

# NORWICH CITY COUNCIL

## Report for Resolution

**Report To** Licensing Sub-Committee

9 October 2008

**Report of** Head of Legal & Democratic Services

**Subject** Licensing Act 2003:  
Application for the Variation of a Premises Licence -  
The Maid Marian PH 59 Ipswich Road Norwich

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### **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application to vary a Premises Licence in respect of The Maid Marian PH 59 Ipswich Road Norwich following the receipt of objections from Responsible Authorities and Interested Parties.

### **Recommendation**

That Members determine the application to vary a Premises Licence in respect of The Maid Marian PH 59 Ipswich Road Norwich in accordance with the:

- Licensing Act 2003;
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy.

### **Financial Consequences**

The financial consequences for this report are nil.

### **Corporate Objective/Service Plan Priority**

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

### **Contact Officers**

**Ian Streeter**

**Phone No 212439**

### Background Documents

The Licensing Act 2003  
Guidance issued under Section 182 of the Licensing Act 2003  
Norwich City Council Statement of Licensing Policy

## **1.0 The Application**

- 1.1 The applicant is Enterprise Inns PLC of 3 Monkspath Hall Road Shirley Solihull B90 4SJ.
- 1.2 The premises operate as a public house in a mainly residential area of Norwich.
- 1.3 The premises currently hold a premises licence, the summary of which is attached to the report as Appendix A.
- 1.4 The conditions attached to the current premises licence are attached as Appendix B.
- 1.5 This variation application seeks to:
  - Extend the hours for the supply of alcohol to 10:00 to 00:00 Monday to Sunday inclusive;
  - Permit live music and facilities for making music from 10:00 to 00:00 on Monday to Saturday inclusive;
  - Permit late night refreshment until 00:00;
  - To extend the terminal hour of the above activities to 01:00 on Fridays, Saturdays, and Sundays of Bank holiday weekends and on Christmas Eve and Boxing Day;
  - To permit the supply of alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day; and
  - To remove the condition requiring that alcohol may only be served for consumption as ancillary to a meal in the restaurant area (Appendix B, condition 4).
- 1.6 The application also seeks to add the following conditions to the Operating Schedule of the licence:
  - All doors and windows shall be closed save for access and egress at all times that live music is being provided; and
  - Notices requesting that customers leave quietly will be displayed at the premises and in the car park.

## **2. Relevant Representations**

- 2.1 The responses from the Responsible Authorities are as follows:
  - Police – Representations received (see Appendix C).
  - Environmental Services – Representations received (see Appendix D).
  - Fire Officer – No representations.
  - Planning Officer – No representations.

- Area Child Protection Committee – No representations.
- Trading Standards – No representations.

2.2 There have been eleven Interested Party objections to the proposals and two responses supporting the application. These are attached to the report as Appendix E. The responses relate mainly to the licensing objectives of crime and disorder and the prevention of public nuisance, with the issue raised of noise nuisance from music played within the premises.

2.3 A site map of the area identifying the application premises is attached as Appendix F. A more detailed map of the area detailing the Interested Parties' residences will be available at your meeting.

### **3.0 Norwich City Council Statement of Licensing Policy**

3.1 Attached at Appendix G are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

### **4.0 National Guidance (issued under section 182 of the Licensing Act 2003)**

4.1 Attached at Appendix H are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

### **5.0 Summary**

5.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 In making its decision, the Sub-Committee is also obliged to have regard to guidance issued under Section 182 of the Licensing Act 2003 (National Guidance) and the Council's own local licensing policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.

5.3 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant the application as asked;
- Modify the conditions of the licence, by altering or omitting or adding to them; or
- Reject the whole or part of the application.

5.4 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

5.5 The representations received from the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee is directed to paragraphs 21 and 25 of the local licensing policy at Appendix G which contain examples of factors that impact on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.

5.6 Insofar as the issue of licensing hours is concerned, the Sub-Committee is directed to paragraph 13.41 of the national guidance, which states that licensing hours should not inhibit the development of evening and night-time local economies, and that providing consumers with a greater choice and flexibility is an important consideration. However, this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet. The Sub-Committee is also directed to paragraph 31.5 (a) of the local licensing policy, authorising the restriction of licensing hours, where the licensing authority believes, on the basis of representations, that to not do so would exacerbate public nuisance.

The Committee must decide whether there is a strong enough case for the restriction of licensing hours, based on the representations made, to promote the licensing objectives.

5.7 The Sub-Committee is also reminded of the contents of Appendices 2 and 4 of the local licensing policy (not re-produced in this report) that contain pools of model conditions relating to the prevention of public nuisance.



Premises Licence Summary

Premises Licence Number

08/00134/PREMTR

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Maid Marion  
59 Ipswich Road  
Norwich  
Norfolk  
NR4 6LA

Telephone number 01603 451699

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Late Night Refreshment  
Sale by Retail of Alcohol  
Recorded Music

Private Entertainment as defined under section 2 of the Private Places of Entertainment (Licensing) Act 1967

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment	Monday to Saturday	23:00 - 23:30
Late Night Refreshment	New Years Eve	23:00 - 05:00
Sale by Retail of Alcohol	Saturday	10:30 - 23:00
Sale by Retail of Alcohol	Monday to Friday	10:00 - 23:00
Sale by Retail of Alcohol	Sunday and Good Friday	12:00 - 22:30
Sale by Retail of Alcohol	Christmas Day	12:00 - 15:00
Sale by Retail of Alcohol	Christmas Day	19:00 - 22:30
Recorded Music	Every Day	-

The opening hours of the premises

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premise

Name, (registered) address of holder of premises licence

Enterprise Inns Plc

3 Monkspath Hall Road  
Shirley  
Solihull  
B90 4SJ

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number                      2562808

**Name, designated premises supervisor where the premises licence authorises for the supply of alcohol**

Ms Claire Fancey  
Nicola Dawn Siggery  
Jane Durose

**State whether access to the premises by children is restricted or prohibited**

# APPENDIX B

## Annex 1 – Mandatory conditions

1 No supply of alcohol may be made under a premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3 Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals in the premises

4 In Restaurant

Intoxicating Liquor shall not be sold or supplied on the premises otherwise than to persons taking meals there, and for consumption by such a person as an ancillary to a meal

5 The following are not prohibited:

a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

b) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

c) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

d) The sale of alcohol to a trader or club for the purposes of the trade or club;

e) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

f) The taking of alcohol from the premises by a person residing there; or

g) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

h) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

**APPENDIX C****Kemp, Ruth**

**From:** Buck, Michelle [buckm@norfolk.pnn.police.uk]  
**Sent:** 21 August 2008 11:13  
**To:** Licensing  
**Subject:** FW: Maid Marian Premises licence application.

