



NORWICH
City Council

Temporary event notices – decision not to give a counter notice regarding Sugar and Spice, 39 Prince of Wales Rd.

Date of Committee: 12 December 2018

Hearing of police objection to temporary event notices.

Name of Applicant: Mr Simon Goodings

Name of Premises/Postal address: Sugar & Spice, 39 Prince of Wales Road, Norwich NR1 1BG

Members of Licensing Sub-Committee: Councillors Maxwell (Chair); Brociek-Coulton and Raby

Other Persons Present: Mr. Gavin Tempest representing the applicant, Mr Simon Goodings, applicant, Ms Michelle Bartram representing the Norfolk Constabulary, Mr Toby Franklin of Norwich City Council, David Lowens and Lorna Hall of nplaw.

NOTES OF HEARING:

Mr Gavin Tempest presented the background to the application for temporary event notices, stating that this was a premises at the heart of the late night entertainment zone which wished to trial an option for up to one additional hour on Saturday mornings. The applicant had worked closely with the responsible authorities.

The applicant noted that the barriers would be removed at 5.00 a.m. there would be no change to the premises entry time of 3.45 a.m. and use of the smoking area would cease at 4.00 a.m. It was felt this was a reasonable compromise regarding the concerns of the Norfolk Constabulary. A small amount of additional time should generate more income. The premises licence holder was unable to know whether these proposals are financially viable without testing the proposals via a trial period.

Regarding the concerns of the Norfolk Constabulary, the applicant via his representative noted that Sugar & Spice has an exemplary licensing record and he was not aware of any significant incidents over the period of time since the sexual entertainment venue licence was extended to 6.00 a.m. Police fears have not materialised. The premises did not allow the purchase of large amounts of alcohol and alcohol sales were ancillary to the entertainment provided at Sugar & Spice.

It was agreed that the cumulative impact policy was not applicable to temporary event notices.

The applicant did not believe that the additional hour of these temporary event notices if the application was successful would encourage other premises to seek longer hours.

The applicant discussed the incidents mentioned in the Norfolk Constabulary representation and felt that the business had behaved properly. Details were given of the number of staff and their training to recognise alcohol problems. It was confirmed that alcohol was provided by waitress service.

There were no questions to the premises licence holder from the Norfolk Constabulary.

Ms Bartram addressed the committee noting that the Norfolk Constabulary had a good working relationship with the business and confirming they had no particular problems with this type of venue but were concerned that public order patrols were stood down at 5.00 a.m. and were concerned regarding the domino effect of granting the temporary event notices on other business in the area.

DECISION OF COMMITTEE:

The decision of the committee was not to serve a counter notice to either temporary event notice. The committee required that the conditions on the premises licence be imposed on the temporary event notices except where they would be inconsistent with the matters applied for.

REASONS FOR THE COMMITTEE'S DECISION:

The Council had great sympathy for the police and the limited resources available for public order matters post 5.00 a.m. but noting the way these premises were run, accepting that the primary entertainment at these premises was not the consumption of alcohol and noting the lack of historical concerns from the police regarding the management of these premises there was insufficient evidence to come to the view that these proposed licensable activities at these particular premises would undermine the licensing objectives.

The committee had taken note of the three incidents shown on the Norfolk Constabulary objection and felt the premises had taken appropriate and responsible action regarding these.

The efforts made by the management to ensure the last entry time remains was appreciated. It was felt that a suspicion of the police that the proposals may lead to increased drunkenness and disorder was insufficient on the evidence available to justify the service of a counter notice.

Dated this 25 January 2019.

Persons present at committee were notified of the right to seek an appeal against this decision and reference should be made to the Licensing Act 2003 Schedule 5.