



**NORWICH**  
City Council

## **NOTICE OF DETERMINATION**

Date of Hearing: 29 June 2017

Licence Type: Application for the grant of a Premises License

Name of Applicant: The Craft Union Pub Company Ltd, 3 Monkspath, Hall Road, Solihull B90 4SJ

Name of Premises/Postal Address: The Boundary Public House, 414 Aylsham Rd, Norwich

Licensing Sub-Committee: Councillors Button (Chair); Maxwell and Brociek-Coulton

There were no declarations of interest

Other persons present: Mr Anthony Shearman - Licensing Manager; observers from the Licensing Team: Mr Kim Rogers - Local resident, Ms Heather Page, on behalf of Christopher Page - Local Resident; David Lowens and Katherine Newson from nplaw (Norfolk County Council legal services); Clare Johnson, solicitor for the applicant and Fiona Patterson, operations manager employed by the applicant.

### **NOTES OF HEARING**

There were no additional papers presented to committee. Mr Shearman presented the report and noted that there were no representations from the Environmental Health Department or from the Norfolk Constabulary following agreement as to conditions. Mr Shearman mentioned that there were suggested changes to the conditions, namely matters agreed by the applicant after discussions with the Environmental Health Department:

- 1) A noise limiting device will be installed and maintained at the premises. All amplified music played within the premises will be played through the noise limiting device.
- 2) The maximum noise levels of the noise limiting device will be set by the environmental health officer and will not be exceeded. The maximum noise levels will not be altered without written agreement specifying the new level being received from the environmental health officer.
- 3) The use of the outside areas shall cease at 22:00 hours except for the use of the smoking areas.

- 4) A sign of appropriate size and wording shall be displayed in the smoking shelter informing customers that the remainder of the outside area may not be used after 22:00
- 5) All doors and windows will be kept closed after 22:00 whenever amplified entertainment is being played on the premises save for door ingress and egress.
- 6) Access to the garden will be through the premises only.

The applicant, via its representatives, addressed committee noting that the premises were effectively under new management. The premises had been taken over by a national company that currently looked after 145 premises and the new regime had strict policies and procedures. The premises have been refurbished at an approximate cost of £160,000. The applicant noted the extensive conditions that had been agreed with the police and with the Environmental Health Department, noting especially the noise limiter device. The applicant mentioned that if the premises licence sought was granted, it would be to the advantage of local residents in view of the additional controls over those currently existing. The applicant confirmed there would be no consumption of alcohol in any outside area after 22:00 hours.

The applicant noted the lack of concern from the responsible authorities, the applicant suggested they were of the view that the grant would not conflict with the licensing objectives. The applicant further suggested that the concerns of local residents were addressed via the offered conditions which would significantly regulate the way the premises are run under the new premises license sought.

The applicant addressed the concerns of those local residents who had made representations and also who were present at committee, noting that noise levels should be controlled by the noise limiter together with the presence of SIA staff where present. Concerns relating to broken glass were a management issue so far as within the control of the management. Street lights were noted to be a matter outside the applicants control and it was noted the premises were currently open after midnight. Regarding people leaving, the doors at the rear would be closed and the main exit would be through the front. The applicant noted that there was a good track record and it would be appropriate to grant the matter, subject to the conditions set out in the operating schedule.

Fiona Patterson, on behalf of the applicant, then addressed committee, detailing the controls over their premises with a manager visiting two or three times a week, and the importance the applicant gives to working with the local residents. Operators work on a self-employed basis but are managed by the applicant.

In response to questions from councillors, the applicant confirmed that the DPS would live on the site and it was fair to say the applicant did not know where the broken bottles and debris complained of by the public were coming from. It was noted there was a local off-license open until 3am.

Mr Rogers addressed committee, noting that this was his third appearance before a licensing sub-committee relating to these premises under various operators and he felt that the problems arose due to the behaviour of members of the public. He

wondered what controls would take place but noted the condition agreed with the police that the patrons will be prevented from taking open vessels of alcohol off the site. The operator confirmed that decisions regarding SIA door staff on the occasions when they were not obliged to be present would be a matter for the operator. It was noted that the DPS would remain but that the new operator would of course exercise appropriate management control.

Mr D Lowens mentioned the section 182 statutory guidance relating to the requirements of persons once beyond the control of the licensee to exercise personal responsibility.

Mr Rogers addressed committee, noting that his concerns were with members of the public becoming rowdy and causing noise and anti-social behaviour. He noted that drunk persons were totally irrational and that the noise limiter would not stop the bass beat being received by him.

Mr Shearman responded, relating to his experience of noise limiters and stated the bass beat could be addressed. A discussion took place relating to the noise limiter. Mr Rogers suggested that extended hours would give the clients a while longer to drink and therefore were likely to become more intoxicated and rowdier, with more problems being received by local residents.

The applicant noted that whilst 01:30 hours was sought, it was not likely that this time would frequently be used, it was not the intention of the business to be the last premises open in an evening. Discussions took place regarding where members of the public causing nuisance were likely to have come from, and Ms Page noted that she saw persons coming from the car park of the premises and felt they could have come from the premises or, indeed, the off-license. Ms Page noted that things had improved in the last month, with not as many issues arising regarding the music, but there was still a problem with patrons being noisy on the way out. Ms Page noted that the applicant seemed open to discussion with local residents.

There were no questions to the objectors from the applicant, who then summed up in respect of the law and the need for any decision to be evidence-based. In addition, the applicant noted the presence of the review procedure if the premises were operating inappropriately. Discussion regarding smoking areas took place, and it was agreed that there were two smoking areas at the premises.

#### DETERMINATION:

Committee granted the application sought with the conditions as amended both prior to, and at the meeting. No additional conditions were imposed. The committee noted the police proposed conditions were agreed as set out on pages 31 and 32 of the agenda with condition 1 being amended with "ceases at" being replaced with "hours are extended to".

#### REASONS FOR THE COMMITTEE'S DECISION

The committee noted and gave significant weight the fact that there were no outstanding representations from the Norfolk Constabulary or the Environmental Health Department and felt this indicated there were no concerns from both

organisations, which was especially important regarding nuisance and crime & disorder. The new conditions, especially the presence of a noise limiter at a level to be set by the Environmental Health Department, were noted and appreciated. It was felt that noise nuisance was unlikely to arise from these premises, noting the conditions and new management controls. Reference to the closure of doors was amended to take account of egress and access. The applicant was a nationwide organisation with a number of premises and was believed to be competent and happy to work with local residents to avoid complaints and concerns.

The behaviour of members of the public and their anti-social activities were regretted but committee noted that, if matters arose beyond the control of the applicant and outside the premises, these were a matter of personal responsibility for the individuals concerned.

## RIGHT TO APPEAL

Rights to appeal are set out in Schedule 5 of the Licensing Act 2003. Any person wishing to appeal should do so to a Magistrates Court within 21 days of receipt of details of the decision appealed against.

Dated this : 21 June 2018