

Notice of Determination in respect of a hearing of the Licensing Sub Committee of Norwich City Council regarding an application for the grant of a premises licence for Liquid, 24-26 Prince of Wales Road, Norwich, Norfolk. NR1 1LG

Committee date – 6 August 2021.

Members of committee present– Councillors Stutely (Chair), Button and Huntley.

List of attendees/persons notifying the council of their attendance:

	Name	Role
1	Cllr Ian Stutely	Committee member
2	Cllr Sally Button	Committee member
3	Cllr Jacob Huntley	Committee member
4	Mr Gary Grant	Barrister for the applicant
5	Russell Quelch, Director	Applicant
6	Brett Collier, regional director	Applicant
7	Laurie Howard, DPS	Applicant
8	David Leversedge, Acoustician	Applicant
9	Stuart Trett, architect	Applicant
10	Christopher Reynolds	Officer
11	Tiffany Bentley	Officer
12	Katrina Hulatt	Solicitor, legal advisor
13	Richard Divey	Officer

Summary

There were no declarations of interest and no apologies for absence.

The Applicants barrister confirmed that they had sent a bundle of information and the committee confirmed this had been received.

A letter of support was provided to the committee by the applicant at the commencement of the hearing. The Committee agreed to accept this as evidence.

Tiffany Bentley presented the licensing report. She confirmed further that the cumulative impact policy, which commenced in 2015 was to be given no weight and the chair confirmed that it would be disregarded for the purpose of this application.

Mr Grant presented the applicants case.

He set out his submissions in the following order;

- 1) Importance of a nightclub application
- 2) Why it needs to be made at all – explaining that the premises licence can be transferred, within 28 days, however in this case a delay had meant the licence had lapsed, meaning that a new application had to be made

- 3) The conditions offered, that they were substantial and had gone beyond what the previous, lapsed licence had in place. Also referencing that public protection, although having had put forward an objection, had agreed to remedy it with a condition prohibiting music after midnight on the proposed terrace area.
- 4) The objections

The chair intervened at this point to confirm that objections at pages 25 and 32 of the agenda were to be disregarded as they did not engage the licensing objectives.

Mr Grant expanded on his points.

Under point one he discussed the need for a large nightclub and the benefits to young people, the economy and the night-time economy in Norwich. In describing the building, he described an empty shell designed to be used as a nightclub and referenced the Hope and Glory case, with the papers regarding the positive impact on the night-time economy.

In terms of the conditions, Mr Grant mentioned that all the responsible authorities had provided helpful conditions and addressed the objections.

He confirmed that the old smoking area, which had been located at the rear of the premises at ground floor level and was situated near Faith's Lane. He believed that this was the cause of some objections, however he confirmed, that due to the plan to remove the roof of part of the building and create a second floor, open terrace, with full height walls, there would, unusually, be no smokers located outside the building and the noise could be monitored.

Brett Collier was called, and he described the management of people outside of the nightclub who were leaving. He referenced the dispersal policy and trained staff who would always be present when people were leaving, to include someone on the opposite side of the road to ensure quiet leaving and make sure guests got into taxis. He confirmed that there was also to be a litter patrol to ensure the street remained tidy.

The Committee asked questions of Mr Collier, who informed them that to ensure people kept leaving quietly, security staff, dressed in high vis would be constantly monitoring the situation. This was to go on until full dispersal. The staff would use the city centre radio and be proactive in managing any issues. Mr Collier further went on to explain the policy that the company had in terms of dealing with individuals – ensuring that if they were confused or intoxicated, they didn't leave the club. Instead staff would call friends and family to collect them or pay for a taxi. It was confirmed that they would not let people leave the club if they were exhibiting signs of intoxication due to the risk of nuisance or them being vulnerable, until staff had spoken to them.

The committee then went on to ask questions about the smoking terrace and the agreed midnight closure condition. Mr Grant described the Lombard effect, causing people to speak more loudly, and confirmed that by stopping music, including recorded music, being played on the terrace after midnight, and also stopping

service of drinks from the second floor bar would limit how loudly people talked. Staff would be on the terrace continually and people would be encouraged to be quiet or go back into the main building.

