



**NORWICH**  
City Council

## **NOTICE OF DETERMINATION**

**Date of committee – 19 April 2018**

Licence Type: application for a Premises Licence

Name of Applicant: Pure Gold Club Ltd (company no. 10967631)

Name of Premises/Postal address of Premises: Bar 52 / 52 Prince of Wales Road,  
Norwich NR1 1LL

Members of Licensing Sub-Committee: Councillors Button (Chair), Bradford and Raby

Other persons present were Richard Chisnell (applicant- manager), Petrit Vladi (applicant), Evie Dale (applicant – manager), Gavin Tempest (representing the applicant) Michelle Bartram of Norfolk Police Licensing Team, Anthony Shearman and Kyle Gregg of the Norwich City Council Licensing Team, Dan Grimmer of the Press, Councillor Ben Price objector, D Lowens Clerk and Andy Gott, Ashleigh Hensley and James Gibson, members of the public.

There were no declarations of interest.

### **Notes of Hearing;**

Prior to committee starting additional papers previously electronically forwarded by Councillor Price and by the applicant were distributed to the committee.

Mr Shearman presented the report, noting the cumulative impact policy. He confirmed that the police had made a representation but that there were no representations from other responsible authorities.

The licensing objectives were set out by Mr Shearman.

The applicant company via their representative addressed committee regarding the background to the application, the premises at 52 Prince of Wales Road was in the process of becoming a lap dancing club. The premises already held a sexual entertainment venue licence and the application was just in respect of the Licensing Act 2003 premises licence. Due to an administrative error the company holding the premises licence had been dissolved without the necessary action being taken to maintain the old premises licence. The applicant confirmed that this was not a case where a premises licence holder had been dissolved owing sums to the council for unpaid business rates.

The applicant noted that the premises had been operating under temporary event notices on 7 weekends (20 days) since January 2018 when the licence had lapsed and there was not a single incident of crime or disorder identifiable to Bar 52 in this period. The applicant felt that this was due to high standards of management and due diligence. The operating schedule was referred to. The applicant noted that many of the objections received were duplicated and felt that the customers of these premises were unlikely to stay in the area to drink and / or cause nuisance after leaving the premises. The police representation was referred to by the applicant.

Cumulative impact was referred to and the applicant noted this was intended to put a capacity limit in defined areas. Since the cumulative impact policy was introduced there had been significant changes in the licensed premises operating in the area and it was understood that Norwich City Council would shortly be consulting on this policy. The applicant referred to the up to date crime data that had been provided to committee noting that there were no recorded incidents of crime or disorder that were attributable to Bar 52. The data did not give the times when the incidents noted occurred.

In response to questions from councillors the applicant noted the capacity of the premises was 110 persons. There were no questions to the applicant from the police or from Councillor Price.

Michelle Bartram on behalf of the Norfolk Constabulary addressed committee noting that the need for the application to be submitted was purely due to clerical error. The license has been held since 2013 and the premises have been operating and active since then. The premises were in place when the cumulative impact policy was introduced. The police were aware of the Mr Vladi's experience and had no reason to become concerned under crime and disorder matters. The lap dancing establishment does not give cause for police concern as clients did not primarily attend for the drinking of alcohol.

In response to a question from Councillor Price the police discussed the correlation between sexual entertainment venues and crime and disorder noting that no incidents were attributable to these premises and confirming that when there was a serious incident, for example violence or sexual assault, the police would investigate where the perpetrators had visited.

Councillor Price addressed committee noting that there was a significant amount of anti-social behaviour in Prince of Wales Road in the late night activity zone and he frequently received complaints from residents and businesses relating to alcohol fuelled crime and disorder. He felt there was a disproportionate amount of crime relating to late night premises which sold alcohol arising in Prince of Wales Road and noted the previous police evidence of 2013 and 2014 relating to the early morning restriction order proposals and the cumulative impact policy. Councillor Price noted the presumption that such an application as was being made should be refused and asked that the cumulative impact policy be supported by committee. With the permission of the applicant and the police, Councillor Price referred to recent media reports of crime and disorder in Prince of Wales Road noting an incident when five police officers were assaulted. Councillor Price noted the limitation on the police presentation in that the time of the incidents noted were not

recorded. In summary, Councillor Price felt that the sale of alcohol leads to bad decision making and significant issues of crime and disorder which continue to be a problem in the area of Prince of Wales Road and until crime dissipates then the appropriate decision would be to refuse the application.

The applicant and Councillor Price discussed the crime data and the number of venues still in the area. Councillor Price noted that whilst some venues were closed this was understood to be on a temporary basis.

The police confirmed in response to a question from the Chair that the incident of five police officers being assaulted was not linked to the premises.

Councillor Price and Councillor Bradford discussed problems relating to alcohol sold by 24 hour garages and Councillor Price confirmed that he felt these were a source of significant concern as he continued to receive reports regarding anti-social behaviour linked to such premises.

An email from Michele Paton of 18 April was read to committee.

The applicant in response to a question from the Chair confirmed the policy relating to persons accessing the premises who appeared drunk, which was that unless they passed a breathalyser test they would be refused entry.

The applicant summed up and in response to a question from Councillor Raby confirmed they did not wish to reduce the hours of operation being sought.

#### **Committee Decision:**

The decision of committee was to grant the application as sought with no additional conditions.

#### **Reasons for the committee's decision:**

The Committee noted that the police were an important source of advice regarding crime and disorder. They noted the police had no issues with the management of the premises nor the intended use and had not had any reason to be concerned on those occasions when the premises were operating under temporary event notices since January of this year. The written police representations were noted and the committee also noted the verbal comments that the police had no reason to become concerned regarding crime and disorder in relation to these premises and the proposed use does not cause crime concerns. Patrons are not visiting primarily to drink.

Committee noted the recent crime data provided by the applicant and that this did not identify any incidents attributable to these premises.

Committee felt there was insufficient evidence showing a direct link between these particular premises and the concerns regarding the anti-social behaviour and crime and disorder noted in the area. Committee did not accept the view that the serving of alcohol in these premises would cause an increased level of violence or crime outside the premises, noting the way the premises were run and the intended use and the lack of police support for such a view. Similarly the committee noted the

concerns of objectors that the sought opening hours and the serving of alcohol would bring noise, urination in public places, street drinking, littering and loitering and those other matters mentioned regarding public nuisance but again felt that there was no evidence before committee which proved those concerns in relation to the way these premises had been and were run. The committee noted the detailed operating schedule, that Challenge 25 was in operation, that no person under the age of 18 will be allowed access at any time when an activity or entertainment of a sexual nature is being provided, that entry and exit to the premises will be controlled so that it shall not be possible to see into the premises from the street at any time during a live show and felt these conditions should be sufficient to support the licensing objective of the protection of children from harm. There was no evidence before committee which indicated that persons would not be safe on the premises and no reason to refuse the application on public safety grounds.

Whilst there were clearly instances of crime and disorder in Prince of Wales Road and public nuisance in this area and in the wider area which were of concern to local residents and others there was no evidence before committee indicating that the operation of these premises was responsible.

Having considered these particular premises and their proposed operating schedule and noting the cumulative impact policy, Mr Vladi's history, the proposals for the running of the premises and the police support, the committee felt on balance that there will be no negative cumulative impact on the licensing objectives arising from the granting of the licence as sought.

#### **Rights of Appeal:**

Rights of Appeal are set out in schedule 5 of the Licensing Act 2003. Any person wishing to appeal against the decision set out above should do so within 21 days of being made aware of the decision to be appealed against. The appeal should be made to a Magistrates' Court.

Dated this 24<sup>th</sup> day of April 2018

