NORWICH City Council

NOTICE OF DETERMINATION

Date of Hearing:	27 March 2015
Licence Type:	Application for the variation of a premises licence
Name of Applicant:	City Pub Company (East) PLC
Name of Premises/Postal Address of Premises:	Delaneys, 39/41 St Andrews Street, Norwich NR2 4TP
Licensing Sub-Committee: ("the Committee")	Councillors Woollard (Chair) Henderson and Jones
Responsible authorities:	No relevant representations were received from responsible authorities
Other persons present:	Mr Rupert Clark on behalf of the applicant company, Mr Alan Endres, Mr N McCann – applicant's solicitor, Ian Streeter Norwich City Council Licencing Manager and David Lowens Solicitor nplaw

DETERMINATION:

1. Photographs and a menu in respect of the Georgian Town House were provided to the Committee by the applicants in advance of the start of Committee and photographs showing the site location and objectors location were provided to Committee by Mr Streeter. An email from Hudson Architects dated 26 March was also provided to Committee.

2. Mr Streeter presented the report and it was mentioned that the application related both to the conditions attached to the premises licence and to the layout of the premises.

3. The applicants presented their application and stated that the intention was to convert a "vertical drinking establishment" to a brew house with a heavy food emphasis. It was intended to be open throughout the day rather than as a late night venue. The applicant mentioned that the proposals were to give an ambience similar to the Georgian Town House, Unthank Road and the documents illustrating this establishment had been provided to Committee. There would be a considerable emphasis on seating with an increase in toilet provision. In respect of the licensing objective of the protection of children from harm the applicant had reviewed its proposals and was happy to reinstate wording similar to condition No. 32 to read, "Persons under the age of 18 will not be permitted on the premises between 2200 and 0500 hours".

4. The applicant was also happy to confirm that they would add an additional condition stating that after the close of business the area immediately outside the premises will be swept and tidied.

5. It was noted that one of the objectors lives a considerable distance away and that in the applicant's view the concerns were historic problems. It was noted that the applicant was not seeking to extend the hours and a noise limiter condition had been agreed with the Environmental Protection Department.

6. It was noted that the applicant had agreed the following conditions to be inserted in the operating schedule:

    i) The premises will use the link radio scheme (Alert Project 150) operating in the City Centre night time economy to report incidents of disorder at the premises. Use of the link radio does not negate the responsibility of the venue to also report incidents to Police by other channels if a Police response would be reasonably required. (This scheme is primarily intended as an information sharing mechanism between premises i.e. details of any individuals ejected or turned away from the venue.) The venue will ensure that all subscription charges are paid for the duration of the scheme. This condition is only enforceable whilst the terms and conditions of Project 150 are available.

    ii) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All entry/exit points and main public areas will be covered including frontal identification of every person entering. All recording shall be stored for a minimum of 28 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or licensing authority.

    iii) Management will be conversant with the operation of the CCTV system.

    iv) If open past midnight there will be a minimum of one SIA trained member of staff on duty from 2200 hours until close on Friday and Saturday nights.

    v) Additional evenings such as Sundays prior to Bank Holidays and evenings when regulated entertainment is taking place, management will carry out a written risk assessment to assess the requirement of SIA trained members of staff.

    vi) When working in a SIA trained capacity, this dedicated member of staff will be located either at the front door or the main public areas of the building but not behind the bar, will screen customers as they enter, refuse entry if required, monitor capacity levels, monitor and manage behaviour inside and within the immediate vicinity.

    vii) When working in a SIA trained capacity the member of staff will sign on and off duty in a signing in book and this will include name, badge number and the tour of duty. This book will be kept at the premises and available for inspection by Police or licensing authority upon request.

DECISION OF THE LICENSING SUB-COMMITTEE

7. The application as amended was approved both in respect of the conditions of the premises licence and the layout of the premises.

REASONS FOR THE COUNCILLORS' DECISION

8. There remained no relevant representations made by any responsible authority, Police concerns having been taken account of by the changes to the proposed operating schedule. The Committee noted that the applicant company had a good relationship with the Police and the proposed operating schedule had taken account of concerns in respect of the licensing objectives.

9. In summary the premises appeared to be well run, the Police had no objections, local concerns appeared speculative in nature and there was no intended extension of opening hours. The premises had provided a condition that the area close to their premises would be swept and tidied and there was insufficient justification under the licensing objectives to refuse the application sought or to impose any additional conditions.

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

10. Rights of appeal are set out in schedule 5 of the Licensing Act 2003. In summary a person who has made relevant representations 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 may appeal the decision. This appeal is to be made to a magistrates' court within 21 days of receiving written notification of the decision.

Dated this 24 April 2015