

Licensing sub committee

Date: **Tuesday, 11 October 2022**
Time: **10:15**
Venue: **Mancroft room City Hall, St Peters Street, Norwich, NR2 1NH**

Pre-meeting briefing for members of the committee only
30 minutes before the start of the meeting

Supplementary agenda

Committee members:

Councillors:

Stutely (chair)
Catt
Kidman

For further information please contact:

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Agenda

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| 4 | Application for a Temporary Event Notice for the Roof Top Gardens Restaurant, Union Building, 51 – 59 Rose Lane NR1 1BY | 3 - 12 |
| | Purpose - Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider an objection notice given by the Public Protection Team. | |

Date of publication: **Wednesday, 05 October 2022**



Committee Name: Licensing sub

Committee Date: 11/10/2022

Report Title: Application for a Temporary Event Notice for the Roof Top Gardens Restaurant, Union Building, 51 – 59 Rose Lane NR1 1BY

Portfolio: Councillor Jones, Cabinet member for safe, strong and inclusive neighbourhoods

Report from: Head of planning and regulatory services

Wards: All wards

OPEN

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider an objection notice given by the Public Protection Team.

Recommendation:

It is recommended that members determine whether to issue a counter notice in respect of the temporary event notice submitted in respect of the Roof Top Gardens Restaurant, Union Building, 51 – 59 Rose Lane Norwich for an event on 17 December 2022 in accordance with the:

- Licensing Act 2003 and subsequent regulations
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy

Policy Framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report meets the people live independently and well in a diverse and safe city and the city has an inclusive economy in which residents have equal opportunity to flourish corporate priorities.

Report Details

Licensing Act 2003: temporary event notices

1. Part 5 of the Licensing Act 2003 (The Act) provides for the temporary carrying on of licensed activities at premises which are not authorised by a premises licence or club premises certificate. The most important aspect of the system of permitted temporary activities is that events do not have to be authorised as such by the licensing authority. Instead the premises user notifies the event to the licensing authority and the Police.
2. The premises user is required to give a copy of any temporary event notice (TEN) (unless submitted electronically when it is the responsibility of the licensing authority) to the Police and the local authority exercising environmental health functions (Public Protection). If the Police or Public Protection believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give an objection notice to the licensing authority and to the premises user within 3 working days of their receipt of the TEN.
3. If the licensing authority receives an objection notice from the Police or Public Protection that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). If members decide to allow the licensable activities to go ahead as stated in the TEN, and these are in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing premises licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions and provide a copy to each relevant party. Alternatively, members may decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

Temporary event notification

4. Temporary event notice (TEN) has been received from Mr Justin William Watson in respect of the Roof Top Gardens Restaurant, Union Building, 51 – 59 Rose Lane Norwich NR1 1BY. A copy of the TEN is attached at Appendix A of the report.
5. The TEN gives notification that it is proposed to use the premises for the licensable activities of the sale by retail of alcohol and the provision of regulated entertainment starting at 17:00 to 00:00 (midnight) on 17 December 2022.

Objection notice

6. Objection notice to the TEN has been received from the Public Protection Team, copy attached at Appendix B to the report.

Summary

7. The sub-committee must consider the objection notice received from the Public Protection Team, determine whether the proposed event would undermine the licensing objectives.
8. If the sub-committee determine that the proposed event would undermine the licensing objectives, then the licensing authority must give a counter notice to the premises user to prevent the proposed temporary event from going ahead.
9. Should the sub-committee determine not to issue a counter-notice, and allow the event to go ahead, then they may impose one or more conditions but only if it considers it appropriate for the promotion of the licensing objectives.
10. Alternatively, the licensing sub-committee may decide to allow the licensable activities to go ahead as stated in the TEN without the imposition of any conditions.
11. A notice giving reasons for the sub-committee's determination will need to be served on the premises-user, the Police and Public Protection.
12. Appeals by the premises-user in respect of the determinations set out in paragraphs 11 and 12 above, or by the Police or Public Protection in respect of paragraph 13 above, must be made to the Magistrates' Court within 21 days, commencing on the day on which either party was notified of the decision either to issue, or not issue, a counter notice. However, no appeal may be brought later than 5 working days before the first day of the relevant event period.

Implications

Financial and Resources

Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan and Budget.

13. There are no proposals in this report that would reduce or increase resources.

Legal

14. Members must give appropriate regard to the following:

- [Licensing Act 2003 and subsequent regulations](#)
- [Guidance issued under Section 182 of the Licensing Act 2003](#); and
- [Norwich City Council Statement of Licensing Policy](#)

Statutory Considerations

| Consideration | Details of any implications and proposed measures to address: |
|------------------------------------|---|
| Equality and Diversity | No implications, no proposed measures |
| Health, Social and Economic Impact | No implications, no proposed measures |
| Crime and Disorder | Norfolk Constabulary are a responsible authority under the legislation, no proposed measures |
| Children and Adults Safeguarding | Social Services and Children's Safeguarding Board are responsible authorities under the legislation, no proposed measures |
| Environmental Impact | No implications, no proposed measures |