Morning Licensing

Please see email below to solicitors dealing with Maid Marian Pub.

As it stands I wish to object to the licence application as it stands under grounds of crime and disorder unless the following condition is agreed:

The Police would like request that the following condition is added to the licence:

- Between 2300 and 0700 hours the outside area available to customers shall be restricted to the area to the north west of the building, during this time consumption of alcohol or other refreshments will be prohibited.

As I am on annual leave, I have informed the applicant that I need to object. I am hoping that this condition will be agreed so I can withdraw.

Regards

---

**Michelle Buck**  
**Licensing Officer**

**Licensing**

**Partnerships Department**

Norfolk Constabulary  
 Bethel Street Police Station  
 Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025



It takes 24 trees to produce 1 ton of office paper!

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**From:** Buck, Michelle  
**Sent:** 21 August 2008 11:00  
**To:** mcj@gosschalks.co.uk  
**Cc:** the.maidmarian@hotmail.com; rick.nicholls@enterpriseinns.plc.uk  
**Subject:** Maid Marian Premises licence application.

Dear Sir/Madam

I am writing to you in relation to the variation application for Maid Marian, Ipswich Road.

The Police would like request that the following condition is added to the licence:

- Between 2300 and 0700 hours the outside area available to customers shall be restricted to the area to the north west of the building, during this time consumption of alcohol or other refreshments will be prohibited.

21/08/2008



We believe this would assist in reducing the risk of crime and disorder outside the premises and also by reducing the time spent outside by customers which will have a positive impact on preventing noise complaints.

I am happy to discuss this further if need be.

Kind regards

---

**Michelle Buck**  
Licensing Officer

Licensing

**Partnerships Department**  
Norfolk Constabulary  
Bethel Street Police Station  
Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025



It takes 24 trees to produce 1 ton of office paper!

This e-mail carries a disclaimer

Go here to view [Norfolk Constabulary Disclaimer](#)

# APPENDIX D

**Kemp, Ruth**

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**From:** Shearman, Anthony  
**Sent:** 21 August 2008 10:52  
**To:** 'mcj@gosschalks.co.uk'  
**Cc:** rick.nicholls@enterpriseinns.plc.uk; 'the.maidmarian@hotmail.com'; 'Buck, Michelle'; Licensing  
**Subject:** Premises Licence Variation Application - The Maid Marian, Norwich

Dear Sir/Madam,

I have had an opportunity to peruse the above application and have visited the premises and spoken with the current tenants/leaseholders.

I have some concerns regarding the impact of the variation on the licensing objective of public nuisance, as it would allow the premises to transform from what is at the moment a relatively quiet pub/restaurant, to a 7 day a week live music venue, with bands playing until midnight and customers continuing to consume alcohol in and around the premises until 1:30 am. This change in activity is likely to increase the amount of customers attracted to the premises and potentially the profile of the average customer. Having spoken to the tenant/leaseholder I am led to believe that this is not the intention, but any representation that I have must be based upon the application, not the future intended use.

Consideration must be given to the effects of the smoking legislation, which requires customers that wish to smoke to leave the building. The effects of this have realised an increase in complaints to local authorities regarding the noise from patrons outside licensed premises and also the noise from the music that escapes each time customers open the doors to enter and exit.

Also of consideration must be that the premises have been putting on live music unlawfully until recently, and this has led to complaints being raised regarding the music levels. For the record it is recognised that the unlawful playing of live music was a misunderstanding on behalf of the new tenant/leaseholder and the activity was ceased as soon as the problem was raised.

In short I have three main areas for concern, particularly later in the evening:-

1. The level of music emanating from the building itself.
2. The levels of music experienced whenever customers enter and exit the building.
3. The noise from patrons spending extended periods of time outside the building envelope.

I note that the operating schedule offers that 'All windows and doors shall be closed ..... at all times that live music is being provided', which is welcome, but consideration should be given to including the following conditions into the operating schedule:-

1. Music and other amplified sound, e.g. voice, shall be inaudible at the perimeter of the property.
2. With the exception of emergency situations, entry and exit to the premises shall be via the main doors on the western façade of the building, whenever live music is being performed.
3. Between 2300 and 0700 hours the outside area available to customers shall be restricted to the area to the north west of the building, during this time consumption of alcohol or other refreshments will be prohibited.

If you are happy to incorporate these conditions into the operating schedule please let me know, alternatively if you wish to discuss this or any other issues please feel free to call or email.

Regards ..... Tony

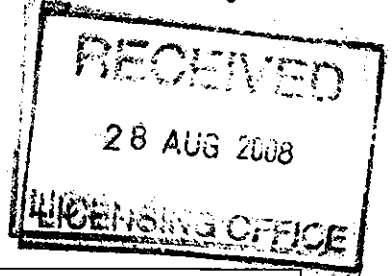
*Tony Shearman*  
Enforcement Officer

Norwich City Council  
City Hall  
St. Peters Street  
Norwich  
NR2 1NH

Tel: 01603 21(2278)

# APPENDIX E

Norwich City Council Licensing Authority  
Licensing Act 2003



## Statement of support or objection to an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	MRS OLIVE BELL.
Postal address	29, BONIFACE CLOSE NORWICH NR4 6JD
Email address	—
Contact telephone number	—
Name of the premises you wish to support or object to	Maid Marion
Address of the premises you wish to support or object to.	IPSWICH ROAD

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	I am just a little concerned about noisy music at 11pm. but if the back doors of the pub are closed probably we wouldn't
--	--

Signed:

Date: 27-8-08 hear it.

Please see notes on reverse

But we are a vetted premises adjoining the park for 28 years. No problems so far.

