

Notice of Determination

Date of Hearing: 25 January 2010 (adjourned from 7 January)

Licence Type: Variation of a Premises Licence

Name of Applicant: Anglia Restaurants Limited

Name of Premises: Essence

Postal Address of Premises (or description of premises):

63/67 Prince of Wales Road
Norwich
NR1 1DG

Licensing Sub-Committee:

Councillors Driver (Chair), Dylan and A Little

Determination –

1. The committee noted that the applicant amended the proposed new condition no.31 to read:-

"Music and other amplified sound will not be allowed to cause a nuisance to adjoining occupiers or those in the vicinity of the premises".

It was noted that this wording would cover both public and private nuisance.

2. The licensing officer mentioned the operating schedule included the wording that would form a condition dealing with the use of the rear enclosed smoking area namely:-

"There is to be no regulated entertainment or the sale of alcohol in the rear enclosed smoking area".

The Committee's decision:

The committee approved the variation to the floor plan of these premises to include

the rear enclosed smoking area and the extension of the first floor bar. The committee agreed to remove conditions numbered 9, 20, 31 and 32 from annexe 2 of the premises licence. Committee noted the introduction of new condition 31 and the condition mentioned under 2. above.

Committee did not agree to remove condition no.19 of annexe 2 of the premises licence.

The Committee's reasons:

The reasons for the Committee's decision were:-

There were no representations received from the Norfolk Constabulary or from the Environmental Health Department and therefore neither responsible authority was believed to be concerned about the proposed variation and the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Committee heard that there was a single resident who overlooked the rear enclosed smoking area, that soundproofing assistance had been given by the applicant to the local resident and that no representations had been made by this resident.

Committee heard from the objector in the person of a local manager employed by the objector. Whilst the objector's representation mentioned complaints from tenants it was taken into account in deciding on the weight to be given to these complaints that no representations had been received from such tenants and that no tenant was called as a witness by the objector.

The retention of condition no.19 was felt appropriate under the crime and disorder licensing objective due to the nature of Prince of Wales Road as an entertainment centre. It was noted that the applicant indicated they would accept the need for the retention of this condition provided that the site plan for the premises was amended as requested. The committee heard from the applicant's manager as to the purpose behind the removal of the other conditions and the way the premises were intended to be run and was satisfied that there was insufficient evidence before committee to show the remaining sought variations should be refused for the purpose of supporting any 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 25 January 2010