



NORWICH City Council

Notice of Determination

Date of Hearing: 5 October 2018

Licence Type: Review of a Premises Licence

Name of Applicant: Norwich City Council

Name of Premises: The Robin Hood

Name of Premises Licence holder: Mr Jason Staff

Postal Address of Premises (or description of premises):

The Robin Hood, 84 Mousehold Street, Norwich NR3 1NX

Licensing Sub-Committee:

Councillor Malik (Chair)
Councillor Huntley
Councillor Maxwell

On behalf of the Applicant:

Ms Jean Smith-Howell – objector
Mr Stephen Smith – objector
Councillor Stewart on behalf of Ms June Pettet (who did not attend)

Other Persons Present:

Mr Jason Staff – Licence Holder

Mr Tony Shearman, Environmental protection, licensing and markets manager
(representative from Norwich City Council)

Tamsin Eddison – Legal advisor to the Committee (Solicitor, nplaw)

Determination –

The legal advisor asked the Committee to disregard the emails from James Hendrie dated 14 August 2018, not being sufficiently connected to the premises

or falling within the licensing objective of the prevention of public nuisance, which the application for a review related to.

The Licensing Sub-Committee heard from the Council's Licensing Manager. The Licensing Manager explained the effect of the Live Music Act 2012. The Act removes the licensing requirement for unamplified live music taking place between 8am and 11pm, subject to the right of a licensing authority to impose conditions about live music following a review of the premises licence. References were specifically made to the conditions set out in Annex 2 and Annex 3 of the Licence, in the light of the impact of the Act. On questioning by the Committee, the Licensing Manager confirmed that karaoke was live music.

The Applicant Ms Smith-Howell addressed the Committee stating that complaint forms had been submitted to the Council with no response and that she had in 2018 taken further notes. She described the problems she experienced relating to noise levels being dreadful, her inability to sleep due to the loud music from karaoke from 4pm upwards, clientele leaving at night, yelling, slamming of car doors and motor racing, singing above the TV when her windows were closed during hot weather and cigarettes thrown from the yard. She stated that the pub doors were often left open and the windows occasionally open. She advised of the position of the bedroom windows with the pub.

The Applicants produced a plan and questions were put by the Members about the location of the residents/Applicants to the position of the pub.

The Applicant, Mr Smith advised that he had sent emails to the Council regarding noise. He said how he wanted to sit outside and that he was unable to sit out in the garden on Sundays due to those drinking outside the pub. He described the noise of people leaving the pub shouting and noise from bikes. He said when he asked a customer to keep quiet, the customer threatened him - shouted and swore at him. He explained that the nearby residents lived in sheltered housing typically going to bed at 9pm. He raised the issue of drinking in the streets. The Licensing Manager advised of the existence of a PSPO – (Public Space Protection Order, under the Anti-social Behaviour, Crime and Policing Act 2014.) and that essentially this Order requires that in the area within the inner ring road it is an offence to drink alcohol in the streets or other public places if having been required by a constable not to do so, that person continues to do so. It was noted that the licensed premises are not subject to this Order.

The Licence Holder questioned Mr Smith about the threatening allegation pointing out that the premises have CCTV and that this could have been looked at if the incident had been brought to his attention. Mr Smith said the footage would not have covered the area where the incident happened and that the Licence Holder was not there on Sundays.

The Licence Holder addressed the Committee and said that last year's complaint had been followed up and that the Police and the Council had turned up and did a surprise visit on a Sunday. They were fine about the music. He said the objectors were painting a nightmare picture. He appreciated that the residents live opposite the beer garden and accepted that they will get a bit of noise. He said that Sundays was now the only day for karaoke.

He emphatically denied that the windows were open but conceded that he had taken off the internal handles of 3 of the windows. He admitted that the doors had been left open stating that it had been exceptionally hot and that the doors didn't have a closure on them, but such had since been fitted.

He was questioned about signage, the brewery and his lease. He described the staff and size of the premises. The License Holder advised that Sunday was his best day. He stated that he didn't feel a need for any door staff. He was adamant that there were no drugs at the premises and that he had a zero tolerance to drugs. He stated there was no violence and if there was the person would be barred. The Members questioned him on staff training and staff knowledge of times and how rowdy customers were dealt with. He stated that customers are told to keep the noise down and that he would not be building a higher wall outside. If anyone was drunk, they would be refused alcohol and if rowdy told to leave. He had never once had to call the Police.

The Licence Holder advised that the person operating the karaoke registered the noise level and made checks outside.

The Licence Holder further advised that he did his paperwork on Sundays and was at the pub each day. He advised that he ran another establishment - he owned another pub and a bed and a breakfast. There was accommodation above the pub, but he didn't live there. Whilst he was there each day he conceded he was not there all day. He was sometimes there in the evening but not every time.

Councillor Steward addressed the Committee on behalf of Ms June Pettet who was not able to attend due to ill health.

He queried why on the busiest night of the week, when there was the most trouble, was the day when the Licence Holder did his paperwork. He said that the submissions made over a year ago had been ignored. He referred to a log of incidents and stated that the problems had been enduring in nature and that there had been enough suffering, and such needed to be curtailed. He wanted reassurance that doors would be kept shut and the volume restricted with more stringent punishments if not, as something had to be done.

Concerning the Council's environment protection team, the Licensing Manager confirmed that no representations had been made by Environmental Protection and that they had been notified of the application. The Chair questioned why there were no representations from Environmental Health. The Legal Advisor asked the Licensing Manager if there had been any previous warnings issued to the Licence Holder. The Licencing Manager explained that a complaint received had incorrectly been put against different premises and marked as concluded. He further advised that the Council officer Ali Pridmore had visited the premises without warning on a Friday and a Saturday and whilst he heard some noise, he felt it was acceptable. The Legal Advisor asked the objectors whether they had directly contacted Environmental Health. The Applicants advised they had contacted the Council but had not received responses.

Members of the licensing sub-committee had studied the papers provided for the review of this premises licence and the production of the plan of the area produced by the Applicants.

The Committee's decision:

The Committee re-imposes Condition 15 in Annex 2 – During regulated entertainment all external doors and windows will be closed except for entry and exit purposes.

The Committee further varies the Condition in respect of live/recorded music from 22:30 to 22:00 on Sundays.

All other conditions to remain the same.

The Committee recommends that all appropriate staff undertake appropriate training with the view to managing and dealing with any noise, that may emanate from the premises.

The Committee's reasons:

The Committee noted the concerns from the written and verbal representations made by the Applicants on public nuisance and accepted that they had been affected by noise emanating from the Premises. The Committee noted however there were no concerns raised by responsible authorities.

The Committee considered that the re-imposition of Condition 15 in Annex 2 – would minimise noise emanating from within the Premises. Whilst there was a dispute regarding windows being open, the Licence Holder had stated he was not at the premises all the time and admitted that doors had been left open.

The Committee considered a variation of the Condition in respect of live/recorded music from 22:30 to 22:00 on Sundays would further minimise the impact of noise to the Applicants.

The Committee's recommendation regarding training is to enable the management and control by relevant staff of any noise, that may emanate from the premises, to restrict noise nuisance to neighbours.

Right of a Party to appeal against the determination of the Authority

For your information, applicants and any party who made a relevant representation, or submitted an objection notice, who is aggrieved by the decision, or the imposition

of any term, condition or restriction, have a right of appeal to the Magistrates' Court within 21 days of the date on which they are notified of the decision.

Signed by the chair.....

Dated.....5.11.18.....

