



**NORWICH**  
City Council

## **NORWICH CITY COUNCIL**

### **NOTICE OF DETERMINATION**

**Date of Hearing:** 7 February 2023

**Application for the grant of a premises licence under the Licensing Act 2003**

**Address of premises:** 16 Prince of Wales Road, Norwich, Norfolk NR1 1LB

**Applicant:** Mr Xinghuang Chen

**Members of the Licensing Sub-Committee:** Councillor Ian Stutely (Chair), Councillor Julie Brociek-Coulton and Councillor Claire Kidman.

**Other persons attending Committee:** Applicant and DPS Mr Xinghuang Chen; Ms Miranda Song assisting him; Ms Leonie Burwitz – Committee Officer; Ms Rachel Bennett – Licensing Advisor; Mr D Lowens, solicitor, legal advisor; Mr Oliver Forster-Vets, apprentice solicitor.

There were no declarations of interest. The committee had received additional papers in advance of committee, noting an incident recorded by the police of a drunk female in a booth being unattended.

#### **Summary notes of hearing**

1. Ms Bennett presented the report, noting that the applicant had agreed the conditions proposed by the police. There was also a representation from a local resident to consider, who was not present but whose representation was contained in the agenda papers.
2. Regarding the condition relating to CCTV, the councillors noted correspondence from the police which confirmed they would be happy for reference to compliance with police guidelines to be removed, being unenforceable and unfair on the applicant.
3. The applicant with the assistance of Ms Song addressed committee. The premises were described. The applicant had taken over this business from Oct 2022, renaming it the VIP Karaoke Bar. He had been misled by the previous owner who told him the premises had planning permission and needed no other permissions to operate. After being informed by the police in their visit of 11 November 2022 that a licence was needed under the Licensing Act 2003 he had promptly applied for that licence. Events requiring authorisation under the Licensing Act 2003 had been lawfully held in the periods 2-8<sup>th</sup> December, 16-22<sup>nd</sup> December and 31<sup>st</sup> December – 6<sup>th</sup> January 2023 via temporary event notices.

4. The applicant confirmed that the sought hours under the premises licence had been operated under these TENs.
5. The Chair requested the applicant to explain how the business would respond to incidents of a drunk person at the premises. The applicant noted the training to staff and the staff handbook. Training was beginning to be provided in respect of the Licensing Act 2003. CCTV would be used, staff would personally check booths every 30 minutes. If any vulnerabilities were noted, including persons being drunk, these would be addressed. In the case of a drunk person there would be no more sales of alcohol to them and free water would be provided. Problems noted would be reported to the duty manager.
6. Training would be provided regarding recognising the spiking of drinks and spiking behaviours. The applicant confirmed that this was an offered condition.
7. The Chair noted that there was no mention in the staff handbook of the business running Challenge 25, as was proposed in the operating schedule. The applicant noted that the staff handbook was in draft, and Challenge 25 would be added.
8. Following the Chair suggesting that a drinking up time should be considered, the applicant agreed to amend the closing time for the supply of alcohol from 3am to 2:30am on all days and amended their application accordingly to introduce a period of 30 minutes drinking up time.
9. The period for the provision of late night refreshment was amended by the applicant to 2:30am.
10. Noting the confusion between the staff handbook and the proposed operating schedule as to the period CCTV should be retained, the applicant confirmed that CCTV would be retained for 30 days.
11. The applicant confirmed that the conditions proposed by the police were agreed and offered by the applicant as part of their proposed operating schedule, save for the removal of "meets police guidelines".
12. Regarding noise issues, the applicant noted that the premises were in a commercial area and had no residential neighbours. Council officers had visited, and the applicant was not aware of any concerns regarding noise.
13. The legal advisor asked the applicant to confirm that he was content with the wide wording of the proposed "to comply with any requirements of the Fire Authority" (Norfolk Fire and Rescue Service) and he confirmed that he was.
14. The applicant was asked about capacity and noted that presently only the first floor was operating, which had three karaoke booths holding up to 10 persons each. The plan was to carry out renovations in the future to the second floor. Second floor activities would be karaoke, there would be no bar on the

second floor and alcohol would be brought up to the second floor for table service. The second floor had a 25-person capacity.

## **DECISION OF THE LICENSING SUB-COMMITTEE**

A licence was granted in accordance with the amended application, no further conditions were added to those agreed to and proposed by the applicant as part of their proposed operating schedule and prior to and at committee.

These additional conditions are those set out in the letter from the Norfolk Constabulary dated 10 January 2023, except that the second bullet point is deleted and replaced with the amended period for sales of alcohol noted above, enabling a 30-minute drinking up time.

It was noted that the premises licence holder will be introducing anti-spiking training, to be recorded in writing, with Challenge 25 added to the staff handbook, CCTV retained for 30 days and the timings of the end of the provision of late-night refreshment and the sale of alcohol to end at 02:30am on all days.

## **REASONS FOR THE GRANT OF THE PREMISES LICENCE**

1. There is no evidence before committee to prove to the civil standard that the premises have been intentionally disregarding the law relating to licensing, nor that the granting of the licence will lead to public nuisance and excess intoxication. The committee accepts the data regarding TENs being used once the premises were made aware of the licensing situation. Committee has had the benefit of hearing directly from the management of these premises.
2. Committee notes and gives weight to the lack of maintained objections to the application from the Norfolk Constabulary and notes the lack of any representation from the Public Protection section of the council. These responsible authorities are expected to have made or maintained objections if they had concerns regarding the promotion of the licensing objectives.
3. Hours are felt to be reasonable for this location in the commercial area of Prince of Wales Road.
4. There is no evidence of sound leakage and soundproofing appears to be successful. There are no representations before committee suggesting any noise nuisance arises from the karaoke business itself.
5. Committee has noted the drunk customer incident noted by police and has taken account of the response to this by the management. Training and operating procedures have been amended. Committee is satisfied that the problem of intoxicated customers will be managed in the future, and the procedures to avoid recurrence are sufficient and appropriate.

**RIGHT OF A PARTY TO APPEAL AGAINST THE DECISION OF THE LICENSING SUB-COMMITTEE**

The Applicant and any person who has submitted a relevant representation may appeal this decision at the Magistrates Court within 21 days of the date on which they are notified in writing of this decision in accordance with the following appeal provisions under Schedule 5 of the Licensing Act 2003: –

- (a) that the licence ought not to have been granted, or
  - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of section 18,
- they may appeal against the decision.

Dated: 30 March 2023



Signed: ..... (Chair, Licensing Sub-Committee)