



**NORWICH**  
City Council

## **Notice of Determination**

Date of Committee: 18<sup>th</sup> April 2019

Licence type: Review of a premises licence

Applicant for review: Richard Divey, Environmental Protection Officer for Norwich City Council

Premises reviewed: Karishma, 15 Prince of Wales Road, Norwich, Norfolk NR1 1BD

Members of Licensing Sub-Committee: Councillors Malik (Chair); Julie Brokick-Coulton and David Fulman.

Other Persons Present: Mr Richard Divey, Environmental Health Department, Mr Gavin Tempest representing the premises license holder, Mr Schuhel Ahmed Ali, Licence Holder, Ms Michelle Bartram, Norfolk Constabulary, Mr David Hannant, Press, Mr David Lowens, Clerk, solicitor nplaw.

There were no declarations of interest.

Prior to the start of committee an application for a minor variation to the premises certificate in respect of the premises dated 3<sup>rd</sup> April 2019 was circulated.

### **NOTES OF HEARING:**

Mr Divey addressed committee. He noted that noise controls had been identified and that agreement had been reached between the premises license holder and the Environmental Protection Team as shown on the minor variation papers on page 4.

Michelle Bartram confirmed that the police had no further comments noting that the problem was likely to be resolved by the proposed conditions.

The premises licence holder confirmed he was happy with the proposed additional conditions.

Mr Tempest on behalf of the premises licence holder addressed committee noting that there was no suggestion that all matters flagged by the police were related to the behaviour of customers from these premises

It was confirmed that Mr Ali will be applying to become designated premises supervisor, the management was now aware of all conditions relating to the premises licence and the police confirmed that from their point of view their concerns had been addressed.

### **DECISION OF COMMITTEE:**

1. To agree and impose the additional conditions:

- (i) Amplified music on the ground floor shall be played through a sealed limiter specifically for the ground floor and shall not exceed 90db at 1 meter from the microphone location as specified in the plan attached to the premises licence. Any changes to the level must be approved in advance by the Environmental Protection Team.
- (ii) Amplified music on the first floor shall be played through a sealed limiter specifically for the first floor and shall not exceed 80db at 1 metre from the microphone location as specified in the plan attached to the premises licence. Any changes to the level must be approved in advance by the Environmental Protection Team.

Committee declares that the existing conditions relating to live music, recorded music or both take effect, that section 177A of the Licensing Act 2003 does not apply to them, and that additional music conditions are added pursuant to section 177A(4) of the Licensing Act 2003.

Current condition 33 is removed.

#### **REASON FOR COMMITTEE'S DECISION:**

Committee noted the basis of the review was concern as to noise nuisance. Committee noted that all parties were happy with the proposed additional conditions and felt that these would be sufficient to support the licensing objective of the prevention of public nuisance. On the evidence before committee there was no evidential reason supporting the imposition of any alternative condition or amendment to the premises licence. It was noted that the agreement between the premises licence holder and the Environmental Protection Team had the support of the Norfolk Constabulary.

#### **RIGHTS OF APPEAL:**

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

Dated this 3<sup>rd</sup> May 2019.