



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Hearing: 6th December 2017

Licence Type: Application for variation of a premises licence.

Name of Applicant: Barcade Limited (co. no. 10301226)

Name of Premises/Postal address of Premises: Barcade Limited, 35 Prince of Wales Road, Norwich NR1 1BG

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

Other persons present: Ms Michelle Bartram, Norfolk Constabulary; Mr Richard Divey of Norwich City Council Environmental Protection Team; Mr Aaron Rosier for the applicant and being owner of the premises, Mr Chris Bolton, for the applicant and manager, Ms Jessica Longman for the applicant, Ms Maxine Fuller for the Licensing Department and Mr D Lowens, Clerk.

Prior to the start of the hearing committee received a plan showing the location of the premises and surroundings including the premises at 75 Maidstone Road and also received details of suggested conditions from the Environmental Protection Team.

Ms Fuller presented the report.

The applicant mentioned that the concerns of the Police had been noted and the proposed conditions from the Police were agreed.

The applicant noted in respect of the basement and the lower ground floor that is not intended to have a noisy use in the basement as the plan was to use this location as an office/lounge.

Mr Divey noted that the basement had been a problem in the past due to complaints but this had not been an issue following the new management taking control of the premises.

The applicant confirmed that the proposals of the Environmental Protection Team set out by Mr Divey in his email of 30 November were agreed.

The use of the basement and lower ground floor was discussed and the applicant mentioned their intention of using a small number of sofas and some games

consoles of 80's/90's arcades type. The capacity of 180 persons was mentioned. The applicant noted that when the office use was introduced it was likely that the capacity would decrease. The area for smoking was at the front of the premises and not at the back of the premises.

The applicant spoke regarding the cumulative impact of the proposals and noted that the intention to increase the light and reduce the noise at the end of business should quieten down the customers leaving the premises. There were a very limited number of incidents relating to the premises. Temporary event notices had been used with the extended hours and no incidents had arisen. The applicant suggested that the complaint from Mr Hillsden where it refers to persons shouting and screaming while the back door was open did not relate to these premises.

The Norfolk Constabulary said they had a good working relationship with this business and no issues had arisen in the last year when its hours were extended under temporary event notices. The additional police conditions were mentioned and in the view of the Norfolk Constabulary with these extra measures it was felt that concerns would not arise under the licensing objectives.

The Environmental Protection Team noted that no noise complaints had been received regarding any of the incidents when temporary event notices were used.

The applicant summed up their application confirming they were happy to work with the Police and the council.

DECISION OF COMMITTEE:

The variation as amended was agreed.

The Committee noted the following conditions had been included by the applicant as part of their operating schedule:

1. The sale of alcohol will cease at 3.30 a.m. daily.
2. The premises will close to the public at 4.00 a.m.
3. Regulated entertainment will cease at 3.45 a.m. daily
4. There will be a last entry to patrons at 3.00 a.m. (with the exception of patrons who are outside to smoke).
5. Glass bottles will not be served to patrons after 1.00 a.m.
6. Before any licensable activities under the Licensing Act 2003 take place in the basement, the building shall be insulated in accordance with a scheme approved in writing by the Council for the reduction, where necessary, of the levels of noise emanating from the premises.
7. The rear fire door to the basement shall be maintained closed whilst licensable activities are taking place, except in an emergency. The fire door shall be fitted with a device to cut out amplified sounds when opened.

8. During the week there will be at least one door staff member available and on weekends there will be a minimum of two door staff members available.

9. No regulated entertainment shall take place in the basement / lower ground floor.

REASONS FOR THE COMMITTEE'S DECISION

Committee noted the conditions contained in the operating schedule including those agreed by the applicant following discussion with the Environmental Protection Team and the Norfolk Constabulary. It was felt that the operating schedule as amended would ensure the control of noise disturbance. The Committee noted that when similar periods of entertainment took place using temporary event notices, neither the police nor the Environmental Protection Team had any concerns and no issues under any of the licensing objectives had arisen in their view. The complaint from the local resident was noted but the committee preferred the evidence provided by the responsible authorities as to the lack of likely impact on the licensing objectives following acceptance of proposed conditions. Committee was of the view that the applicant had shown there should not be a negative cumulative impact on the licensing objectives.

AMENDMENTS OF CURRENT CONDITIONS

CONDITION 12 OF ANNEX 2 is amended to "no drink will be served in glassware after 2200 hours every day except that glass bottles may be served to patrons until 1.00 a.m."

CONDITION 24 OF ANNEX 2 is amended to "an accredited age identification scheme will be operated. Anyone who appears to be under the age of 25 years and who attempts to purchase alcohol will be asked for photographic identification."

RIGHTS OF APPEAL

Rights of appeal are set out in Schedule 5 of the Licensing Act 2003. Persons wishing to appeal should apply to a Magistrates Court within a period of 21 days beginning on the day on which the person was notified by the licensing authority of the decision appealed against.

Dated this 15thday of December 2017

Signed: Sutton (Chair)