It was confirmed that guests would be able to take drinks on to the terrace, just no musical entertainment or the ability to purchase drinks, and a member of staff always present .

Mr Grant went on to discuss the bundle that had been shared with the committee, highlighting the relevant parts of the parliamentary report at page 14 of the papers, the vulnerability and safeguarding policy operated by the company, the provisions for searching guests, including a metal detector to ensure weapons were not present and highlighted the fact that the application hours had been extended by additional hour (03.00am) on the request of the police to aid dispersal and avoid clashes with dispersal from other venues.

Mr Grant suggested that these mitigations, as well as the other conditions proposed by his clients were enough to deal with all the concerns raised by the members of the public. Mr Grant closed his submissions

The committee then asked questions;

It was asked how the mobile number provided at condition 29, so the public could contact managers at the venue would be disseminated. It was advised that this would be provided to residents in advance and would be clear on opening time.

Members explored this and asked about residents on Faiths Lane, and whether the number could be disseminated to residents residing 100m or less from the premises, this was then offered by the applicant as a condition.

The Committee asked about the 'ask for Angela' scheme where a guest in a difficult or threatening situation could discreetly ask staff for help. It was explained that no statistics were held on this due to COVID but 2-3 incident reports a week were becoming common. The number is advertised in the toilets and staff are trained to take the complainant to a safe place and have a conversation with them before acting. It depends on what the situation is to the reaction, staff might speak to the aggressor, ask them to leave or call the police, depending on the severity of the incident. Each time the system is used a log/incident report is made.

The Committee commented that it was better to prevent bad behaviour in the first instance. The applicant confirmed that there was premises signage, door staff, a deployment plan for security so that guests were observed and that security were present in toilet areas at all times in order to assist guests and deal with issues as they arose.

On discussing staff, the applicant confirmed that all staff had an induction on safeguarding and door staff were SIA trained.

Regarding condition 24 and first aid, the Committee asked if one first aider was enough? The applicant commented that the fire safety capacity of the venue was

approximately 800, but in reality there was never only one first aid trained members of staff as all door staff and first aid training, as did staff and all managers.

The Committee mentioned that it would be keen to see the condition altered to specify that there is to be a first aid trained member of staff on each floor and this was agreed as a condition.

The Committee asked Mr Grant for the applicant how much weight ought to be given to residents and it was noted that although there were limited objections, proximity to the venue was an important factor.

The applicant then wished to confirm that the fire capacity was 900 but clubs are rarely at capacity and often capacity reduces throughout the night, so its unlikely that 900 people would be leaving at the same time.

The conversation then moved to the acoustics and David Leversedge gave evidence for the applicant on the acoustics. He confirmed liaison with the planning department and the metrics used for sound recording. He discussed the use of a sound limiting device on the second-floor terrace. Given the modelling he was confident that the noise would not be above either British Standard or World Health Organisation accepted levels.

The Committee asked questions and were informed that the levels of noise from the building were unlikely to exceed that of the background noise present on the street. It was confirmed that the walls to the terrace would be maintained, just the roof would be removed and as a result, the noise would go 'up'. There is also soundproofing in place for the premises, which had been created in the façade, with glazing retained and an empty buffer zone containing an emergency fire exit.

There would be some line of sight to residences from the terrace, but it would be oblique. The walls would remain 2.5 meters high and there would be no change of the building visibly from the road.

It was discussed that there were acceptable World Health Organisation noise levels for pre and post 11am, and that post 11am it should be background noise.

Richard was asked about the public protection role and agreed that the conditions were enough, and that the public protection objection was withdrawn.

The chair asked for any further information, explained that they had taken note of the bundle, Mr Grant's points and the applicants' submissions and that they would withdraw to consider the matter.

Decision of Committee

The decision of Committee is to grant the whole of the application with conditions as proposed by the applicant, including those amendments agreed to be made to the proposed operating schedule during the committee hearing, except that the amendments to conditions 27 and 29 as set out below are imposed.

Reasons for the committee's decision

The Committee has considered both its local policy and national guidance, the contents of the report, the limited additional papers and the evidence heard on the 6th August at City Hall.