Norwich City Council Licensing Authority  
Licensing Act 2003

Organisational Development  
01 SEP 2008  
Post Room

Statement of support or objection to  
an application for a premises licence

RECEIVED  
- 1 SEP 2008  
LICENSING OFFICE

Your name/organisation name/name of body you represent (see note 1)	B WILSON K WILSON
Postal address	108 EATON ROAD NORWICH
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	THE MAID MARION Public House
Address of the premises you wish to support or object to.	IPSWICH ROAD

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	We object to noise late at night from the public house we think it will be annoying
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	
--	--

Signed: \_\_\_\_\_

Date: 24-8-08

Please see notes on reverse

Norwich City Council Licensing Authority  
 Licensing Act 2003


Statement of support or objection to  
 an application for a premises licence

Ref  
 08/01677

Your name/organisation name/name of body you represent (see note 1)	Mrs MRS WYNES
Postal address	26 Boniface Close Norwich NR4 4SD
Email address	
Contact telephone number	01603 2222

Name of the premises you wish to support or object to	
Address of the premises you wish to support or object to.	141/15 MARION SQ IPSWICH RD NORWICH

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary	
To prevent crime and disorder		
Public safety		
To prevent public nuisance		Close conservatory doors at 11pm to cut down noise
To protect children from harm		

Please suggest any conditions which would alleviate your concerns.	put clothes on conservatory doors so smokers dont leave them open.
--	--

Signed: \_\_\_\_\_

Date: 30/8/08

Please see notes on reverse



# NORWICH City Council

From: Michael Cant [mailto:m.cant@norwich.gov.uk]  
 Sent: 08 September 2008 09:47  
 To: Licensing  
 Subject: 08/01677/PREMTR - Maid Marion - Letter of Objection

Attention of Ian Streeter

Dear Sir

I write in connection with the above application for extension of licensing hours and for playing of live music at the Maid Marion

As neighbours to the Maid Marion I particularly concerned with the proposed amendments to the existing arrangement, as I cannot find the application on the Planning Portal with the above application number, so I will make my comments by item as listed in your statement form.

#### **To prevent crime and disorder**

We have already experienced frequent noisy and disorderly behaviour, since the resent change of ownership (Enterprise Inns) and landlord.

#### **Public Safety**

Numerous broken bottles or glasses have been left in the road. There is no acoustic attenuation of the Music played inside or within the conservatory.

#### **To Prevent public nuisance**

Noisy arguments and drunken behaviour often heard out side the pub late at night. The music is often excessively loud and has been reported that it can be heard above the TV in No 6 which has sealed double glazing. An adjacent owner has requested that the noise be turned down with little response from the landlord.

#### **To protect children from harm**

Of exposure to antisocial, drunken and threatening behaviour.

#### **Please suggest any Conditions which would alleviate your concerns**

Retain the current licensed hours up to 11.00pm. Control of excessive alcohol consumption and prompt intervention with drunken behaviour. Any noise created in the premises must remain there, i.e. adequate acoustic attenuation and insulation of the building.

#### **It should be noted**

That the landlord has undertaken the felling of trees (boundary of No 2 Tuckswood Lane and Tuckswood Lane) and destruction or hedgerow on Ipswich Road without planning permission, while leaving paths littered with mud and debris.

Regards

Michael Cant & Bernadette Cant  
 4 Tuckswood Lane  
 Norwich  
 NR4 6BD

H:

**RECEIVED**  
 - 9 SEP 2008  
 LICENSING OFFICE

Norwich City Council Licensing Authority  
 Licensing Act 2003

Organisational Development  
 09 SEP 2008  
 Post Room

**Statement of support or objection to an application for a premises licence**

Your name/organisation name/name of body you represent (see note 1)	Mr. & Mrs. M. Tapeman
Postal address	3 Helsford Road, Norwich NR4 6QA.
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Maid Marion Public House
Address of the premises you wish to support or object to.	59 Ipswich Road, Norwich NR4 6QA

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Clearly disorder will increase. We have already experienced some local vandalism and disturbance. Fans have been clubbed upon and damaged.
Public safety	People leaving late at night / early hours of morning straight on to busy main road, having consumed alcohol.
To prevent public nuisance	The noise level is currently unacceptable and will obviously increase with longer opening hours and more alcohol drunk. The music, shouting, karaoke and general loud behaviour is not what should be allowed in a residential area.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Ban on music after 10.30. Ban on people drinking outside creating noise and disturbance to nearby residents
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Signed: \_\_\_\_\_ Date: 06.09.08

Please see notes on reverse

Norwich City Council Licensing Authority  
Licensing Act 2003



Statement of support or objection to  
an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	Karen Jones
Postal address	2 Tuckswold Lane Norwich NR4 6SD.
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	maid Marian PH.
Address of the premises you wish to support or object to.	59 Bpwood Rd NR4 6LA.

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Please see attached 5 page document which sets out problems/conditions under these headings.
Public safety	
To prevent public nuisance	~
To protect children from harm	~

Please suggest any conditions which would alleviate your concerns.	~
--	---

Signed: \_\_\_\_\_

Date: 8/9/08.

Please see notes on reverse



### To prevent crime and disorder

I object to the application for extended hours. This is a quiet residential area. A petrol station, and a day time Health Spa are the only other commercial enterprises, both fronting onto Ipswich Road. The lights of the petrol station are switched off at 11pm (when it closes) and this is appropriate as most people have retired for the night. There are 6 detached properties within 50 metres of the PH which are home to elderly and vulnerable people in the 80's who live independently. In addition there is a warden controlled sheltered housing for elderly people (approx 60 people) on the junction of Ipswich Road and Eaton Rise and The Anchor Housing estate for retired people at the back of the PH car park. I have removed two names from the petition as the people concerned only signed if Norwich City Council guaranteed their anonymity and an e-mail from Mr Shearman states this cannot be done. They are concerned for their safety and the safety of their homes.

I have no difficulty with people quietly enjoying a drink at the 'Maid Marion' PH, and have never had reason to complain about noise or nuisance from the PH before in the 17 years I have lived at this address. The occasional disturbance has always been accepted but the roller coaster of recent events was intolerable before the police and Council intervened.

The unlicensed music events targeted a younger group of people, some of whom seem unable to manage their drinking and engaged in aggressive altercations and drunken disorder. My neighbours are more affected by this, as I sleep at the back of my house, and have made their own representation. Other problems flow from the activities of the PH management team.

