



**NORWICH**  
City Council

**Notice of Determination**

**Date of Hearing:** 28 September 2012

**Licence Type:** Variation of a Premises Licence

**Name of Applicant:** Norwich Taphouse Ltd, 48 Thorpe Road, Norwich  
NR1 1RY

**Name of Premises:** 8 Redwell Street, Norwich NR2 4SN

**Name of Premises Licence holder:** Norwich Taphouse Ltd

**Postal Address of Premises (or description of premises):** 8 Redwell Street,  
Norwich NR2 4SN

**Licensing Sub-Committee:**

Councillors Kendrick (Chair) Barker and Stammers

**Determination –**

During the hearing the applicant amended their variation application by withdrawing the application to increase the licensed area to include the first floor and withdrawing the proposal to add the licensable activities of the exhibition of films and provision of late night refreshment. The applicant also amended the proposed opening hours and start of regulated entertainment hours to 11.00 am.

The applicant amended their operating schedule by including the following conditions as agreed with the Norfolk Constabulary:

1. The training record of staff will be available to police and licensing authority on request.
2. The CCTV system will be capable of recording footage for a minimum of 31 days. This footage will be available to police and licensing authority on reasonable request.
3. A minimum of 1 SIA door supervisor will be on duty from 22.00 hrs until the premises close on Friday and Saturday evenings.
4. A Challenge 21 policy will be in use.

5. The door supervisor will sign on and off duty in a signing in book and this will be available for inspection by police or licensing authority on request.
6. No patrons shall be allowed to leave the premises whilst in possession of any open drinking vessel, whether empty or containing any beverage.

Mr Patrick Fisher and his colleague Mr Laidlaw attended on behalf of Norwich Taphouse Ltd and they were represented by Mr Bruce Faulkner. The Norfolk Constabulary were represented by Michelle Bartrum and Susan Woods. Local residents attended including Mr Edward Hardman, Mrs Carol Hardman and Mr Peter Bentley on behalf of the Friends of Elm Hill.

The applicant's representative addressed the committee noting the situation regarding planning permission had radically changed since the Norwich Magistrates Licensing Appeal Committee took place on 4 July 2011. It had always been the intention of the owner to run the premises as a bar and the applicant noted that this was not a bar with recorded or live music but instead there would be low volume ancillary music taking place. The applicant spoke regarding the physical nature of the premises and provided photographs showing the wall which backed onto the courtyard of the adjoining premises, the alleyway and interior of the premises. The applicant noted the only windows in the premises looked onto St Andrews and Redwell Street which were single glazed. No non-background recorded music was intended and the application had been varied to withdraw the playing of films. The applicant also noted the large pavement area by the front on the corner suitable for persons to stand and smoke.

The agreement with the Norfolk Constabulary regarding the presence of door staff to discourage crime and disorder and public nuisance was mentioned and the applicant spoke regarding the intended use of the premises to sell speciality beers and the intention was for it to be a real ale public house, rather than a city centre bar as this was generally understood. The applicants were of the view that the amendment sought would not add to public nuisance in the area.

Mr Patrick Fisher was questioned regarding the sale of other types of alcohol, confirmed this would occur and confirmed that investigations were taking place pursuant to the obligation under planning permission to control amplified noise from the premises.

Mr Edward Hardman questioned the applicant regarding the physical nature of the premises and the structure of adjoining beams between his accommodation and 8 Redwell Street.

The applicant responded to questions regarding the anti-social behaviour in the area and the arrangements made with the Norfolk Constabulary but agreed that there would be only limited control over persons in the area arising from this licence. Local residents raised concerns regarding the control of drunk and disorderly persons outside and some distance away from the public house.

Mr Peter Bentley of the Friends of Elm Hill spoke regarding the nature of the surrounding area and the number of drinking establishments, together with the problems local residents suffered from crime and disorder and general nuisance.

Mrs Carol Hardman addressed committee and mentioned the frail nature of the building and her concerns regarding both the premises and the behaviour of persons in the surrounding area. She was concerned that the premises would attract many visitors with the attendant noise and disorder but also felt the granting of the variation sought would discourage other persons from wanting to visit this area. She noted problems that had been experienced from other bars, that it would be foolish to believe the promises of the management and that she was concerned about noise. She agreed that no windows faced to the premises but that the noise was likely to be received via bouncing off the walls in the surrounding streets.

Mr Edward Hardman addressed the committee and mentioned his concern that the Taphouse would be a good link between for example Delaney's and the Doghouse and he was concerned as to the level of premises serving alcohol in the area. He said that to have Door staff only on Friday and Saturday nights was an outdated concept and he felt neither the area nor the building were suitable. He spoke regarding the problems of anti-social behaviour in the surrounding area.

In response to questions he stated that the adjoining use on the ground floor adjoining was that of a laundry room and on the first/second floor was his bedroom.

A representative of St Michael of Pleas spoke to committee regarding her concerns that the majority of residents would not wish to use the area due to anti-social behaviour.

### **The Committee's decision:**

The Committee granted the variation of conditions sought.

The Committee imposed the following opening hours and hours for the serving of alcohol:

1. The premises will not be open for the sale of alcohol before 11.00 am on any day.
2. The premises will cease the sale of alcohol at 23.00 hrs on Monday, Tuesday, Wednesday, Thursday and Sunday and at 23.45 hrs on Friday and Saturday.
3. The premises will be closed to the public from 23.15 hrs on Monday, Tuesday, Wednesday, Thursday and Sunday and at midnight (24.00) on Friday and Saturday and members of the public will leave the premises by these times.

### **The Committee's reasons:**

The Committee noted that "need" was not a relevant consideration and that the concerns regarding anti-social behaviour of persons in the wider area were not matters within the control of or the responsibility of the applicant once they had left the premises.

The Committee had reviewed whether the conditions imposed by the Norwich Magistrates Licensing Appeal Committee were necessary to fulfil the licensing objectives.

It was felt that on balance there was insufficient evidence to show that the retention of those conditions was necessary to fulfil the licensing objectives. The effect of their removal was to permit use of the premises from the previous proposed use as a wine shop to use as a drinking establishment (in accordance with planning permission). In coming to this view the committee noted the hours imposed, the presence of door staff on two evenings and other variations to the operating schedule, the agreement of the Norfolk Constabulary to the application, the removal of the playing of films from one application together with the other changes made and gave weight to the noise controls imposed under the conditions attached to the planning permission.

Members were concerned regarding the possible problems from the lack of any smoking area within the premises but felt that on balance this factor was insufficient to refuse the variation sought. Members noted the ability of local residents and the environmental services section to review the premises licence if the running of the premises contributed to breach of the licensing objectives.

### **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.

Dated this 19 October 2012