



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Committee: 21 September 2018

Licence Type: Application for the variation of a premises licence under the Licensing Act 2003

Name of Applicant: The Craft Union Pub Company Ltd.

Name and postal address of the premises: Pig & Whistle, 2-8 All Saints Green, Norwich NR1 3NA

Members of Licensing Sub-Committee: Councillors Mallik (Chair); Fulton-McAlister (E) and Maxwell

Other persons present: Mr Richard Taylor, solicitor representing the applicant; Mr D. James, Regional Manager with the applicant; Mr J Smith, trainee solicitor; Mr TW O'Leary and Mrs C O'Leary, members of the public, Ms Rachel Bennett, Licensing Assistant; Mr D. Lowens, solicitor (nplaw).

There were no declarations of interest

Prior to the start of the committee the following documents were circulated: an enlarged site plan with the licensed area marked, a colour plan of the surrounding streets, email correspondence between the applicant and the police regarding proposed conditions.

NOTES OF HEARING:

Ms Bennett presented the report to committee.

Mr Richard Taylor addressed committee on behalf of the applicant company noting the area licensed, the highway area where a licence was currently being sought under the Highways Act 1980 and confirmed that the applicant did not seek to license under the Licensing Act 2003 the open first floor area at the rear of the premises nor the ground floor highway area to the front of the premises. The applicant was well aware of the interests of local residents and whilst it was understood that Highways Act 1980 matters were separate to the licensing considerations of this committee he mentioned the applicant's intention to clear furniture from the highway at 2200 hours should that licence be granted.

Mr Taylor noted on that the applicant was aware that the premises had a previous chequered licencing history and previous management had operated the premises

in effect as a night club. This was not the applicant's intention. This application was made following police concerns that the conditions of the licence were not fit for purpose and the application was in part to change the conditions so that they were relevant to the way this public house would be run. It was necessary to change the plan of the premises.

The proposed conditions had been discussed between the police and the applicant and during the application process the police had sought additional conditions which the applicant was happy to agree with. The applicant company had also spoken to the Environmental Health Department (Richard Divey). The new conditions were there to satisfy the Norfolk Constabulary.

In response to any questions from Councillors as to whether the application was just a relaxing of rules, the applicant confirmed this was the case but that the police were happy on the basis of how the premises trade at the moment. When questioned regarding whether it would be better to retain strict night club rules the applicant noted that the conditions needed to be fit for purpose and the premises were not premises with loud music and dancing. The conditions currently on the premises licence reflected the night club operation. It was agreed the rear external area had been used as a smoking area in the past. It was agreed that the premises did not currently use the full hours available and in the week would likely close at 2300 hours to 2330 hours and weekends would trade to 1.00 a.m. or so.

There were no questions to the applicant from Mr O'Leary. He addressed committee mentioning his concern that the application was a precursor to later opening hours. The Chair noted the extent of the application and agreed that the papers on the agenda had not been clear. The Chair confirmed that the hours of operation was not part of the variation application. Mr O'Leary mentioned his concerns relating to glasses and bottles found in the Westgate area but noted that the area was a lively area and a good place to live.

In response to a question from the Chair regarding the relevance for example condition 16 the applicant noted that the police believed the crime and disorder objective were promoted by the proposed conditions and that conditions needed to be clear, enforceable and flexible. The applicant noted that there was no complaint regarding the proposed conditions from any responsible authority.

Councillors considered matters in private and the committee then gave its determination in public.

DECISION OF THE COMMITTEE:

1. The application was approved.
2. The following conditions are as agreed by the applicant:
 - i. A CCTV system will be installed and maintained at the premises. The cameras will cover both internal and external areas and images will be retained for a minimum of 28 days. Those images will be made available to officers of the responsible authorities upon request.

- ii. The Police radio link system will be in operation in conjunction and in liaison with the local police.
- iii. The DPS shall maintain an incident book at the premises. This incident book must be made available for inspection by officers of the responsible authorities upon request.
- iv. The DPS will operate a Challenge 21 Policy. Any person who appears to be under the age of 21 will be asked to provide photographic evidence that he/she is over the age of 18 if he/she is attempting to purchase alcohol. The only acceptable proof of age is a photo card driving licence, passport, military identification or a government approved ID document bearing the PASS logo.
- v. The DPS will operate a dispersal policy to ensure the customers leave the premises quietly after closing time.
- vi. Notices will be displayed within the premises asking customers to disperse quietly.
- vii. No children will be permitted to remain in the premises after 2100 hours unless it is for the purposes of completing a meal purchased prior to that time.
- viii. Management will carry out a written risk assessment to assess the requirement for security staff. This document will be kept on the premises and will be available to police or the licensing authority on request.
- ix. Patrons will be prevented from taking open vessels of alcohol off the premises with the exception of areas granted a tables and chairs license and the outside drinking area shown on the plan that attaches to the premises licence.
- x. Staff will be trained in relation to the sale of alcohol and a record of this training will be kept at the premises and made available to the police or the licensing authority on request.
- xi. In the event the premises operate licensable activities after 1.00 a.m. at least one SIA door supervisor will be employed from midnight until 30 minutes past the close of licensable activities.

The committee imposed the following condition – "The first floor outside rear area of the premises will not be used for the consumption of alcohol after 23:30 hours on any day".

COMMITTEE REASONS:

The Councillors gave significant weight to the views of the Norfolk Constabulary whose views were considered very relevant on the question of crime and disorder risks and noted their written view contained in their representation that the request to delete all the current conditions attached to Annex 2 (of the premises licence) and to replace them was sensible due to

the fact that many were now redundant. Amendments agreed to by the applicant meant that there were no outstanding police representations objecting to this application.

The committee gave weight to the fact that there were no representations from the Environmental Health Department as would have been expected were they concerned regarding the likelihood of noise nuisance.

The new conditions proposed were felt to be appropriate to the way these premises were now operated and regarding the imposed condition it was felt that the ability to use the rear external area for public access post 23:30 hours (save for the consumption of alcohol) should assist management in the control of possible nuisance arising from those smoking. The committee had not considered the question of the ongoing Highways Act 1980 application for the placing of tables and chairs at the front of the premises, this not being a relevant matter to the Licensing Act 2003 variation application before committee.

RIGHT OF APPEAL:

Rights of appeal are set out in Schedule 5 of the Licensing Act 2003. In summary in the circumstances of this determination the holder of the licence may appeal against the condition imposed and persons who have made representations who wish to suggest that the variation should not have been granted in whole or part or that in respect of granting this variation the licensing authority ought to have imposed different or additional conditions may appeal against the decision. Any appeal should be raised at a magistrates' court within 21 days of being notified of the decision to be appealed against.

Signature of chair:

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke at the end.

Dated:

5.10.2018