During the weekend of 15-17<sup>th</sup> August, when the live music resumed under the occasional events licence, food was thrown against my first floor bedroom window. I was away from home but collected a bag of food from my garden on the 17<sup>th</sup> and took it to Tuckswold Police Station on the 18<sup>th</sup>. I am told that the noise could be heard above the television by someone who is partially deaf and lives further down the Lane. They have asked me not to disclose their identity. From that date noise from amplified sound during live music events and a bingo caller on Tuesday nights has moderated but still goes beyond the confines of the PH building. On the 30<sup>th</sup> August, the noise increased to an unacceptable level at 11.30 and continued to 11.45 when it stopped completely. Sarah Kay, who was in my house in my absence last weekend (6-7<sup>th</sup> September), said she was unable to sleep before the music stopped at 11.45. She intended to stay for a year, but like myself needs undisturbed nights of sleep.

### Public Safety

My neighbours (who asked not to be identified), have used the pub since Mr Martin purchased the leasehold and have expressed concern that the publican is blaming me for Environmental Health Enforcement Officer stopping the live music events. Another neighbour says that this was written on the board outside the pub and was given as the reason for an event being cancelled the same day. When the music first caused a disturbance, (4<sup>th</sup> June 2008), I asked the publican personally to turn down the sound after 11pm. The next event produced the same problem. Phone calls again resulted in the music being turned down slightly, but the volume increased again at the next event. When Mr Shearman (Env. Health) visited the pub he found the publican had no licence and the events were stopped. I have been content to leave matters in the hands of Norwich CC and the police but have

written to Mr Martin (9<sup>th</sup> August) asking for soil and debris to be removed from my boundary wall.

My neighbours feel concerned that I may be at risk of damage to my home or person if the licence is not extended. The fear of reprisals have been expressed by some if they formerly object to the application for extended hours. They are equally fearful of the damage and disturbance which may flow from the proposed changes.

### To prevent public nuisance

We have suffered considerable nuisance from the 'Maid Marion' PH this summer.

The pub site presents many hazards. Fences between the public highway and the car park are broken or absent leaving a trip/fall of more than 6" in places as the public footpath and car park are on different levels.

The hedge between the car park and highway has been reduced in height but so badly that it obstructs the public footpath in places. Since writing this the hedge has been reduced again (weekend 6-7 September) but the waste was not cleared from the public pavement. The debris from the hedge has been left in the one time publican's private garden which is now wasteland, along with the trunks and roots of trees which have been removed recently. It was from this area that stones were thrown at my neighbour and sacks of waste tipped into their garden.

Mr Martin is aware, that the live music after 11pm not only keeps me awake, but causes stress and sleepless nights. I work long hours and see the weekend as a time to recoup. Neighbours, who

sleep at the front of their houses, have been complaining of rowdy behaviour, obscene language, shouting and screaming in the early hours of the morning following the live music events. There is vomit on the pavements.

### To protect children from harm

The health hazard, particularly to children's hearing, at live music events, is obvious. Children under the age of ten were in the conservatory - the far end of the pub from where food is served and remained until the pub shut. There has been less evidence of this since the Council and police intervened.

### Conditions which would alleviate my concern

I feel strongly that the licence should not be extended beyond 11pm, but if the Council overrules neighbourhood concerns I would ask for the following to be considered.

The musicians and other performers are located at the back of the pub close to my boundary and the back of my house. A door faces onto the car park opposite my house and is adjoined by a glass conservatory. The sound proofing of the pub generally needs to be improved; the door could be removed/sound proofed and the conservatory sound proofed/sealed off when there are amplified sound events so noise is confined to the pub. Air conditioning would obviate the need for windows/doors to be open in the summer, (a particular issue for people living opposite the front of the pub). To illustrate the point, Bingo has been a regular event on a Tuesday evening and ends before 11pm. I have not made any complaints, but the sound penetrates my double glazed house, with all my windows and doors shut.

The police inform me the publican is responsible for the conduct of his customers on the premises and this should include declining to serve those whose behaviour is likely to cause disturbance in and outside the pub. We would welcome enforcement of the publican's responsibilities, an increased police presence during the evenings and particularly when the pub is turning out. We do accept this is not a good use of police resources and can only be short term.

One of my neighbours put forward a suggestion that if the renewal/ extended licence is granted, the freeholder/leaseholders should be on probation for a year as a restraint from the noise and nuisance resuming. In addition CCTV would at least identify the miscreants.

A cannot stress enough how fearful some elderly people are that the troubles which beset the south end of the estate a few years ago - the malicious damage and harassment/intimidation of elderly/vulnerable people - will revive if the 'Maid Marion' is not properly regulated. The police and community volunteers have gone to great lengths to return the community to a peaceful area and a rowdy pub with 'night club' hours will undo all the work which has been done.

**Petition objecting to the following increase in licenced opening hours for the Maid Marion pub**

Open 10 am to 1.30am the following day.

Live music every day from 10am to midnight.

Extension of food availability from 11pm to midnight.

Serving of alcohol licence extended from 10am to midnight with the PH open to 1.30am.

Alcohol licence extended every Friday, Saturday to 1am with the PH open to 2.30am, and

on Bank Holidays the above to include Sunday evening, and

Christmas Eve and Boxing Day, and

an all night licence on New Years eve/day

The present publican Simon Martin bought a lease from Enterprise Inns in June 2008.

This petition has only been raised within 50 m. of centre of public people in receipt of letters from Norwich cc. Some residents were not at home.

Name

Address

Kavan Jones

2 Tuckswood Lane.

MARK ABRAHAMS

6 TUCKSWOOD LANE

Sarah Kay

2 Tuckswood Lane

~~MARK ABRAHAMS~~

~~4 Tuckswood Lane~~

~~MARK ABRAHAMS~~

~~3 WELSFORD RD NORWICH~~

S. G. Bell

4 WELSFORD ROAD, NORWICH

J. Moon

94, Bonifere Close.