The committee notes that its decision must be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve (para 9.43 of the statutory guidance). It must determine the application with a view to promoting the licensing objectives in the overall interests of the local community and notes that all the four objectives carry equal weight.

The committee noted that this was the site of an existing nightclub previously. They took the public and councillor objections and concerns very seriously, however they believed that the conditions that had been adopted by the premises, as submitted by the police and by public protection mainly satisfied the licensing objectives in that it seemed to the committee that crime and disorder and public nuisance would be minimised.

Regardless, the committee was cognisant that there still might be some noise nuisance, even with a sound limiter fitted and as a result asked that the condition 29 be increased to state;

A mobile number to contact the manager working when the premises are open will be made available to residents who have objected to the grant of the new Premises Licence. At the point of the venue first opening, 1 week prior, a letter drop containing the mobile number to contact the manager will be made to the residential addresses up to 100m from the premises. Each letter to include a reminder of the complaints procedure.

This was to ensure that everybody know how to complain if there was a nuisance and it could be brought to the council's attention swiftly. This condition was agreed by the applicant in the course of the hearing and the above represents the committees refined wording.

In terms of public safety, the committee requested the condition that;

A person trained in first aid will be present on both floors of the venue during trading hours, who will have received training in any problems associated with alcohol and drug misuse. This condition was agreed by the applicant in the course of the hearing and the above represents the committees refined wording.

In addition the committee asked that a noise limiter will be fitted to the sound system on the second floor terrace area, and will be set at a level agreed by an Environmental Health Officer. This is to reflect an appropriate level both pre 23:00hrs and post 23:00hrs to avoid the level of the noise arising from the second floor terrace area sound system being a noise nuisance within any noise sensitive premises.

Once set such levels shall not be exceeded during the time period in which they have effect. The levels may be changed following consultation with and with the written approval of the licensing authority. Any new level is to be specified in writing by the licensing authority. All amplified sound from the second floor terrace area will be played by a speaker system through the noise limiter.

This was an amendment to the existing offered condition.

This is the unanimous decision of committee.

Rights of appeal

Rights of appeal are set out in Schedule 5 of the Licensing Act 2003. Any appeal should be raised with a magistrates' court within 21 days of receipt of the written decision appealed against.



Signed.....Chair, Licensing Sub-Committee.

Dated 12 August 2021

ATIK, 24/26 Prince of Wales Road, Norwich, Norfolk, NR1 1LF

New Premises Licence

Composite Conditions

v.20.8.21

General

1. The sale of alcohol is ancillary to music and dancing.

The Prevention of Crime and Disorder

2. On any day on which door supervisors are to be engaged at the premises the licensee or the responsible person on his / her behalf must enter in a register kept for that sole purpose the name, registration number and hours of duty of each door supervisor to be engaged on that day before that supervisor starts his / her duties. The register must be kept at the premises at all times and be produced for inspection at any time on request by an authorised officer of the Licensing Authority or a Police Officer. Any entry in the register shall be kept at the premises for at least 6 months from the date of that entry before being removed or erased.
3. Any person who appears to be intoxicated, or who is behaving disorderly, will not be allowed entry to the venue. Any person within this venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue.
4. Toughened glass will be used for drinks vessels.
5. A CCTV system shall be installed and maintained to the reasonable satisfaction of Norfolk Police, which shall include cameras recording footage of evidential quality covering all main public areas, entrance and exit doors, the queues outside the premises and the smoking terrace.

Footage shall be retained from all cameras for a minimum of 28 days. At least one trained member of staff will be available at all times the premises is open for licensable activities to operate the CCTV system. Footage shall be made available to for viewing by a Police Officer immediately upon request during trading hours, and recordings of footage will be provided in a form agreed with Norfolk Police, as soon as is reasonably practicable and without unnecessary delay.

The system will be checked daily and a record made of the check, the person responsible conducting the check and the outcome. Any technical failings will be recorded and rectified as soon as possible and without unnecessary delay.

