



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Hearing: 16 June 2016

Licence Type: Application for variation of a premises licence

Name of Applicant: Eleanor Smithers

Name of Premises: Alley Cafe

Postal address of Premises

(or description of premises): 20 Bridewell Alley, Norwich, NR2 1AQ

Licensing Sub-Committee: Councillors Ackroyd, David and Jones (T)

No responsible authorities were present

Other persons present: Eleanor Smithers, Pippa Nurse (observer,
employee of Black Orange Investments Ltd), Lewis
Doherty (observer)

Prior to the start of the Committee the Applicant presented a paper titled "operating schedule". In addition the licensing manager presented additional papers consisting of an email from Shahana Parker, dated 11 June 2016, and a letter from the Norfolk Constabulary, dated 10 June 2016, the letter contained attached emails to and from Norfolk Constabulary.

DETERMINATION

Following discussion and concern relating to the advertising of the variation and the information available to members of the public it was agreed that the variation would proceed in respect of 20 Bridewell Alley only and there would be no amendment to the licenced area.

The licensing manager presented the report and confirmed that the Norfolk Constabulary have withdrawn their representation following agreement being reached with the applicant as detailed in the letter of 10 June.

The applicant then presented her application mentioning the efforts made to ensure that all employees were aware of the licensing controls and confirmed that an incident document existed, staff were trained properly, Challenge 25 was in operation, cctv was in place and confirmed that the matters mentioned as bullet points on the police letter of 10 June 2016 had been agreed and were part of the operating schedule. Following discussion the applicant confirmed that she had amended the cctv condition further and would introduce an additional camera to cover the immediate vicinity of the outside of the premises. The applicant referred to the nature of her business, stating that music was limited and that her clientele did not drink to excess or behave anti-socially. The applicant did not envisage late night/early morning opening on any night other than Friday/Saturday. The applicant mentioned that she wished to discourage noise in the area of the premises as she was intending to create a residential flat above the premises and mentioned other late licences in the vicinity. She mentioned there was no internal space for smoking to take place. In summary the applicant felt that the proposed activities would not increase the crime/disorder/public nuisance concerns due to the nature of the clientele, the nature of the entertainment taking place and the controls in place, both existing and as agreed with Norfolk Constabulary to be introduced. The applicant responded to questions from the councillors regarding what action she expected her staff to take in respect of anti-social behaviour in the area of the premises.

DECISION OF LICENSING SUB COMMITTEE

The application was granted in part. In respect of recorded music on Friday/Saturday to include the following morning hours sought of 10:00am to 02.30am were reduced to 10:00am to 01:00am. In respect of Friday/Saturday and the following morning in respect of late night refreshment the hours sought of 23.00 to 02.00am were reduced to 23.00 to 01.00am. In respect of the sale by retail of alcohol on Friday and Saturday the hours sought of 12 noon to 2:00am the following day were reduced to 12 noon to 00.30 am. Opening hours of Friday and Saturday were reduced to 10.00am to 1.00am the following morning. Otherwise the application as amended was granted in respect of 20 Bridewell Alley including those conditions agreed with the Norfolk Constabulary and proposed during the meeting as follows:-

- 1 If the premises opens after midnight one SIA door supervisor will be employed from 23.00 hours until close.
- 2 A record of the door supervisor's name, badge and shift times will be kept on the premises and will be made available to police and licensing authority on request.
- 3 An incident book is to be kept on the premises and maintained (by the door supervisor if present) to record all incidents including refusals.
- 4 An additional cctv camera will be introduced to cover the immediate vicinity of the outside of the premises.

REASONS FOR THE COMMITTEE'S DECISION

The Committee took account of the local licensing policy including the cumulative impact policy, the national guidance, the contents of the agenda and the evidence it had heard.

The Committee gave significant weight to the written comments by the Norfolk Constabulary that "under the current premises licence the venue can already open until 01.00 hours twice a month and has been. In addition to this, the venue has submitted ten temporary event notices to extend the current hours which caused no impact to crime and disorder at or within the vicinity of the premises". These were felt to be very significant comments in respect of a cumulative impact policy dealing with crime and disorder and public nuisance.

The police proposed additional conditions which have been agreed and the police objection withdrawn.

In addition the Committee had noted the nature of the business taking place at the premises and noted there were no concerns from any responsible authority including from the environmental services team.

Local concerns were considered, sought hours had been reduced regarding the weekend and in respect of opening hours beyond midnight an SIA door supervisor would be on duty and would be expected to control antisocial behaviour in the vicinity of the premises. The Committee felt that there would be no cumulative impact on the licensing objectives in respect of this application as amended and to the extent of the application permitted with this reduction of hours in respect of early Saturday and Sunday mornings. The committee noted the existence of the review procedure.

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

Rights of appeal are set out in schedule 5 to the Licensing Act 2003. This appeal is to be made to a Magistrates' Court within 21 days of receiving written notification of this decision.

Dated this 17 day of June 2016