



NORWICH City Council

Notice of Determination

Date of Committee: 5th June 2019

Licence type: Application for the variation of a premises licence

Premises name: William IV Public House

Premises address: 33 Quebec Road, Norwich NR1 4AU

Members of Licensing Sub-Committee: Councillors Stutely (Chair), Maxwell and Ackroyd

Other persons present: Maxine Fuller, Licensing Department, Tej Thakkar, Solicitor of Leathes Prior representing the applicants, Mrs Lorraine Stolady and Mr Ian Stolady, applicants, David Lowens, Solicitor (Norfolk County Council) acting as clerk and legal advisor.

There were no declarations of interest. A plan of the area showing the location of objector addresses was provided to committee.

The Licensing Officer presented the report to the committee and noted that the objection from Mr James Worth had been withdrawn.

Mr Thakkar on behalf of the applicants addressed committee noting that the applicants were experienced license holders who had for three years prior to taking over the William IV public house run a public house in West Earlham. The venue is a family orientated local community establishment and provides a bed and breakfast service especially for contractors and a safe environment for football supporters. Mr Thakkar noted the large numbers of residents in close proximity to the premises of whom only one objector at 24 Primrose Road had written to committee (and maintained their representation). He mentioned that the premises were a local asset and that the applicants live above the premises.

Mr Thakkar noted that the Council's local licensing policy says it is not appropriate to expect a licensee to control the behaviour of persons whilst they are beyond their direct control and also noted that the Jubilee Public House is close by from the point of view of the location of customers causing nuisance and in any event the William IV is close to the city centre. Mr Thakkar asked committee to give weight to their being no objections from responsible authorities especially the police and environmental health teams.

It was accepted that a degree of noise does arise.

Mr Thakkar noted that regarding the 9 a.m. start this was intended to assist persons on holiday who wished to consume an early drink and the limited period of extension sought to the close of business should enable easier management of the customers.

The premises have a designated smoking area and the outdoor area is carefully managed. The beer garden has free play apparatus suitable for children. One objector has mentioned a school, Mr Thakkar suggested it was not close to the premises. If children were able to stay longer at the premises the parents would stay longer also, thus assisting the business.

In response to a question from a councillor regarding the proposed amendments to the condition governing the presence of children on the premises the applicants suggested CCTV will be able to identify children being present where they should not be.

Discussion took place regarding proposed changes including the wording of the proposed new condition and its intended purpose and the applicant agreed to amend the proposed condition to read as follows:

"No children to be present on the premises after 2200 hours except for children who are guests at a pre-booked party or function who are within the function room or accessing the toilets."

The applicants were questioned regarding the measures in place for safeguarding children and responded noting the requirement for children to be accompanied, the patrolling by themselves and staff, the training of staff and the vigorous requirement for parents to be informed by staff if there is a problem with their child.

The applicants were questioned regarding the amount of bed and breakfast accommodation.

The applicants confirmed that in respect of one charity event there was problematic noise caused, this was an oversight and not a regular situation.

The applicants responded to a question about noise noting they had a handheld decibel meter and attempted to ensure that noise from their pub was not a nuisance.

Discussion took place regarding the locality of the nearest school, the applicants suggested that this was not relevant regarding the evening, the school being closed at that time. The solicitor for the applicants noted that no safeguarding issues had been raised by any responsible authority.

DECISION OF COMMITTEE:

The decision of committee was to approve the application as made.

The councillors imposed an amendment to one condition, Annex 3 condition 2 being amended to read "when live and pre-recorded music is played at the premises, the doors and windows shall be kept closed save for door ingress and egress".

The committee noted the additional condition relating to children provided by the applicants, the wording of which is specified above.

REASONS FOR THE COMMITTEE'S DECISION:

Committee appreciates the professional way the premises are run and the details given at committee showed management in control of the areas where nuisance may arise.

The committee notes that "public safety" means the safety of the public on the premises and there are no concerns here, there is a speculative allegation regarding alcohol and driving but the committee notes that this speculative assertion was not supported by evidence.

Regarding the changes proposed there is no evidence before committee that these changes will cause significant harm to any of the four licensing objectives.

The committee notes and gives weight to the fact that the police and the environmental health team have not raised any concerns regarding the application. Committee also notes that the

majority of local residents including those closest to the premises have not objected to these proposals and there is no objection from nearby Lionwood Infant and Nursery School.

There are concerns regarding anti-social behaviour, but these are frequently likely to be beyond the control of the licensee. Concerns are raised regarding anti-social behaviour from the beer garden but it is noted that the hours of use of this beer garden are not changing.

In coming to these views committee has taken account of the evidence presented, the local and national licensing policies and the written representations made. It was regretted that none of the persons objecting to the variation attended committee.

RIGHTS OF APPEAL:

Rights of appeal are set out in Schedule 5 of the Licensing Act 2003. Any person wishing to exercise their right of appeal must do so by raising an appeal at a magistrates Court within 21 days of the date they are informed in writing of the decision appealed against.

Dated this 12th day of July 2019



CHAIR