6. There will be full CCTV coverage of smoking area.
7. Customers will not be permitted to leave the premises with any drinking vessel or open glass bottle, whether empty or containing any. beverage.
8. No persons carrying open or sealed bottles will be admitted entry at any time during the licensable activities.
9. The premises will actively participate in the local Pubwatch or equivalent scheme.
10. The premises will actively participate in the use of any Town Centre Radio Scheme that may exist. A responsible person will monitor the radio and make use of it to receive and share relevant information in respect of concerns or Information relating to anti-social behaviour, crime, disorder or any threat thereof, with other users of the town centre radio system during the times licensable activities are taking place.
11. Staff will receive training in relation to the sale of alcohol. A record of this training will be kept at the premises and available to Police or Licensing Authority on request.
12. There will be a minimum of 2 SIA door supervisors from 2200 until close on Friday and Saturday nights.
13. The premises licence holder shall ensure that the provision of door supervisors at the premises is appropriate to ensure the safe control of the premises. A written risk assessment will be in place to assess the number of security staff required. This will be available to Police or Licensing Authority on reasonable request.
14. There shall be a lockable "safe box" at the premises. All controlled drugs and items seized will be placed in this box as soon as it is practicable. All the contents of this will be provided to Norfolk Police.
15. A written Policy that aims to prevent patrons bringing illegal drugs, weapons or other illegal items onto the premises shall be in operation. A copy of this will be kept at the premises and available to Police or Licensing Authority on request.
16. There shall be one SIA door supervisor to monitor the smoking area when it is in operation.
17. There shall be no admittance or readmittance to the premises after 03:45 hrs.
18. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by Police or Licensing Authority on reasonable request.

19. An incident log shall be kept at the premises and made available on request to Police or Licensing Authority. It will record the following:
- a. All crime reported to the venue
 - b. All ejections of patrons
 - c. Any incidents of disorder
 - d. Any complaints concerning crime and disorder.
 - e. All seizures of drugs and offensive weapons
 - f. Any faults in the CCTV system.
20. The Licence Holder shall ensure that any queue to enter the premises is orderly and supervised by security staff.
21. All security staff engaged outside the premises shall wear hi-visibility clothing post 2am.
22. Staff will monitor the capacity levels of the premises.
23. A written dispersal policy will be kept at the premises and includes the dealing of vulnerable patrons. This will be available to Police or Licensing Authority on request.

Public Safety

24. A person trained in first aid will be present on both floors of the venue during trading hours, who will have received training in any problems associated with alcohol and drug misuse.

The Prevention of Public Nuisance

25. Reasonable steps will be taken to recognise the needs of local residents and businesses.
26. During the last thirty minutes of trading:
- Volume levels will be reduced and the music tempo slowed, lighting levels will be raised to encourage the gradual dispersal of patrons during the last part of trading.
 - The number of points of sale in each room will be reduced and staff reallocated to collecting glasses or offer customer service in the cloakroom to assist customer departure.
 - DJ announcements will be used to both encourage a gradual dispersal and to remind customers of consideration for neighbours.

- Notices will be displayed in prominent positions at the exit of the premises requesting customers to leave quickly and quietly.

27. A noise limiter will be fitted to the sound system on the second floor terrace area, and will be set at a level agreed by an Environmental Health Officer and to reflect an appropriate level both pre 23:00hrs and post 23:00hrs to avoid the level of the noise arising from the second floor terrace area sound system being a noise nuisance within any noise sensitive premises. Once set such levels shall not be exceeded during the time period in which they have effect. The levels may be changed following consultation with and with the written approval of the licensing authority. Any new level is to be specified in writing by the licensing authority. All amplified sound from the second floor terrace area will be played by a speaker system through the noise limiter
28. The playing of live and recorded music and the sale of alcohol is not permitted between 00:00 and 07:00 on the second floor of the premises.
29. A mobile number to contact the manager working when the premises are open will be made available to residents who have objected to the grant of the new Premises Licence. At the point of the venue first opening, 1 week prior, a letter drop containing the mobile number to contact the manager will be made to the residential addresses up to 100m from the premises. Each letter to include a reminder of the complaints procedure.

The Protection of Children from Harm

30. No person under the age of 18 will be allowed access to the premises during licensable activities.
31. A challenge 25 policy will operate at the premises. Acceptable Identification for the purposes of age verification that issued by a government agency bearing the holders photograph, name and date of birth or identification bearing the UK PASS hologram.