A. H. Murray

106 EATON RD. NORWICH

B. Water

109 EATON ROAD

K. Wilson

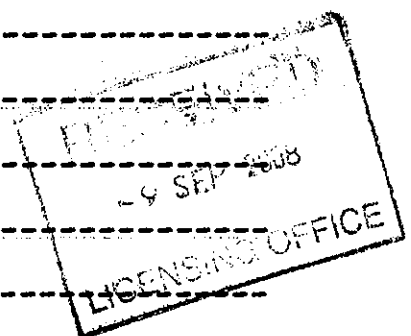
108 Eaton Road

M. Cant

4 TUCKSWOOD LANE

D. Cant

4 TUCKSWOOD LANE



Norwich City Council Licensing Authority  
Licensing Act 2003

Organisat: [unclear] Department  
09 SEP 2008  
Post F: [unclear]

Statement of support or objection to  
an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	ALAN MURRAY
Postal address	106 EATON ROAD NORWICH NR4 6PS
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	MAID MARION PUBLIC HOUSE IPSWICH
Address of the premises you wish to support or object to.	IPSWICH ROAD NORWICH

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	LOUD Music is an intrusion particularly in the summer when windows need to be open. There is much rowdy behaviour long after closing, often in the early hours of morning around the building. 11.00 is late enough.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Closing at 11.00 P.M.
--	-----------------------

RECEIVED  
- 9 SEP 2008  
LICENSING OFFICE

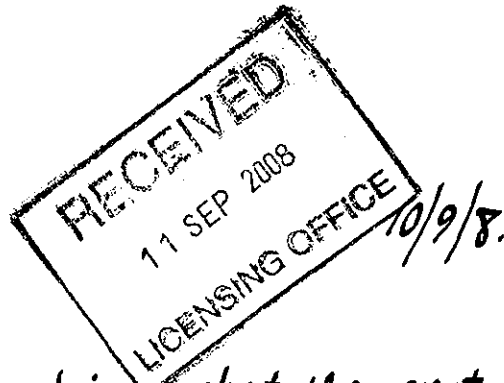
Signed: 

Date: 6th September 2008.

Please see notes on reverse



Norwich City Council,  
Licensing Dept.,  
City Hall.



Asgard,  
5, Welsford Road,  
Eaton Rise,  
Norwich.  
NR4. 6QA.

Dear Sir,

Firstly I am complaining about the recent disturbing activities emanating from the Maid Marion public house and enquire if they comply with the requirements of the licence issued by yourselves.

Secondly I am registering my most strong objections to its changing to more resemble a night club in its function, an intention about which I only heard to-day having had no official notification despite a deadline of tomorrow for comments.

The Maid Marion was quite a normal local neighbourhood public house for a residential area, however for several weeks past there has been a rapidly growing incidence of unacceptable noisy disturbance due to a number of pop group and customer type instrumental competitions using extremely loud sound generating equipment and hugely powerful loudspeakers. The thudding background beat throbs through the ground late into the night ruining my evenings and disturbing my sleeping pattern.

After these events excited and shouting customers congregate in the car park for quite a while longer before dispersing as noisily as possible in tyre squealing vehicles. I have a right to expect to be able to pleasurably pursue quiet interests within my own home in a totally residential area without such extraneous disruption, indeed this is the very reason for licensing restrictions in the first place.

2.

The location for such a business concentrating upon these intrusive aspects of entertainment is certainly not here in the Maid Marion but elsewhere within the nightlife areas of Norwich city.

Having already outlined what has really become the present intolerable situation I am appalled to be informed that tomorrow is the deadline for objecting to the Maid Marion actually being specifically licensed to continue these activities seven days a week until midnight. I am making the most strong objections to any conception of allowing this to develop, for everything about it is alien to this residential area.

There are many, mainly young people, who expect to enjoy their entertainment among crowds of others with continuous loud music and much alcoholic drink. Provision for this is well established in the various night club areas in the city where it is traditionally accommodated, but certainly not here by any stretch of the imagination.

Allowing this licensing application would be totally unsuitable for the area and a complete disaster for the established home lives of many of us Norwich citizens who look to their licensing authority for protection from such situations.

I urge you to reject this application.

Asgard, 5 Welsford Rd.  
Eaton Rise, Norwich, NR4 6QA

11<sup>th</sup> September, 2008.

Norwich City Council  
Licensing Dept



Dear Sir/Madam,

I have only just learned that the Maid Marian public house wishes to extend its licensing hours to midnight on seven days of the week. This will apparently involve both live and recorded music thereby turning it into some kind of nightclub.

- 1) Being well within hearing distance why was I and others around here not notified?
- 2) This is very much a quiet residential area, the only exception being the Shell garage nearby which itself shuts at a reasonable hour and certainly causes no undue noise.
- 3) The Maid Marian on the other hand, is the source of often extremely loud music and accompanying voluble customers, I believe that the police have been there on more than one occasion. If this is happening NOW within normal times it simply cannot have extended hours granted.
- 4) As already mentioned, this is a residential area, both Eaton Rise where I live and Tuckswood where there are young children. In addition there are two retirement bungalow complexes, one of which actually adjoins the pub property.

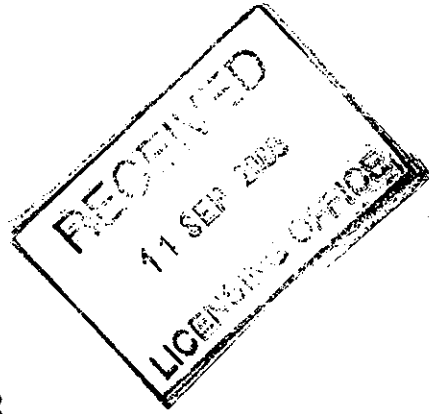
I trust that as my representatives on the planning committee you will give this letter and no doubt other correspondence due consideration and not allow this application to be passed.

Yours Faithfully,

8 Welsford Road  
Norwich  
NR4 6QF

10 September 2008

Norwich City Council,  
Licensing Department



Dear Sirs

Ref 08/016770/UPREMTR

I have only just heard of the above application relating to the Maid Marian Public House on Ipswich Road, I am sorry for the late submission.

I object to the application which I understand seeks permission for a music license to operate seven days per week up until 12 midnight.

My objections are on the following grounds:-

- a) the Maid Marion PH is sited in a largely residential area and the introduction of a new, noisy development will adversely affect the ambiance and amenities of the area;
- b) the Maid Marion PH is sited on an important radial route to the city, carrying significant volumes of mixed traffic including commuters, heavy goods vehicles and several bus routes. The route serves the Tesco supermarket at Harford and the industrial estate located on the Cattle Market site. The route is busy during the evening hours up to and beyond midnight. The Maid Marion PH is sited between a well used petrol filling station and a main entrance to an extensive council housing estate. The additional traffic and associated turning movements into, and out of, the site will add unacceptable danger to road users;
- c) the Maid Marion PH is sited close to a major junction with the City's Outer Ring Road. The additional traffic and associated turning movements towards, and away from, the site will add unacceptable danger to other road users;
- d) the Maid Marion PH currently provides entertainment all too frequently generating excessive levels of noise. This is particularly intrusive on summer evenings when windows are opened in the conservatory at the south end of the building. The conservatory is not a particularly substantial building when the windows are closed and the loud noises generated within it penetrate my own house and adversely affect my repose. When the windows of the conservatory are open the noise makes my garden unattractive in use and spoils my enjoyment of it.

