



NORWICH
City Council

Notice of Determination

Date of Hearing: 11 January 2011

Licence Type: Review of a Premises Licence

Name of Applicant: Professor Paul Binski of 24 Princes Street. Norwich

Name of Premises: Edith Cavell Public House

Name of Premises Licence holder: Enterprise Inns plc

Postal Address of Premises (or description of premises):
Edith Cavell Public House, Tombland, Norwich

Licensing Sub-Committee:
Councillors Ramsey(Chair), and Lay

Determination –

The Committee heard from the applicant and his partner Ms Page and he called as witness Mrs Hannah Aquarone. The Committee also heard from Mr Richard Taylor, Solicitor for Enterprise Inns and Amy Pinkney, the Designated Premises Supervisor.

The Committee noted that the respondent to the review had amended their premises licence operating schedule as follows:-

1. Except for access and egress, windows and doors shall be kept closed whenever regulated entertainment is provided (replacing Condition 13 of Annexe 2).
2. Empty bottles must be stored in the curtilage of the premises prior to disposal. Transfer externally will not be undertaken between the hours of 23.00 and 07.00. (replacing Condition 10 of Annexe 2).

The Committee also heard from Mr Shearman of the Council's Environmental Services Section who noted that following the amendments made to the operating schedule there was no outstanding representation made by his section. He assisted

the Committee regarding noise measurement and answered questions from the applicant for the review.

The Committee's decision:

The Committee reviewed the premises licence and ordered the following additional conditions imposed on a permanent basis:-

1. All licensable amplified live and amplified recorded music will be controlled by a sound limiting device, the level of which is to be set by Norwich City Council's Environmental Services Section and this noise level will not be amended without the written permission of the Norwich City Council's Environmental Services Section.
2. The level of the sound limiting device is to be set with the doors of the premises open and taking account of the current level of soundproofing and hours of use at the date of measurement.
3. Despite the premises having less than 200 persons capacity the provisions of section 177 of the Licensing Act 2003 are disapplied regarding conditions dealing with noise.

The Committee's reasons:

The Committee noted that there were no concerns raised by responsible authorities and there were no concerns raised about the behaviour of the current designated premises supervisor. Whilst local residents were keen to see the hours of licensed activities relating to amplified noise reduced, it was felt that this was beyond what was necessary to comply with the licensing objectives, taking into account the introduction and setting of the noise limiting device. It was noted that no complaint was made regarding the opening hours of the premises and the attendant noise from persons arriving and leaving. As the opening hours extended into expected hours of sleep the noise limiting device would be set at a level taking into account that the door to this premises would frequently be open.

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

For your information, applicants and any party who made 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 26th January 2011