



## NOTICE OF DETERMINATION

Date of Hearing:	10 January 2014
Licence Type:	Grant of a premises licence
Name of Premises:	Not known
Postal address of Premises:	10 – 12 St Benedicts Street, Norwich NR2 4AG
Licensing Sub-Committee:	Councillors Gayton (chair) Haynes and Henderson
Legal adviser to the Sub-Committee:	Mr Luke Parker (Solicitor, nplaw)
Other persons present:	Mr Edward Proffitt and Mr Colin Sewell (representing the Applicant), Ms Harriet Carter (Interested Party), Dr Jacqui Hardie (Interested Party) and Mr Allchin (Interested Party)
On behalf of Norwich City:	Mr Ian Streeter (Licensing Manager),

## DETERMINATION:

Prior to the committee determining the application the applicant amended its proposed operating schedule as follows:

1. The proposed hours for the supply of alcohol (for consumption on the premises) were amended to 1100 to 0000 Monday to Sunday.
2. The proposed hours for the provision of late night refreshment were amended to 2300 to 0030 Monday to Sunday.
3. The proposed opening hours for the premises were amended to 0900 to 0030 Monday to Sunday.

In addition members of the committee heard that the proposed additional conditions put forward by the Norfolk Constabulary and the council's environmental protection service had been accepted and were included in the proposed operating schedule:

- i) Alcohol will be served by table service only.

- ii) CCTV to be in working order and in operation when the premises are open to the public. CCTV footage to record for 28 days and be available to Police or Licensing Authority on request.
- iii) CCTV cameras to cover the external frontage of the venue, internal entrance point to identify patrons on entry and main public areas of the premises.
- iv) A refusal book will be kept behind the bar for bar staff to record any refused sales due to intoxication or underage. This book will be available to Police or Licensing Authority on request.
- v) All licensable live music will be un-amplified.
- vi) Waste receptacles, in particular bottle bins, will not be emptied externally between the hours of 2000 and 0800.

Mr Streeter presented the report of the Head of Citywide Services. He advised that as the applicant had agreed that the provision of live music will be un-amplified it would no longer be a licensable activity between the hours of 0800 and 2300. He advised that this was due to the amendments made to the Licensing Act 2003 by the Live Music Act 2012.

Members of the committee heard from Mr Sewell and Mr Proffitt regarding their application. They are residents of Norwich and intend to open a piano bar with table service. During the daytime the premises will be open for coffee, tapas and other similar food. In the evening it will be a piano bar. There will be a room upstairs which will be available for use by community groups free of charge.

Members asked a variety of questions including ones concerning what provision would there be for smokers, opening hours and what measures were proposed to prevent the sale of alcohol to underage drinkers. With regards to a smoking area the committee were advised that patrons would be directed to the archway adjacent to the premises which led to an enclosed parking area at the rear of the premises. Smokers could either smoke under the archway or in the premises' allocated car parking space which would not be used for parking.

Dr Hardie asked the applicant questions about waste storage and when these would be emptied. She expressed concern that the proposed provision for smokers would exacerbate existing anti-social behaviour she had experienced in the area. Mr Allchin also expressed concern about this and noted that the car park was used by residents. He asked if there would be any sound insulation at the premises.

Dr Hardie presented her case and said that she had been a resident of St Lawrence Lane for 15 years and during this time the number of bars/clubs had increased and so too had the amount of night time traffic on foot and incidents of graffiti and other forms of anti-social behaviour. She said the locality had a high proportion of private residences. Ms Carter said the locality was a mixed residential area and she was concerned about the provision for smokers.

The committee considered that the applicant's proposals for smokers were reasonable. A member noted that it was in the applicant's interest that their patrons who smoked caused the least disturbance to local residents. Ultimately any antisocial behaviour arising from patrons in areas beyond the applicant's control were a matter for the individuals

concerned and the Police. Examples given by interested parties of existing anti-social behaviour in the area could not be attributed to the premises given that it had not yet opened.

### **The Committee's Decision**

The application as amended with the additional conditions noted above was granted together with the following imposed conditions:

Condition a) 2) of the operating schedule is amended to read as follows -

As set out in our operating hours the sale/supply of alcohol will cease at 00:00 allowing there to be a 30 minute period of time for people to consume their drinks in advance of the premises closing at 00:30. Late night refreshment will be served during this period.

Condition d) 5) of the operating schedule is amended to read as follows -

Volume levels from licensable music (both live and recorded) will be monitored by responsible persons both inside and outside the premises. All doors and windows at the premises must be kept closed when the licensable activities are taking place other than when doors are used for ingress or egress from the premises.

### **The Sub-Committee's Reasons**

Councillors took account of the fact that there were no responsible authority objections to the application apart from those from the planning officer and noted that the conditions proposed by the Norfolk Constabulary and environmental protection had been agreed with the applicant who had incorporated them into its operating schedule. The committee viewed the proposed hours as reasonable in the context of the area of the premises and given the applicant's intention to operate the premises as a piano bar where alcohol would only be served at the table. The additional conditions regarding the times when waste receptacles would be emptied outside and that all licensable live music would be un-amplified took into account the interests of local residents. As for recorded music at the premises the committee noted that this would be background piano and jazz music played through small speakers only. In the circumstances there was insufficient evidence to justify any further restriction or additional condition.

The committee noted and advised those present of the review procedure.

### **Right of 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 this decision or the imposition of any term or 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            13 January 2014