



NORWICH City Council

NOTICE OF DETERMINATION

DATE OF HEARING – 18 JULY 2017

APPLICATION TYPE – application for the variation of a premises licence

NAME OF APPLICANT: Mr Simon Goodings

NAME OF PREMISES/POSTAL ADDRESS: Sugar & Spice, 39 Prince of Wales Road, Norwich NR1 1BG

LICENSING SUB-COMMITTEE:

Councillor Sally Button (Chair)
Cllr David Raby
Cllr Charmain Woollard

There were no declarations of interest

OTHER PERSONS PRESENT:

Mr Tony Grover, Representative for the applicant
Councillor Lesley Grahame, Local Councillor and objector
Helen Davies, Local Resident and objector
Maxine Fuller, Licensing Assistant
David Lowens, Clerk and Poppy Mouzakins (both of nplaw)
Mr Anthony Shearman, Licensing Manager.

At the start of Committee the applicant via his representative noted that he wished to withdraw that part of the application dealing with late night refreshment and the Licensing Manager informed the Committee that as a result of this change the cumulative impact policy would not have effect in relation to this application.

NOTES OF HEARING:

The Licensing Officer presented the report. Mr Shearman then addressed Committee noting this was a matter under the Licensing Act 2003 and was not a sexual entertainment venue application, nor was it a review of the licence already in existence under the Licensing Act 2003.

In response to a query from Councillor Raby, Mr Shearman made it clear that the cumulative impact policy did not apply to the variation that was now before Committee and there was no presumption for the applicant to overcome.

Mr Grover on behalf of the applicant presented the application noting that alcohol timings were unchanged and there was no change for the latest time of entry. An

extra hour was sought for the move to summertime so that an hour of trading was not lost. The variation was to provide flexibility regarding customers already at the venue, the latest time of entry remaining unchanged. Mr Grover mentioned that objections should be relevant to the application and the applicant was of the view that many representations were not relevant to the licensing objectives or the variation being sought. He noted that the Charles Darwin School was not open at the same time as the premises and the applicant believed there would be no affect on the school. The premises had moderate advertising which would have no adverse effect on the children even if they were to walk past the door of the premises. He noted and asked Committee to give weight to the fact that there was no objection from the police and felt the police supported this well managed club. The applicant had addressed the concerns of the police by agreeing new conditions in accordance with the agreement made prior to Committee as follows

“Between 05:00 and 10:00 hours on any day customers will not be allowed outside the premises other than for the purposes of final exit, with no re-entry being permitted. Also between these times all barriers and other items associated with the premises will be removed from the outside area at the front of the premises”.

Mr Grover stated that with the barriers being removed there would be no encouragement for persons to come into the premises.

Mr Grover noted that the premises had good control measures and noted that many complaints by the concerned parties related to planning matters which had been already considered and were not relevant to the application before Committee.

In response to questions from Councillors the applicant confirmed he was happy to place a sign on the back door requiring persons to leave the premises quietly and had taken action to ensure that doors were closed quietly. There was a facebook page for staff information and he had ensured that staff were aware of the need to avoid nuisance to local residents.

In response to questions from Councillor Raby and from the objectors, the applicant confirmed that it was very unlikely that the premises would ever be open at 10 a.m.

Helen Dawson addressed Committee noting that the applicant did not need the number of hours sought and was concerned that if the application was granted then the applicant would be back asking for longer and that the school was open at 10 a.m. Increasing the hours of operation of the premises would only increase the risk to lone women in the area and whilst she was not aware of crimes bearing this out, she viewed that fear of crime would cause persons to change their behaviour to avoid the perceived risks and that if the licence was varied as sought this would increase an atmosphere damaging to persons in Prince of Wales Road.

The applicant responded regarding risks to the safety of women, noting that no risk had been proved from police figures, the premises had CCTV in front and back, that there were no police concerns and dancers were escorted to their vehicles if they required it.

Councillor Grahame, noting that she wished to address the cumulative impact policy and noting that the applicant had only just withdrawn that part of the application that would have introduced consideration of this policy requested the application be re-listed to a later date so she could reconsider her objection and prepare for changed circumstances. Legal advice was given that the various issues of the application were distinct and there was no reason to delay consideration of other matters if one matter had been withdrawn. Committee decided to proceed with the application.

Councillor Grahame continued noting that the application would allow local businesses to ignore the cumulative impact policy and urged the Councillors to reject the application.

The applicant confirmed to Committee that there was no difficulty with any smoking issue and re-entry to the premises.

Mr Glover summarised the applicant's case noting this was an application under the Licensing Act and not a sexual entertainment venue application and was a simple application to extend the hours to allow for flexibility for customers already in the business. The business causes no problem to the police or to the public that anyone was aware of and concerns regarding noise were mitigated by the agreed conditions. The applicant confirmed there was no entry after 0345 a.m. and alcohol sales ceased at 4,00 a.m.

DETERMINATION:

The application was granted as varied. The Councillors decided to impose a condition namely that a sign would be placed at the front and rear exits requiring persons to leave quietly and respect the neighbourhood.

No set wording was ordered.

REASONS FOR THE COMMITTEE'S DECISION:

The Committee viewed this matter as a variation with limited effect and noted that the application related to a Licensing Act 2003 licence and not a sexual entertainment licence. Following the withdrawal of the proposed extension for late night refreshment there was no need for the cumulative impact policy to be considered as it did not take effect. Committee noted that alcohol hours were not an issue under the variation and gave significant weight to the fact that there were no outstanding police objections or representations. The police were noted as the primary source of advice to Committee regarding the crime and disorder licensing objective and were apparently satisfied in this case. In respect of possible noise nuisance the Committee noted the signage condition. There is no change to the last entry time, the proposed condition from the police is agreed, so far as the Council is aware the premises are well run with good management and in summary there was no evidence based reason for the variation to be refused. Regarding the protection of children from harm, children are not allowed on the premises and there is no adverse advertising. There were concerns from objectors regarding harm to women but these were felt to be speculative in nature and no evidence had been provided to committee to sufficiently link any concerns about public behaviour to these premises

and the particular variation sought. The committee had considered the public sector equality duty when considering the variation sought.

RIGHTS OF APPEAL:

Rights of appeal are set out in Schedule 5 of the Licensing Act 2003. Any person wishing to appeal should do so to a Magistrates Court within twenty one days of the date of being notified of the decision appealed against.

Dated this 6th day of July 2018