Yours faithfully,

Keith Booth

**Fuller, Maxine**

---

**From:** wendy carr  
**Sent:** 11 September 2008 17:33  
**To:** Licensing  
**Subject:** Maid Maion Public House

Dear Sirs

I am writing to raise an objection to the application by the Manager of the Maid Marion Public House, Ipswich Road, Norwich to extend the opening hours.

The pub is already very disruptive to the extent that my family are unable to have our windows open during the summer months because of the noise. Groups of people are often drinking outside and then arguing amongst themselves. These arguments can easily be heard and the use of bad language is frequent. Another problem is the music, which is so loud that we have often had to abandon our own garden and retire inside. I am also concerned about the use of the car park which seems to be being used as a racing track for young men on motorbikes.

There have been several incidents concerning the Maid Marion where the police have been in attendance. Could I ask if the council have consulted the police in this matter?

I do hope that my objection is not too late.

Yours faithfully

Mrs W E Carr

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Norwich City Council Licensing Authority  
Licensing Act 2003

Organisational Development  
27 AUG 2008  
Post Room

Statement of support or objection to  
an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	TRISA STEPHENSON
Postal address	1 TUCKSWOOD LANE IPSWICH ROAD NORWICH NR4 6BD
Email address	
Contact telephone number	01603 2250

Name of the premises you wish to support or object to	PREMISES LICENCE
Address of the premises you wish to support or object to.	MAID MARON 59 IPSWICH RD NR4 6LA

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Support - The new publican has made huge efforts to improve the standard of this venue & should be encouraged as the number of fights outside has been reduced.
Public safety	As this publican has cleaned the roadside area significantly & removed constant rubbish dumping - the public safety aspect has been improved.
To prevent public nuisance	The new publican is making every effort to reduce public nuisance in a very responsible manner
To protect children from harm	Having opened & cleared the front & side areas both are now visible & safe for children & indeed adults at night!

Please suggest any conditions which would alleviate your concerns.	I have no concerns & support this application fully.
--	--

Signed:

Date: 24.8.08

Please see notes on reverse



Norwich City Council Licensing Authority  
Licensing Act 2003

Organisational Development  
27 AUG 2008  
Post Room

Statement of support or objection to  
an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	Mrs Doreen Denham
Postal address	Annex 1 Tuckswood Lane NR4 6BD
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	MUSIC LICENCE MAID MARION
Address of the premises you wish to support or object to.	59 LPSWICH ROAD Norwich.

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or <del>objections below</del> Please use separate sheets if necessary
To prevent crime and disorder	I support this application as this new owner is greatly
Public safety	improving this venue in a responsible way. The area is clean and open (public safety) - there are now no violent
To prevent public nuisance	incidents over side my home (public safety / public nuisance) and this new owner
To protect children from harm	should be helped onwards to develop this venue.

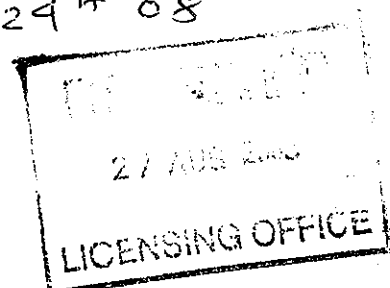
Please suggest any conditions which would alleviate your concerns.	
--	--

Signed:

Date:

