



NORWICH City Council

NOTICE OF DETERMINATION

Date of Hearing:	Thursday 28 July 2016
Licence Type:	Application for the variation of a premises licence
Name of Applicant:	Mr Deniz Turan
Name of Premises/Postal Address of Premises:	13 St Benedicts Street, Norwich
Licensing Sub-Committee: ("the Committee")	Councillors Button (Chair), Brociek-Coulton and Jones (T)
Responsible authorities:	There were no representations or attendance by responsible authorities.
Other persons present:	Mr Deniz Turan, his representative Mr Gavin Tempest and Mr Daniel Bramham, objector.

NOTICE OF HEARING

A letter from Harriet Carter, objector, dated 20 July 2016 was provided to committee.

The licensing manager presented the report and informed committee of the main points of the application namely to expand the licensed area into the lower, mezzanine and first floors, to remove live music from the license and the relevant conditions relating to live music, to remove the sound limiter condition, to open two hours earlier (but with no change to the closing hours) and to remove the condition relating to children under 14 attending the premises.

It was agreed during the hearing that as part of the applicant's operating schedule the following conditions were included:

1. Signage is to be placed on every floor specifying the location of the smoking area and asking customers not to smoke in St Benedicts Street.
2. The balcony of the premises is not to be used by members of the public.
3. Music noise emanating from the premises will be inaudible 1 metre from the outside façade of the nearest noise sensitive premises with the windows and doors of the licensed premises being closed.

Mr Turan assisted by Mr Tempest presented the details to committee of the proposed use of the premises. The earlier hour is to enable coffee and breakfast to be served and the general intention is to run a restaurant. Detailed floor plans were given to committee.

Mr Turan mentioned the premises will have a bar on the mezzanine floor. The style of music would be traditional Middle Eastern music and a family audience is expected. Mr Turan intended to live above the premises and was a tenant and therefore had an interest in ensuring that matters were well organised. He mentioned he had met with the police and with the environmental health team and asked committee to note that neither responsible authority objected to the application. Additional conditions relating to close circuit television were being introduced.

Mr Tempest spoke regarding the previous business at this address and the inconsiderate way it had been run. He confirmed there was no connection between that management and the applicant nor any connection between that business and the applicant's intended business, the premises being renovated. Music was not intended to be the primary reason for persons to attend the premises and care had been taken in the renovation to deal with the question of possible noise disturbance. Mr Tempest noted that neighbours had been contacted and the adjoining neighbours had not made any representations to committee.

Mr Turan felt there was sufficient business to cater for persons who wished to enjoy a leisurely meal to the hours specified. There was a last time of entry for new customers of midnight, sales of alcohol would cease at 1.00 am and opening hours would cease at 1.30 am. Mr Turan had calculated that only twenty or so more persons than had attended The Lounge would be present. Persons would be encouraged to use the door to Westwick Street to access the smoking area and persons would be discouraged from smoking in St Benedicts Street. Mr Tempest mentioned that in respect of the noise limiter this had been required by the environmental health department due to the noise and disturbance caused by the previous management and their business of The Lounge.

Mr Turan proposed that this condition be removed as it was not proportional or relevant to his new business. He wished to create a Middle Eastern themed restaurant where a leisurely meal could be enjoyed rather than the previous noisy drinking establishment. In response to questions from councillors he stated the premises would not be marketed as a bar and confirmed disabled access was available.

Mr Bramham addressed committee stating his primary concern was disturbance from noise and that he was concerned that the proposals put forward by the applicant would not be followed. He was concerned due to the previous history of these premises and the loud music and disturbance that had been caused, together with the behaviour of another premises in St Benedict Street called "Lust and Liquor Bar and Cocktails". Mr Bramham explained the difficulties he had received in respect of this other premises and his resulting unwillingness to place much reliance on promises made. The clerk informed Mr Bramham of the review procedure in respect of issues with any premises holding a licence under the Licensing Act 2003.

A discussion ensued relating to noise controls and Mr Turan mentioned that as part of his operating schedule he was happy to introduce the inaudibility condition prepared by the licensing manager. Mr Bramham mentioned that he had complained about The Lounge and noted that they kept their doors open in hot weather. Mr Turan mentioned that the

premises would be air conditioned. Mr Bramham remained concerned about the premises turning into more of a drinking establishment and was concerned relating to the hours sought.

Mr Bramham was addressed by the applicant via Mr Tempest, noting the measures put into the licence, that in his view the applicant had done everything they could and carried out sufficient control measures to justify the application being approved and noted the significant investment being made by the applicant and that it would be not good business to create problems. The problems suffered by Mr Bramham in the past were stated not to be the fault of the applicant.

Mr Bramham mentioned that he would like the noise limiter to remain, Mr Tempest mentioned that when committee was considering this point they should note that the environmental health department had not made a representation.

Mr Tempest made a closing statement on behalf of the applicant.

DETERMINATION

The application was approved as sought.

REASONS FOR THE COMMITTEE'S DECISION

The councillors took account of the evidence provided with the agenda, took notice of the additional letter from Harriet Carter and took notice of the evidence heard from both Mr Turan and Mr Bramham, the operating schedule as amended at committee and the mixed use nature of St Benedicts Street. There was no evidential basis justifying refusal of the application. Significant problems had occurred with the previous owner and their business but the management had changed. The new business followed a refurbishment and the plans supplied and comments made by the applicant indicated that this would be more of a restaurant than a drinking establishment. Noise nuisance from amplified music should be adequately dealt with via the condition accepted by the applicant as to inaudibility. The councillors noted that neither Norfolk Constabulary nor the environmental health department had been concerned enough to make any representation in respect of the proposals as would have been expected if there was concern as to any of the licensing objectives including concern about public nuisance from customers. It was not felt appropriate to add any additional conditions to the premises licence in order to support any of the licensing objectives. The committee noted that the review process would be available if matters did cause problems in respect of any of the licensing objectives. It was noted that the extension of opening hours to 8am was not flagged as a problem by any objector.

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. Any appeal is to be made to a magistrates' court within 21 days of receiving written notification of this decision.

Dated this 3rd August 2016