



**NORWICH**  
City Council

## Notice of Determination

**Date of Hearing:** 9 November 2011

**Licence Type:** Application to vary a Premises Licence

**Name of Applicant:** Tag Leisure Limited 50 Prince of Wales Road, Norwich  
NR1 1LL

**Postal Address of Premises (or description of premises):**

Tao Club & Lounge, 50 Prince of Wales, Norwich NR1 1LL

**Licensing Sub-Committee:**

Councillors Sands (Chair), Jeraj and Wright

**List of Public Attending Committee**

None

**Determination –**

The Committee heard the application to vary a premises licence in respect of Tao Club & Lounge, 50 Prince of Wales Road, Norwich NR1 1LL ("Tao"). The variation requested seeks to increase the hours for all existing licensable activities and the hours the premises are open to the public as detailed in the tables at paragraph 1.3 of Head of Citywide Services Report to the Licensing Sub-Committee ("the Report").

In addition the applicant sought the non-standard timings listed at paragraph 1.4 of the Report. In respect of the last line of the first bullet point Mr Hardy advised it should read "...to start one hour before transmission and up to 2 hours after".

The applicant sought to increase the existing provision of regulated entertainment by adding the additional activities of "anything of a similar description to live music, recorded music and performance of dance" and "provision for entertainment of a similar description to providing facilities for making music or facilities for dancing" for the hours of 08:00 – 04:00 Monday to Thursday and 08:00 – 06:00 Friday to Saturday.

Additionally the applicant sought to remove condition 33 of Annex 2 to the licence which reads "Children under 18 will not be allowed access to the premises".

Finally the applicant sought to extend the licensed area to include the garden area for the sale of alcohol in accordance with the plan attached at Appendix B to the Report.

The applicant had not proposed any additional steps to promote the licensing objectives as a result of the proposed variation, however, following discussions with Norfolk Constabulary the applicant has agreed to revise the operating schedule by adding the conditions that "there will be a last entry time into the premises of 4:30" and "the Police will be notified in writing 14 days prior to any events involving under 18's or to extend the opening hours to accommodate sporting events or A level results.

In the absence of Ian Streeter, Licensing Manager, who was on sick leave the Report was presented to the Committee by Luke Parker, Legal Advisor to the Committee.

The Committee heard from the following individuals who appeared on behalf of the applicant:

- Brian Hardy, Licensing Consultant, Birketts LLP
- John Jackson, Designated Manager, Tag Leisure Ltd.
- Therese Stokes, Finance Director, Tag Leisure Ltd.

Mr Hardy provided the Committee with copies of a set of photographs of the interior and garden area of the premises. He had no questions on the Report and highlighted that there had been no representations from the Police or Environmental Services. Mr Hardy said the premises had operated as a bar/nightclub for a number of years and since trading as Tao no complaints have been received by the applicant either directly or indirectly via the Responsible Authorities.

Mr Hardy made two points to the Committee. Firstly he said the Police endorsed the use of the garden area by Tao's clientele as it means smokers are not forced out onto Prince of Wales Road and therefore door control is easier. Secondly the level of noise in Tao is controlled by a noise limiter which was set by the Council's Noise Team and has never been altered and is tamper proof.

Ms Stokes advised that no music is played outside and in order to gain access to the garden area the clientele need to pass through three sets of acoustic doors. In addition noise pollution is limited by the use of acoustic glass on both floors. The extended hours sought will mean there is a quieter dispersal period.

In response to the written representation received from the sole Interested Party, which raised concerns relating to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance, Mr Hardy said it was a shame that they had not appeared before the Committee as the applicant was not aware of the incident and issues raised and would have welcomed the opportunity to ask for further details. With regard to the alleged public nuisance caused since the premises has traded as Tao Mr Hardy refuted that the level of noise had increased as the music was subject to a noise limiter which has never been altered.

The applicant was asked by the Committee whether there had been any incidents at the premises, if there was a policy of intervention if incidents arose, if the speakers were acoustically mounted, their plans for under 18's events and the retention policy for CCTV footage.

Mr Jackson said there had only been one incident involving a gentleman which was dealt with by the door team. The speakers were acoustically mounted and the original mounts installed before the premises opened were used. Although he did not think these would have degraded since installation Mr Jackson confirmed that they would be checked for signs of degradation. Regards the under 18's events he said there would be 8 to 10 of these events per year and that they would run from 19:00 to 23:00 hours with all clientele to be off the premises by 23:30 hours. Police and door staff will be notified in advance of the under 18's events and they will be also advertised on the applicant's website. No over 18's will be admitted to these events and no alcohol will be on display or for sale on the premises and this will be made clear on advertisements. Smoking will be prohibited on the premises during these events. Mr Jackson said that the CCTV footage is kept for 31 days on a computer hard drive at the premises.

**The Committee's decision:**

The Committee granted the application as sought. Members took into account the views of the Responsible Authorities insofar as there were no objections to the application and noted that the Interested Party had not taken the opportunity to appear before them and provide further detail where needed. Members were impressed with the applicant's proposals for the under 18's events.

**Right of a Party to appeal against the determination of the Authority**

For your information, applicants and any person who has submitted a relevant representation, or submitted an objection notice, who is aggrieved by the decision, or the imposition of any term, condition or restriction, have a right of appeal to the Magistrates' Court within 21 days of the date on which they are notified of the decision.

Dated this 14 November 2011