Please see notes on reverse

August 29<sup>th</sup> 08



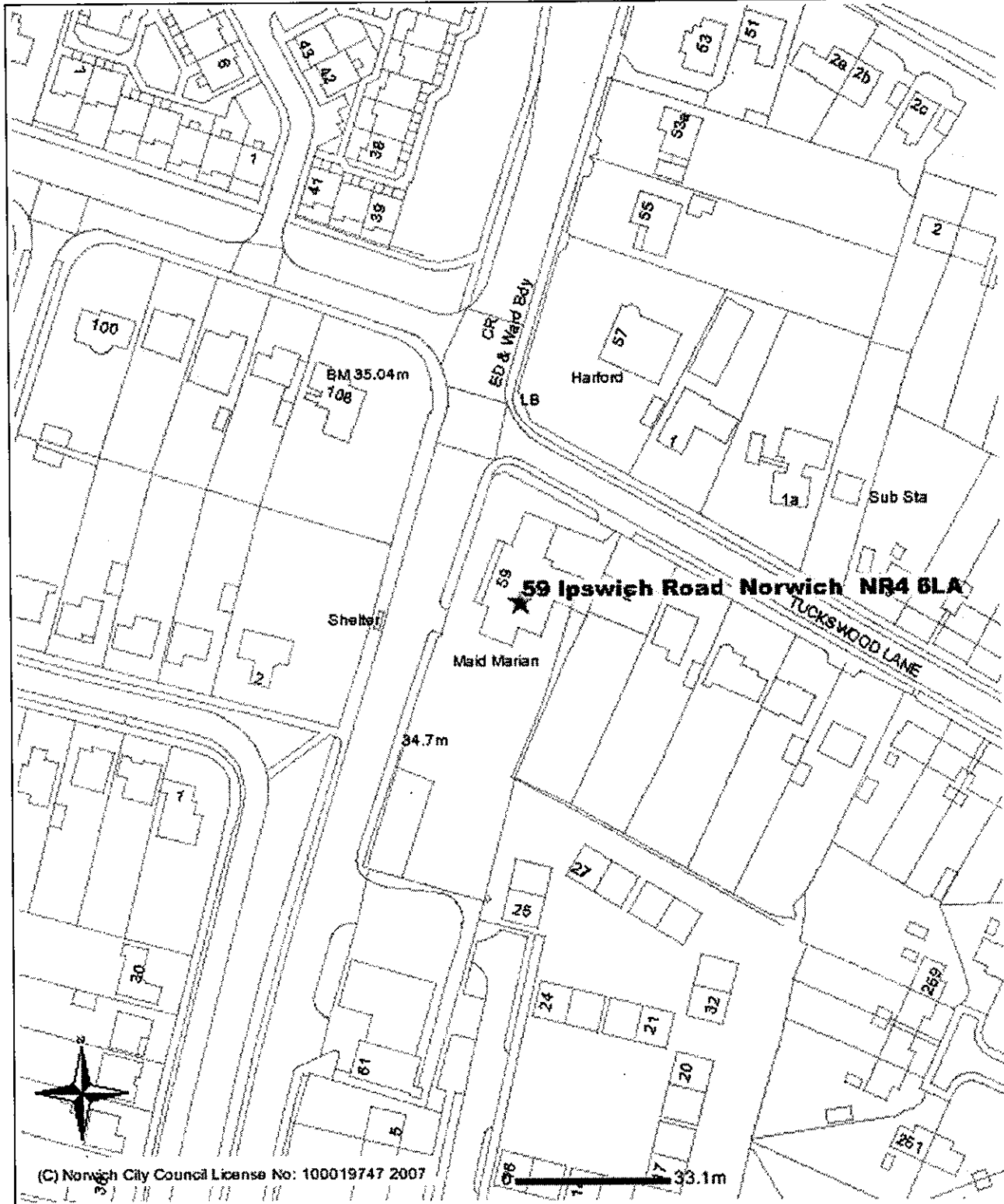


**NORWICH**  
City Council

Norwich City Council  
City Hall Norwich  
NR2 1NH

Tel: 01603 212212  
info@norwich.gov.uk

## The Maid Marion PH



(C) Norwich City Council License No: 100019747 2007

Scale: 1:1250

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# APPENDIX G

## Local Policy considerations

### 1.0 Introduction

1.4 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the four licensing objectives. These are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.5 The 2003 Act also requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

### 2.0 Consultation and Links to other Policies and Strategies

2.7 So far as possible, the Council will avoid duplication with other regulatory regimes, and will not to use its powers under the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation and other enforcement agencies. As an example, the council will not seek to impose fire safety conditions that mat duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.

### 3.0 Applications for Licences

3.1 To assess applications for premises licences, the council must be satisfied that the measures proposed in the applicant's operating schedule aim to achieve the four licensing objectives. **Bold type** refers to matters that the council expects to see addressed in the applicant's operating schedule, where appropriate. Passages of text that are not in **bold type** are provided to assist applicants to understand what the council is seeking to achieve, the factors that influence the achievement of that outcome and the control measures that could be implemented by the applicant to achieve that outcome. Guidance notes for applicants will be available.

3.2 **Applicants must address the four licensing objectives in their operational plan. The operating plan must have regard to the nature of the area where the premises are situated, the type of premises, the licensable activities to be provided, operational procedures and the needs of the local community. The operating schedule must demonstrate how the premises will be "good neighbours" both to residents and to other venues and businesses.**

- 3.3 Applicants must provide evidence that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style, location and characteristics of their premises and activities. They must also indicate if additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is, for example, likely to attract larger audiences.**
- 3.5 The Council will not accept any application that is incomplete or fails to satisfy the requirements of the Act or the regulations. Incomplete applications will be returned with an explanation of why it is incomplete.**
- 4.0 Representations
- 4.1 "Responsible Authorities" will be asked to consider all applications and to make representations to the Council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered.
- 4.2 The Council will consider all representations from any "Interested Party" (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation will only be accepted by the Council if it is 'relevant', in that it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, which are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the Council.
- 5.0 Conditions attaching to Licences
- 5.1 Where relevant representations are made, the Council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
- 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are necessary for the promotion of the licensing objectives.

## 8.0 The Impact of Licensed Premises

8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:

- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
- the proposed hours of operation;
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises including the location of customer entrances and exits;
- the provision of toilet facilities;
- the frequency of the licensable activity.

With any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed.

## 13.0 Management of Licensed Premises

13.1 A Premises Supervisor must be specified in the Operating Schedule for a premises, in which alcohol will be sold ('Designated Premises Supervisor' DPS). The DPS will have responsibility for running the premises on a daily basis. They should normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, they should either undergo additional training, or to be able to demonstrate they have the experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

**13.2 There must be proper management arrangements in place in all licensed premises, whether or not alcohol is sold or not, which will ensure there is an appropriate number of responsible, trained/instructed persons at the premises to provide the proper management of the premises, the activities taking place and compliance with all statutory responsibilities and the terms and conditions of the premises licence.**

## LICENSING OBJECTIVES

### 21.0 Objective - Prevention of Crime and Disorder

21.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the City

Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

21.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.**

21.3 When addressing the issue of crime and disorder, the applicant should demonstrate that all those factors that impact on crime and disorder have been considered. These include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Keeping illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.
- Preventing disorderly and potentially violent behaviour on and outside the premises.
- Reducing Anti-social behaviour and Disorder inside and outside the premises
- Litter
- Unauthorised advertising
- Protecting people and property from theft, vandalism and assault
- Guard against glasses and bottles being used as weapons or causing accidents.

21.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or licensable activities:

- Effective and responsible management of premises
- Training and supervision of staff
- Employ sufficient numbers of staff to keep numbers down of people awaiting service
- Provide sufficient seating for customers
- Patrols of staff around the premises
- Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity.
- Introduce an entry policy – making people aware of it – and apply it consistently and fairly
- Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises

- Implement effective management of entrance queues – incorporating barriers if necessary
- Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA
- Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports
- Provision of effective CCTV in and around premises
- Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder
- Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up.
- Provision of toughened or plastic drinking vessels and bottles
- Provision of 'bottle bins' inside the premises and near exits.
- Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's
- Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs.
- Provision of litterbins and other security measures, such as lighting, outside premises
- Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise.
- Responsible advertising
- Distribution of promotional leaflets, posters etc.
- Drug Seizure Kits (available from Norfolk Police Operation Enterprise)
- Member of the 'NiteLink' radio scheme
- Working in partnership with the SOS Bus scheme
- Ban known offenders and share information with other licensed premises in the area
- Implement a dispersal policy
- Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish

### 23.0 Objective - Public Safety

- 23.1 The safety of any person visiting or working in licensed premises must not be compromised. **Applicants are expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.**
- 23.2 The occupancy capacity for premises, and events, is also considered to be an essential factor in the achievement of Public Safety (except in respect of

premises licensed for the consumption of food and/or alcohol off the premises). **Applicants should address the issue of occupancy capacity, where necessary, within an applicant's operating schedule and, in most instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule and on the opinion of the Responsible Authorities.**

