



NOTICE OF DETERMINATION

Date of Hearing:	2 November 2015 and 6 November 2015
Licence Type:	Requested variation of a premises licence
Name of Applicant:	The Morton Brewery Cambridge Ltd
Name of Premises	The White Lion Public House
Address of Premises:	73 Oak Street, Norwich NR3 3AQ
Licensing Sub-Committee: ("the committee")	Councillors Button (chair) Ryan and Woollard
Responsible authorities:	Norfolk Constabulary
Other persons present:	Mr Richard Naseby, Managing Director of the applicant company, Mr Alex Waters (designated premises supervisor) Mr Nicholas Harrison – objector Mr D Lowens (clerk)

DETERMINATION:

At the start of Committee the applicant company confirmed that it was happy to amend the operating schedule to include the requested conditions proposed by the Norfolk Constabulary that:

1. That there will be no new entry to the premises for patrons after midnight if the premises operates after this time.
2. CCTV will cover the main public areas of the bar and the outside smoking area (garden). CCTV footage to record for a minimum of 28 days and be available to the police and the licensing authority upon request.

Following this confirmation Ms Michelle Bartrum, representing the Norfolk Constabulary, agreed that the constabulary withdrew its representation.

There were no declarations of interest. A plan showing the close environment of the public house was given to those present and the applicant marked the beer garden as being the full length of the premises on the side closest to the electricity sub-station and on the opposite side to No. 40 Mandela Close. The applicant confirmed that CCTV was

already installed and confirmed the garden/smoking area was accessible from the street and was a fire exit.

The clerk outlined the application this being an application to extend the hours sought for the licensable activities of the sale by retail of alcohol (for consumption on and off the premises), the provision of late night refreshment, the opening hours and the alteration of the licensed area of the premises to include the garden/smoking area. As part of the above it was sought to amend the condition dealing with the garden/smoking area to read "there will be no use of the flat roof of the premises for the consumption of alcohol" thus removing reference to the beer garden in that condition. As part of the application it was also sought to remove regulated entertainment from those matters authorised under the licence, recorded music being the only regulated entertainment mentioned by the premises licence.

Regarding the proposed extra hours when the following day is a bank holiday, the applicants confirmed that on Friday and Saturday there would be no extension if the sought standard hours were granted as these times matched.

No additional papers were provided by any party. The applicant explained that their intention was to bring the licensing/opening hours of this public house into line with those normally granted in the city centre and noted that all the near competitors were open until midnight at least. The applicant noted that customers had left to go onto The Kings Head and The Plasterers public houses and that in the applicant's experience young persons were now starting and finishing their drinking later. The applicant viewed their direct competitors as The Golden Star in Colegate, The Kings Head in Magdalen Street and The Plasterers just off Magdalen Street. It was noted The Golden Star was open until midnight and another was open until 2.00 am should they wish to do so. The premises were agreed to be a mixed residential and commercial area.

The applicant mentioned that the extended hours should lead to less disturbance post-closing the premises as persons would not leave en-masse and whilst it wasn't intended to regularly open until 2.00 am, the premises wanted the leeway to remain open if it was clear the customers wished them to do so. The company ran six public houses (three of which were close to sheltered housing) including the Norwich premises. The amplified music provision was being removed to assist councillors as they were concerned that noise nuisance from amplified music could arise if the premises changed hands. In practical terms the premises opened at midday and there was no intention to change this. It was confirmed that the garden is primarily used as a smoking area and persons take their drinks outside. It would be possible for persons to enter the garden/smoking area directly from the street although the applicant viewed the bar staff being able to keep control on who was present and who was served as they would be for example collecting drinks from all areas. The designated premises supervisor confirmed that they lived at the premises and were very aware of the noise arising both from the pub and from other persons using the street outside.

Local residents had complained regarding noise and disturbance, the applicant thought that this was likely justified but the noise and disturbance they felt generally arose from persons who were not their customers.

The applicant mentioned that the wall adjacent to the Silkfields Sheltered Housing Scheme is a substantial wall of approximately 10 ft. high and confirmed in respect of the

flat roof, that this could only be accessed by the living room of the DPS and it was not intended to use this as part of the public house.

Mr Harrison asked questions of the applicant relating to the control of noise, the intended new customer base and complained that the noise from the beer garden does increase by comparison as the ambient noise from the public highway decreases at approximately 9.45 - 10.00 pm. Noise and anti-social behaviour were the main concerns.

The applicant views that due to the nature of their premises being focused upon real ale and cider as well as home cooked food, the intended clientele were not generally young person's/students and the applicant also disputes that students were likely to cause a significant amount of noise in any event.

An objector confirmed that at the moment persons did not leave en-masse from this public house, he was concerned regarding noise from the beer garden being more noticeable when the ambient background noise reduced and was concerned regarding when people leave the public house, there was noise disturbance from taxis etc.

Due to the need for the applicant representative to attend an event in Cambridge and the limited time available for councillors to come to a decision, it was felt that it was appropriate for this matter to be adjourned until Friday at 2.30 pm.

DECISION OF THE LICENSING SUB-COMMITTEE

The decision of the Licensing Sub-committee was to grant the application in part.

There will be no alteration on Monday, Tuesday, Wednesday and Thursday.

In respect to Friday the licensable activity of the sale by retail of alcohol is extended to 23.30 hrs and opening hours are extended to 24.00 hrs. On Saturday the licensable activity of the sale by retail of alcohol is extended to 23.30 hrs and the opening hours are extended to 24.00 hrs. The provision of late night refreshment on Friday and Saturday is extended to 24.00 hrs. In respect of Sunday the sale of alcohol is granted to 23:00 hours, late night refreshment is granted from 23:00 to 24:00 hours and the opening hours are extended to 24:00 hours. Where the following day is a bank holiday then in respect of the sale by retail of alcohol and the provision of late night refreshment and opening hours the hours are extended from the standard finish time on that day to 01:00 the next day.

The licensable area of the premises is extended to include the beer garden.

Condition No. 7 of Annexe 2 is amended to read:

1. There will be no use of the flat roof for the consumption of alcohol at any time.
There will be no use of the beer garden for the consumption of alcohol after 22.00 hrs on any day.

It is noted that the proposed conditions from the Norfolk Constabulary have been agreed and form part of the operating schedule. It is noted that regulated entertainment is removed from the licence.

REASONS FOR THE LICENSING SUB-COMMITTEE'S DECISION are:

1. This is a residential area and close to a sheltered housing scheme and the effects of noise nuisance would therefore be significant.
2. Complaints currently exist regarding noise from the premises under current opening hours.
3. The committee believes that only a limited extension is an acceptable balance between the needs of this business and the interest of local residents.
4. The committee is concerned that the hours sought would have led to an unacceptable level of nuisance to local residents in respect of noise and disturbance including noise and disturbance arising from use of the beer garden.

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

Rights of appeal are set out in Schedule 5 of The Licensing Act 2003. In summary, the applicant and any person who has made a relevant representation who desires to contend that any variation ought not to have been made or that when varying the licence the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way or should have granted the modification as applied for may appeal the decision. This appeal is to be made to a magistrates' court within 21 days of receiving written notification of the decision appealed against.

Drafted 31.12.15, amended 15.01.19

VF: 32978