



NORWICH
City Council

NORWICH CITY COUNCIL

NOTICE OF DETERMINATION

Date of Hearing: 15 July 2021 at 10:15 am.

Application for the grant of a premises licence under the Licensing Act 2003

Address: 31 Castle Quarter, 100 Castle Meadow, Norwich NR1 3DD

Applicant: Boom East Ltd

Members of the Licensing Sub-Committee: Councillor Stutely (Chair), Councillor Giles and Councillor Thomas.

Other persons attending committee: Mr David Moore (proposed DPS); Maxine Fuller Public Protection (Licensing) advisor; Norwich City Council; Sarah Moss, solicitor, nplaw; George Thompson (press)

DETERMINATION

1. There were no apologies or declarations of interest.
2. Ms Fuller presented the report.
3. The Chair welcomed those present and invited Mr Moore to present his application. Mr Moore explained that he was the owner of the franchise Boom East Ltd and had opened a Boom: Battle Bar in Castle Quarter around a year ago, which had the same opening hours and retail of alcohol hours as the application under consideration (Putt Noodle). Although opening hours of up to 2am had been requested, in reality the premises would be demand-led and would in all likelihood close sooner than this. The aim of the venture was to offer alcohol alongside a golfing activity, rather than being a destination purely for the consumption of alcohol. During the time that the Boom: Battle Bar had been open, there had been no incidents involving the police, or resident complaints, nor had there been any sale of alcohol refusals. As the proposed DPS, he would always be contactable, either on site or by telephone. Conditions (staff training, CCTV, no alcohol to be taken away from premises and risk assessment regarding SIA staff requirements) had been agreed with the police.
4. In response to questions raised by the Chair and with reference to the submitted plan, Mr Moore stated that Putt Noodle would be situated at the far end of Castle Quarter (old 'New Look' site). Customers would enter and exit the premises at the same point (top left hand corner of the premises as shown

on the plan), overseen by staff. Customers on foot would exit Castle Quarter by three different routes: Cattle Market Street (most likely exit for customers leaving late at night), White Lion Street or Timber Hill. Castle Quarter was regularly patrolled by its own security staff. There were few residential properties close to any of these exits; the Cattle Market Street exit fed onto an already busy thoroughfare and it was unlikely that Putt Noodle customers would add significantly to the footfall there.

5. In response to questions raised by the Chair and Councillor Thomas about unaccompanied young persons on the premises and potential underage sales, Mr Moore explained that a strict Challenge 25 policy would be in operation. Under-12's would need to be accompanied by an adult, although it was accepted that without mainstream ID for under-12's, determining whether a child was 12 years or younger would be a matter of discretion.
6. Mr Moore clarified for the Chair that the inclusion of 20dB in relation to the background music was a mistake and asked for this to be removed from the application. The Castle Quarter lease was very strict on noise levels and recorded music levels would be only at background noise levels.
7. The Chair requested details regarding expected customer numbers at the premises. Mr Moore responded that the size of the venue (11,500 square feet) allowed for a headcount of approximately 270 persons, including those seated in the bar area. The premises would be set up as if covid restrictions were to continue, with appropriate spacing in the golf area. The Boom:Battle Bar had contained around 170 people at any one peak time (bearing in mind the covid pandemic), with Friday and Saturday evenings being busiest. The latest time the Boom: Battle Bar premises had stayed open was 1:20am.
8. In response to questioning by Councillor Giles, it was clarified that there was no intention to collect monetary deposits and clubs would be dropped off at the end of the golf course, which would be monitored by staff. The Boom:Battle Bar had 1 SIA staff member on a Friday night and 2 on a Saturday night and were brought in up to two hours before required under the risk assessment. The interior of the premises were covered by around 12 CCTV cameras, which would give good coverage.

DECISION OF THE LICENSING SUB-COMMITTEE

The Sub-Committee unanimously approved the application for the grant of the premises licence with the adoption of the conditions contained in the police letter to the licensing department dated 17th June 2021. The reference to a 20Db limit within the proposed operating schedule at section 11 of the application was to be removed.

REASONS FOR THE COMMITTEE'S DECISION

In coming to its decision, the Committee had regard to the Statutory Guidance published under S182 of the Licensing Act 2003, as well as the Council's own licensing policy.

Weight was given to the fact that the local authority department responsible for environmental health functions, including noise, had not made any representation and that the Committee must therefore proceed on the basis that there were no concerns from this department regarding the proposals in terms of public nuisance. As the recorded music would be background music only, this did not require a licence as it fell within one of the regulated entertainment exemptions under schedule 1 of the Licensing Act 2003. It was also noted that the police's representation had been withdrawn following the Applicant's agreement to adopt the conditions proposed in the police letter to the licensing department dated 17th June 2021.

The concerns from local residents with regard to noise nuisance was noted and taken into account by the Sub-Committee, but Members were unable to explore these further as those who had made representations had not attended the meeting. It was noted that the venue's exits were not located in close proximity to residential properties and that in any case, it would not be reasonable for the application to be refused in respect of the behaviour of persons outside the control of the applicant. Without being able to explore the matter further with objectors, the suggestion of noise nuisance contained in the representations was largely speculative.

Having heard fully from the proposed DPS as to the proposed management and operation of the venue, Members were of the opinion that sensible controls had been put in place to uphold the licensing objectives. While being mindful that every case must be decided on its own merits, it was noted that the Boom: Battle Bar venue operated within Castle Quarter by the Applicant had the same opening and sale of alcohol hours and had operated for a year without experiencing any issues in relation to the licensing objectives of the prevention of crime and disorder, public nuisance, or the protection of children from harm.

It was also noted that the review system is available.

RIGHT OF A PARTY TO APPEAL AGAINST THE DECISION OF THE LICENSING SUB-COMMITTEE

The Applicant and any person who has submitted a relevant representation may appeal this decision at the Magistrates Court within 21 days of the date on which they are notified in writing of this decision in accordance with the following appeal provisions under Schedule 5 of the Licensing Act 2003: –

- (a) that the licence ought not to have been granted, or
- (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of section 18,

they may appeal against the decision.

Dated 04 August 2021

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a small flourish.

Signed: (Chair, Licensing Sub-Committee)