



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Committee: 2 August 2018

Licence Type: Application for the grant of a Premises Licence under the Licensing Act 2003

Name of Applicant: Morgarten Restaurants (Norwich) Ltd, trading as Bourgee

Name of Premises/Postal Address: Unit 5, The Terrace, Castle Mall, Norwich

Licensing Sub-Committee: Councillors Malik (Chair); Ackroyd and Stewart

Other persons present: Mr Rupert Myers of East Anglian Chambers on behalf of the applicant, Mr Mark Bauman and Mr James Welling, Directors, Rachel Bennett, Norwich City Council, David Lowens Solicitor nplaw (Norfolk County Council), Sophia Brooks student observer, nplaw.

There were no declarations of interest.

Prior to the start of the committee a colour plan of the premises showing the areas to be licensed marked with a red line were provided to committee to replace the black and white plan contained in the agenda papers. During the hearing it was agreed that the basement was to be withdrawn from the area sought to be licensed.

NOTES OF HEARING:

Ms Bennett presented the report to committee noting that correspondence with the police had taken place and the police were satisfied with the proposals as amended. There had been no representation from the other responsible authorities. The applicant's representative noted that there were further changes to the proposed conditions set out in the agenda which had been agreed with the police and a copy of the relevant email was provided to committee and the proposed agreed conditions amended accordingly.

The applicant's representative addressed committee noting the intention of the premises was to provide a high-end restaurant with steak and lobster consumption on the ground floor and tapas on the first floor. The applicant noted the police concerns had been resolved and mentioned there had been no licensing issues arising from any of the company's premises in the last four years. Mr Bauman addressed committee about his personal background as a chef and his experience in the restaurant trade. Mr Welling addressed committee regarding the proposed running of the premises. There were no external speakers. The ground floor is intended to have a lobby which should assist with noise nuisance concerns. It was confirmed in response to questions that planning

It was noted the applicant had agreed that a Challenge 21 policy would be in effect in the upstairs bar.

The committee imposed the following conditions:

- (i) The hours for the supply of alcohol were varied to 09:00 to 24:00 hours.
- (ii) The premises are to close to the public at 00:30 hours (and therefore the finish time for licensed activities other than in respect of the supply of alcohol are amended to cease at that time).
- (iii) There will be no use of any external areas of the premises for the consumption of food or drink after 23:00 hours.

REASONS FOR THE COMMITTEE'S DECISION

The committee took account of the location of the premises being in a mixed business/residential area within the city centre. The committee noted that the primary use of the premises was a restaurant and it was not expected that music would be provided at excessive volume and it was noted that there were no external speakers. The premises were however close to residential accommodation and it was felt appropriate to reduce the possible disturbance from use of the external areas for the consumption of food or drink by preventing their use for consumption of food or drink post 23:00 hours. The reduced opening hours were felt appropriate to the promotion of the prevention of public nuisance noting that in the early hours of the morning there would be limited background noise and the noise from persons entering or leaving the premises would be more noticeable than at other times of day. Whilst acknowledging that the location of the premises meant limited disturbance was inevitable the committee was attempting to control disproportionate and unreasonable public nuisance by control of hours.

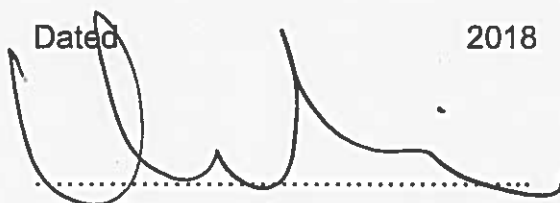
RIGHT OF APPEAL

Rights of appeal are set out in schedule 5 of the Licensing Act 2003. In the circumstances of this determination the holder of the licence may appeal the conditions imposed and persons who have made relevant representations who wish to contend that the licence ought not to have been granted or that in respect of granting the licence the Licensing Authority ought to have imposed different or additional conditions or taken steps mentioned in sub-section (4) (b) or (c) of section 18 of the Act may appeal against the decision. Any appeal should be raised at a Magistrates' Court within 21 days of being notified of the decision to be appealed against.

Dated

2018

9.8.18



Chair, Licensing Sub Committee