Risk Management

| Risk | Consequence | Controls Required |
|----------------------------------|--|--|
| Legal | Risk of challenge to incorrectly made decision | Consideration of legislation and application information. Legal advisor to support members in making their decision. |
| Reputational risk to the council | If problems arise following a decision to grant or if a decision is made incorrectly | Legal advisor to support members in making their decision |

Reasons for the decision/recommendation

15. It is recommended that members determine the application to grant the premises Licence in accordance with the:

- Licensing Act 2003 and subsequent regulations
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy

Background papers: None

Appendices:

A – Application form

B – Representation

Contact Officer: Public Protection Licensing Advisor

Name: Maxine Fuller

Telephone number: 01603 989400

Email address: licensing@norwich.gov.uk



NORWICH
City Council

Regulatory & Democratic Services
Licensing Section
City Hall
St Peters Street
Norwich
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Temporary Event Notice

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| 1. The personal details of premises user (Please read note 1) | |
|---|--|
| 1. Your name | |
| Title | Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) |
| Surname | Watson |
| Forenames | Justin wiliam |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | |
| Title | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) |
| Surname | |
| Forenames | |
| 3. Your date of birth | |
| 4. Your place of birth | |
| 5. National Insurance Number | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below) | |
| <div style="background-color: yellow; height: 40px; width: 100%;"></div> | |
| Post town | Post code |
| 7. Other contact details | |
| Telephone numbers | |
| Daytime | |

| | | |
|--|--|-----------|
| Evening (optional) | | |
| Mobile (optional) | | |
| Fax number (optional) | | |
| E-Mail Address (optional) | | |
| 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you) | | |
| | | |
| Post town | | Post code |
| 9. Alternative contact details (if applicable) | | |
| Telephone numbers: | | |
| Daytime | | |
| Evening (optional) | | |
| Mobile (optional) | | |
| Fax number (optional) | | |
| E-Mail Address (optional) | | |

| |
|---|
| 2. The premises |
| Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2) |
| 51-57 rose lane, norwich, nr11by |
| If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3) |
| Level 6, Rooftop Gardens |
| Please describe the nature of the premises below. (Please read note 4) |
| Restaurant/bar |
| Please describe the nature of the event below. (Please read note 5) |

Live singer on the terrace 5pm-10pm

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)

| | |
|--|-------------------------------------|
| The sale by retail of alcohol | <input checked="" type="checkbox"/> |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club | <input type="checkbox"/> |
| The provision of regulated entertainment | <input checked="" type="checkbox"/> |
| The provision of late night refreshment | <input type="checkbox"/> |

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)

17.12.22

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 8)

17:00-22:00 00:00 (MIDNIGHT)

| | | |
|--|-----------------------|-------------------------------------|
| Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9) | | 125 |
| If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10) | On the premises only | <input checked="" type="checkbox"/> |
| | Off the premises only | <input type="checkbox"/> |
| | Both | <input type="checkbox"/> |

4. Personal licence holders (Please read note 11)

Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)

Yes ☒ No ☐

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority

| | |
|------------------------------|--|
| Licence number | |
| Date of issue | |
| Date of expiry | |
| Any further relevant details | |

| 5. Previous temporary event notices you have given (Please read note 12) | | |
|--|--|---|
| Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you) | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If answering yes, please state the number of temporary event notices you have given for events in that same calendar year | 1 | |
| Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 6. Associates and business colleagues (Please read note 13) | | |
|--|--|---|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you) | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year | 3 | |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year. | | |
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 7. Checklist (Please read note 14) | |
|--|-------------------------------------|
| I shall (Please mark the appropriate boxes with an "X") | |
| Send two copies of this notice to the licensing authority for the area in which the premises are located | <input checked="" type="checkbox"/> |
| Send a copy of this notice to the chief officer of police for the area in which the premises are located | <input type="checkbox"/> |
| If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority | <input type="checkbox"/> |
| If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police | <input type="checkbox"/> |
| Make or enclose payment of the fee for the application | <input checked="" type="checkbox"/> |
| Sign the declaration in Section 9 below | <input checked="" type="checkbox"/> |

| 8. Condition (Please read note 15) |
|---|
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user. |

| 9. Declarations (Please read note 16) | |
|--|---------------|
| The information contained in this form is correct to the best of my knowledge and belief. | |
| I understand that it is an offence: | |
| (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and | |
| (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both. | |
| Signature | |
| Date | 22/09/2022 |
| Name of Person signing | Justin Watson |

Bennett, Rachel

From: INFO
Sent: 30 September 2022 16:11
To: [REDACTED]; LICENSING; Bentley, Tiffany; Dawson, Tom
Subject: TEN 17th December 2022 - DONE (RB)

Due to the fact that there appears to be no noise control methods and monitoring for this site that historically can cause noise complaints and that the finishing time is later than previous events.

Please take this email as my objection to this notice under the prevention of public nuisance licensing objective.

if sufficient control measures can be agreed i would be minded to withdraw my objection.

Yours sincerely

Richard Divey
Public Protection Officer

Email: richard.divey@shropshire.gov.uk