcohol will take place from the bar in the former cellar at the rear of the building (operated specifically to serve customers in the outside area) between 21:00 and 11:00 hours on any day.
 - 2. The section of the outside area marked on the attached plan (at page 20 of the hearing pack and to be appended to the premises licence) shall not be in use by members of the public between 21:00 and 11:00 hours on any day.
 - 3. No sales of alcohol will take place in any outside part of the licensed area between 21:00- 11:00 hours on any day.
 - 4. Any temporary bar placed in the outside area for the service of alcohol will be removed by 21:00 hours on any day that it is in use and the structure and all stock returned to an internal storage area.
 - 5. Conditions 1-3 above are not to have effect until the bar referred to in 1. (above) has been built and shall only have effect on days when the bar is used (for the avoidance of doubt, 'use' refers to the bar being open to the public at any time during that trading day).
 - 6. CCTV will be in operation at the premises when the venue is open to the public. CCTV cameras to cover the main public areas of the building including the external area to the rear and for CCTV footage to be available for up to 28 days and be available to police or licensing authority on request.

DECISION OF THE LICENSING SUB-COMMITTEE

- f. The Committee granted the application as amended.

REASONS FOR THE LICENSING SUB-COMMITTEE'S DECISION

- g. 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 appropriate weight to each.
- h. The Committee noted that there were no outstanding representations from any of the responsible authorities. The Committee noted that the additional conditions agreed between the applicant, the Police and Environmental Protection were appropriate for the promotion of the licensing objectives and proportionate to what they are intended to achieve. The Committee found that there was insufficient evidence to justify the imposition of conditions.

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

- i. Any person who has made a relevant representation who desires to contest that the application to vary a premises licence ought not to be granted or that the licensing authority should have taken a step set out in Section 35 subsection (4) (a) or (b) of the Licensing Act 2003 may within 21 days from the date on which they receive notification of this decision appeal to the Magistrates' Court.

Dated this 9 June 2015