



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Hearing: 28th November 2017

Licence Type: application for the variation of a Premises License

Name of Applicant: Mr Glen Carr

Name of Premises/Postal address of Premises: Bedfords, 1 Old Post Office Yard,
Norwich NR2 1SL

Members of Licensing Sub-Committee: Councillors Woollard (Chair); Brociek-Coulton & Raby

Other persons present: Mr Glenn Carr, Applicant; Mr Jonathon Carr, Manager; Mr Richard Divey of the Environmental Health Dept; Ms Rachel Bennett, Licensing Officer; Mr D Lowens, Clerk.

Prior to the start of the hearing, committee received a floor plan showing clearly the area proposed to be licensed for the provision of live music, a colour photograph showing the locality of the premises on an overhead view and a copy of the operating schedule.

There were no declarations of interest.

SUMMARY NOTES OF HEARING

Ms Bennett presented the report. No changes were noted to the matters sought by the applicant.

Mr Glen Carr then addressed committee, stating that the representation received from Frank's Bar of 19 Bedford St, was not truthful. Mr Carr disputed that windows were rattling due to the noise, and said persons present in the courtyard were continuing conversations at the time the nuisance is said to have taken place. The applicant noted there were no representations from the police. Mr Carr spoke regarding his experience as a door staff operator, and noted that the premises door staff had assisted problems at Frank's Bar in the past.

The applicant mentioned the recent opening of Turtle Bay restaurant. This had reduced the spending on food in his own premises. He looked for an alternative income stream and was therefore requesting live music to take place in the courtyard. He wished the business to have flexibility and therefore was looking for the seven days a week proposals contained in the application.

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The applicant noted that the significant amount of live music already taking place in the city and stated that on the first occasion of opening on Sunday, with very little publicity, 80 persons had attended. The street did have noise issues. In response to a question from a councillor, the applicant asked that the representation of Frank's Bar be given little weight as they had not attended before committee. Regarding live music in the courtyard, the applicant mentioned he'd had one band play in four and a half years.

The applicant stated he would expect 80-100 persons to be able to access the courtyard. The applicant noted the representation of Shahana Parker appeared to him to be a request for information rather than a representation against the proposal.

The applicant accepted that music noise did escape from the premises, noting that windows were opened when it was hot. Mr Jonathon Carr mentioned the possible use of a noise limiter.

The applicant confirmed that various types of music would be provided, including rock bands, which he expected to be noisy. It would be wrong to say that there would be no noise that would annoy people.

The legal advisor advised committee that the use of temporary event notices should not be considered as part of this application.

Mr Divey of the Environmental Health Department addressed committee, noting in his view that the times applied for were excessive, taking into account local residents. There had been difficulties with the venue before (under different ownership) and use of the upstairs bar, if used for music, was problematic as the structure did not keep in the noise. The location of nearby residential dwellings was discussed and agreed. Mr Divey repeated the concerns in the representation that the premises intended to be used were not appropriate for the intended use as a music venue, and confirmed that he felt the limitation to a small number of occasions per year (2-8) and only one in any four week period, was likely to be not unreasonable in this location. An 8pm finish in his experience likely meant no complaints from local residents.

Mr Divey discussed conditions. Drum noise would quickly transfer to the structure and a rock band could not be 'turned down' except with great difficulty.

The applicant noted the local residents were perhaps 20 persons in 8 properties and noted that none had chosen to appear before committee. The noise abatement notice served was seven years ago and to a different business owner. The applicant felt the proposal would bring in more persons to the street and noted the residents in a city centre location needed to accept a certain amount of noise.

Mr Divey confirmed there had never been any complaints regarding noise from persons located outside the premises.

Mr Divey noted that a noise limiter outside was likely to be impractical, for example rain droplets hitting the microphone might start the noise limiter into action.

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The applicant summed up his application.

Committee members took time to consider matters in private.

DECISION OF COMMITTEE

Committee granted the variation in respect of the courtyard area and the licensable activity of the provision of live music for the hours sought.

Committee imposed a condition that the provision of live music in the courtyard area would be limited to once per calendar day and shall not exceed two hours in duration.

REASONS FOR COMMITTEE'S DECISION

On balance, committee did not accept the limited occasions proposed by the Environmental Health Department as appropriate to promote the licensing objectives and whilst aware that there was a risk to the promotion of the prevention of public nuisance objective felt that the condition imposed above was an appropriate control and reasonable for this location.

Committee noted the operating schedule conditions under the heading 'Prevention of Public Nuisance' were in effect for this outside area, including 'music will be played at a volume that does not cause a nuisance to neighbouring premises'.

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 the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Dated this: 30th November 2017

Signed.....