23.3 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Applicants must consider other factors when assessing the appropriate capacity for premises or events. These include:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation

23.4 Also when addressing the issue of public safety, an applicant must demonstrate that they have considered other public safety issues. These include:

- the age, design and layout of the premises, including means of escape in the event of fire
- the nature of the licensable activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- customer profile (e.g. age, disability)
- the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- the safety of electrically powered equipment brought onto their premises
- having Public Liability Insurance

23.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons

- Effective management of number of patrons within different parts of the premises
- Determine sensible occupancy limits according to the nature of the premises and activities being carried out.
- Impose occupancy limits rigorously, employing registered doorstaff as necessary. In order to manage occupancy effectively, consider automated systems like electronic door counters.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (further advice can be obtained from the Norfolk Fire Service on 01603 810351 [www.norfolkfireservice.gov.uk](http://www.norfolkfireservice.gov.uk))
- The Event Safety Guide, Safety in Pubs published by the BBPA)
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures
- The provision of suitable electrical cut outs for use with electrical appliances which are brought onto the premises (such as amplifiers, microphones etc). Such cut-outs should be of a residual current device with a rated tripping current of 30ma in 30 milliseconds. (Applicants should have regard to HSE publication INDG 24 7 Electrical safety for entertainers.)
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

## 25.0 Objective - Prevention of Public Nuisance

25.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

25.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
- the hours of opening, particularly between 23.00 and 07.00
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features

- the occupancy capacity of the premises
- the availability of public transport
- 'wind down period' between the end of the licensable activities and closure of the premises
- last admission time
- Preventing litter and refuse becoming an eyesore
- Consideration of local residents that they are not upset by loud or persistent noise or by excessive light.
- Preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces.
- Avoid early morning or late night refuse collections
- Avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning

25.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- Fit prominent signs requesting that customers respect local residents and leave quietly
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries i.e not too early in the morning
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of waste, empty bottles etc.
- Effective ventilation systems to prevent the emission of unwanted odours
- Take away packaging to include the name and address of the premises on it.
- Capacity levels for Fast Food Outlets
- Introduce a chill out area with coffee and mellow music where customers can settle before leaving
- Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish.



## 27.0 Objective - Protection of Children from Harm

- 27.1 The Council will consult with the appropriate Area Child Protection Committee for consideration of all applications for licences.
- 27.2 With a view to the promotion of the licensing objective relating to the 'Protection of Children from Harm' the Council will work closely with the Police and Trading Standards Authority to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol products to children. (For Minor Sales Major Consequences information please contact Trading Standards on 0844 800 8013 trading.standards@norfolk.gov.uk)
- 27.3 Applicants should be aware that the protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.
- 27.4 There should be no presumption of giving children access nor any presumption of preventing their access to licensed premises. Where no licensing restriction is necessary, the admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 27.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving for example; topless female bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. The Council has given particular consideration to the types of entertainment referred to above, and has included within this policy their expectations of applicants in Section A, paragraph 16.
- 27.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.**
- 27.7 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. **When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on harm to children have been considered.** These include:
- where entertainment or services of an adult or sexual nature are commonly or regularly provided
  - where there have been convictions of members of the current staff at

the premises for serving alcohol to minors or with a reputation for underage drinking

- where there has been a known association with drug taking or dealing
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

27.8 The Council commends the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. **The Council will expect all licensees to agree not to replenish their stocks following notification of a Retailer Alert Bulletin by the Portman Group in relation to any product that is in breach of that code. Commitment to that Code should be included in Operating Schedules.**

27.9 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- Adoption of best practice guidance (e.g. Minor Sales Major Consequences)
- Ensure that all drinks containers carry a price tag or other sticker that identifies your premises. This will be a useful tool for working with authorities to tackle underage drinking if problems arise.
- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Train staff to deal with – and be vigilant about – potentially harmful situations, e.g. children in the presence of adults who are excessively drunk
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs, or passports
- Measures to ensure children do not purchase, acquire or consume alcohol
- Measures to ensure children are not exposed to incidences of violence or disorder

These examples can be adopted in any combination.

**27.10 In the case of film exhibitions, licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act should implement measures that restrict children from viewing restricted films classified according to the recommendations of the British Board of Film Classification or the Council. In the case of a film exhibition that has not been classified, the licensee should conduct an**

**assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.**

27.11 In premises where there may be children unaccompanied by adults any supervisors must have undergone appropriate checks through the Criminal Records Bureau.

#### **SECTION E - Hours of Trading**

31.5 The policy options which will be applied to applications for premises licences where the sale or supply of alcohol for consumption on the premises is proposed, are as follows:

- a) **The Council will consider restricting the hours if it believes, on the basis of representations made, that not doing so would lead to or exacerbate problems of crime, disorder or public nuisance.**
- b) Where no relevant representations are received from either a responsible body or an interested party, the application will be granted in accordance with the terms of the operating schedule.
- c) Where relevant representations are received from either a responsible body or an interested party, and those representations relate to the hours of trading then subject to (a) above, the Council will consider restricting the hours in relation to any of the licensable activities for which a licence is being sought, provided it is considered necessary to do so in order to promote one or more of the licensing objectives which may not be achieved without such restrictions. The Council may impose different restrictions on hours for different licensable activities and for different days of the week.

# APPENDIX H

## National Guidance (issued under section 182 of the Licensing Act 2003)

### Where representations are made

- 9.4 "It is for the licensing authority to decide in the first instance whether or not representations are relevant. This may involve determining whether they have been made by an interested party and whether or not, for example, an individual making a representation resides or is involved in business "in the vicinity" of the premises concerned..."
- 9.5 "...licensing authorities should consider whether the individuals residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises."

### Fundamental Principles

- 13.16 "...licensing is about regulating licensable activities on licensed premises...and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity."
- 13.17 "...whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case."
- 13.18 "...licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises."
- 13.20 "...statements of policy should make it clear that a key concept underscoring the 2003 Act is for conditions to be tailored to the specific premises concerned. This effectively rules out standardised conditions...However, it is acceptable for licensing authorities to draw attention in their statements of policy to pools of conditions which applicants and others may draw on as appropriate."

### Licensing Hours

- 13.40 "...in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance."
- 13.41 "...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies".

13.41 "...providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet."