

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee
13 September 2010

Report of Head of Citywide Services

Subject Licensing Act 2003:
Application to vary a Premises Licence -
The Workshop 53 Earlham Road Norwich NR2 3AD

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 Workshop 53 Earlham Road Norwich NR2 3AD following the receipt of Interested Party representations.

Recommendation

That Members determine the application to vary a Premises Licence in respect of The Workshop 53 Earlham Road Norwich NR2 3AD 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 Officer
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 applicants are Warren and Victor Bryant 53 Earlham Road Norwich NR2 3AD.
- 1.2 The premises currently hold a premises licence, the summary of which is attached to the report as Appendix A.
- 1.3 The conditions attached to the current premises licence are attached as Appendix B.
- 1.4 The application seeks to vary the existing use of the front and rear of the premises by:
 - increasing the number of covers at the front of the premises from 9 to 12 and to increase the hours for the consumption of alcohol from 2000 to 2300 hours on any day; and
 - removing the current restriction prohibiting public use of the rear patio area and allow the area to be used for the consumption of alcohol until 2300 on any day.
- 1.5 The variation application affects the following conditions attached to the current premises licence:

Annex 2 – conditions consistent with operating Schedule

- (30) There will be a maximum of three tables with seating for a maximum of nine persons in the outside seating area at the front of the premises. Public use of this outside area will cease no later than 20:00.
- (37) There will be no public use of the rear garden area except for access, and a sign will be placed on the rear exit to inform the public of this.

Annex 3 – conditions attached after a hearing by the licensing authority

- (4) Tables and chairs placed in the front area are to be removed at 20:00 and persons loitering in this area from that time are to be moved on.
- (6) The rear patio area shall be roped off and signed "Private Use Only".

2. Relevant Representations

- 2.1 The responses from the Responsible Authorities are as follows:
 - Police – Representations received (see Appendix C to the report).

- Environmental Services – Representations received (see Appendix D).
- Fire Officer – No representations.
- Planning Officer – Representations received (see Appendix E).
- Area Child Protection Committee – No representations.
- Trading Standards – No representations.

- 2.2 The applicant's legal representatives have responded to the representations submitted by the police and environmental services and a copy of their response is attached at Appendix F to the report.
- 2.3 Representations have been received from six Interested Parties objecting to the application and these are attached at Appendix G to the report. The objections relate mainly to the licensing objective of the prevention of public nuisance. Three letters of support have been received and these are attached at Appendix H of the report.
- 2.4 A detailed site map of the area identifying the application premises and the location of the Interested Parties will be available at your meeting.

3.0 Norwich City Council Statement of Licensing Policy

- 3.1 Attached at Appendix I 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 J 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 objective the prevention of public nuisance. The Sub-Committee is directed to paragraph 25 of the local licensing policy at Appendix I which contains examples of factors that impact on the licensing objectives of 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 31.7 (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 crime and disorder and the prevention of public nuisance.



Premises Licence Summary

Premises Licence Number

05/03370/PREM

Premises Details

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

Workshop Bar
53 Earlham Road
Norwich
Norfolk
NR2 3AD

Telephone number 01603 615853

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

- Other Entertainment falling within Act
- Films
- Late Night Refreshment
- Live Music
- Performances of Dance
- Plays
- Provision of Dance Facilities
- Provision of Music Facilities
- 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

Other Entertainment falling within Act	Saturday	10:00 - 23:30
Other Entertainment falling within Act	Sunday	10:00 - 22:30
Other Entertainment falling within Act	Monday to Friday	10:00 - 23:00
Films	Saturday	10:00 - 23:30
Films	Sunday	10:00 - 22:30
Films	Monday to Friday	10:00 - 23:00
Late Night Refreshment	Saturday	23:00 - 23:30
Live Music	Saturday	10:00 - 23:30
Live Music	Sunday	10:00 - 22:30
Live Music	Monday to Friday	10:00 - 23:00
Performances of Dance	Saturday	10:00 - 23:30
Performances of Dance	Sunday	10:00 - 22:30
Performances of Dance	Monday to Friday	10:00 - 23:00
Plays	Saturday	10:00 - 23:30
Plays	Sunday	10:00 - 22:30
Plays	Monday to Friday	10:00 - 23:00

Provision of Dance Facilities	Saturday	10:00 - 23:30
Provision of Dance Facilities	Sunday	10:00 - 22:30
Provision of Dance Facilities	Monday to Friday	10:00 - 23:00
Provision of Music Facilities	Saturday	10:00 - 23:30
Provision of Music Facilities	Sunday	10:00 - 22:30
Provision of Music Facilities	Monday to Friday	10:00 - 23:00
Sale by Retail of Alcohol	Saturday	10:00 - 23:30
Sale by Retail of Alcohol	Sunday	10:00 - 22:30
Sale by Retail of Alcohol	Monday to Friday	10:00 - 23:00
Recorded Music	Saturday	10:00 - 23:30
Recorded Music	Sunday	10:00 - 22:30
Recorded Music	Monday to Friday	10:00 - 23:00

Non Standard/Seasonal Timings

For all licensable activities:

On Sundays before Bank Holiday the times are to be extended to 23:00.

On New Years Eve the times are to be extended to 00:30.

The opening hours of the premises

Monday	10:00 - 23:30
Tuesday	10:00 - 23:30
Wednesday	10:00 - 23:30
Thursday	10:00 - 23:30
Friday	10:00 - 23:30
Saturday	10:00 - 00:00
Sunday	10:00 - 23:00

Non Standard/Seasonal Timings

On Sundays before Bank Holidays the opening hours are to be extended to 23:30.

On New Years Eve the premises may remain open until 01:00.

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

Alcohol is supplied for consumption on the Premise

Name, (registered) address of holder of premises licence

Mr Victor Frederick Bryant
31 Earlham Road
Norwich
NR2 3DA

Mr Warren Matthew Pearce Bryant
31 Earlham Road
Norwich
NR2 3AD

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

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

Mr Warren Matthew Bryant

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

No children (defined as persons under 18 years of age) may enter the premises after 18:00 and all children entering before 18:00 must be accompanied by an adult.

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 No moving picture shall be exhibited unless: -
 - (i) it has received a "U", "PG", "12A", "15" or "18" certificate of the British Board of Film Classification; or
 - (ii) it is a current newsreel which has not been submitted to the British Board of Film Classification; or
 - (iii) the permission of the Licensing Authority is first obtained and any conditions of such permission are complied with.
- 4 No person under the age of 18 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received an "18" certificate from the British Board of Film Classification.
- 5 No person under the age of 15 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "15" certificate from the British Board of Film Classification.
- 6 No person under the age of 12 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "12A" certificate from the British Board of Film Classification.
- 7 Where previous licence is restaurant or residential licence
 - Alcohol may be sold or supplied:
 - 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve.
 - 2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday.
 - 3) On Christmas Day.
 - 4) On New Year's Eve, except on a Sunday.
 - 5) On New Year's Eve on a Sunday.
 - 6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Annex 2 – Conditions consistent with the Operating Schedule

1 **General - all four licensing objectives**

2 The Licence Holder shall be a member of the Greater Norwich Pubwatch.

3 **The Prevention of Crime and Disorder**

4 The licence holder, a club official, manager or designated premises supervisor must ensure that at last orders patrons are not able to purchase excessive amounts of alcohol for consumption.

5 The Licensee shall not advertise, promote, sell or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.

6 The Licensee shall not sell or supply alcohol drinks at a "reduced price" during any limited period on any day.

"Reduced Price" means:

i) at no cost to the customers, or

ii) by way of exchange for any ticket or voucher, or

iii) by inclusion of the price for an alcoholic drink in some other charge or payment for a product, goods or services such as with a mixer, food or an entrance/cloakroom charge, or

iv) at a price less than that being charged either during an earlier or later period of the same day, or

v) in such a way whereby types, brands, and mixers for drinks are sold either singularly or in multiples, at a price for greater measures or quantities than those same drinks being sold for the same price but in smaller measures and quantities during an earlier or later period of the same day.

7 A zero tolerance policy will be implemented extending to those dealing in drugs and stolen goods, and with respect to violent behaviour (both physical and verbal).

8 Anti-drugs posters will be displayed in the bar area and toilets.

9 A perimeter checklist will be set up recording all incidents in and around the premises.

10 Portman Group and Proof of Age schemes for anyone who looks to be under 21 years of age will be implemented by staff and management.

11 Sufficient numbers of staff will be in place during busy periods.

12 Glasses and bottles will be regularly collected on an ongoing basis.

13 All empty bottles will be stored in containers in a locked shed.

14 There will be no admittance to the general public later than the closing time of licensable activities i.e. 30 minutes before closing.

15 Intoxicated persons will not be served and neither will those attempting to buy drinks for others.

16 **Public Safety**

17 All members of staff must be instructed in the safety precautions to be observed and in the action to be taken in case of fire or other emergency.

18 The capacity of the premises shall be limited to 100 people and seating shall be provided for a minimum of 80 people.

19 The only licensable activities taking place on the ground floor are the sale by retail of alcohol, late night refreshment and the provision of recorded music. All licensable activities may take place in the basement area.

20 A fire risk assessment is to be carried out within 14 days and the requirements and recommendations of the fire brigade are to be implemented as soon as practicable and not later than six months from their date of issue.

21 Litter will be collected twice weekly by a private firm at appropriate hours of the day.

22 **The Prevention of Public Nuisance**

23 The premises licence holders, designated premises supervisor and any other nominated individual must monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary, in particular emphasising the need to refrain from shouting, slamming car doors, and the use of car horns.

24 Clear and legible notices will be displayed at exits requesting patrons to leave the premises having regard to the needs of local residents.

25 All exits and entrances to the premises shall have double doors.

26 The licence holder, manager or designated premises supervisor must ensure that regular perimeter checks take place so that the premises does not become a nuisance to local residents.

27 Empty bottles must be stored in a lidded skip within the curtilage of the premises prior to collection. Bottles must be removed from the public area on a frequent basis and transferred to the skip.

- Transfer to an external skip must not be undertaken after 3:00 to minimise noise disturbance to local residents.
- 28 Deliveries shall not be taken before 09:00.
- 29 External lighting shall be monitored so not to cause nuisance to local residents.
- 30 There will be a maximum of three tables with seating for a maximum of nine persons in the outside seating area at the front of the premises. Public use of this outside seating area will cease no later than 20:00.
- 31 All doors (except during ingress and egress) and windows at the premises must be kept closed when licensable activities involving amplified noise are taking place.
- 32 Noise generated by amplified noise must be controlled by a noise limiting device set at a level determined by the Council's Environmental Services, such level being confirmed in writing to the Licensee.
- 33 Noise limiting devices, once set, cannot be reset or adjusted without consultation with Environmental Services.
- 34 Any lobby doors at the premises must be kept closed except for access and egress.
- 35 All licensable activities will cease half an hour before closing to enable a wind down period.
- 36 Recycling bins will not be emptied later than 21:30 hours.
- 37 There will be no public use of the rear garden area except for access, and a sign will be placed on the rear exit to inform the public of this.
- 38 Beer barrels will be collected and disposed of by staff at appropriate times of the day.
- 39 All licensable activities, with the exception of recorded music, late night refreshment and sale by retail of alcohol, will take place in the basement area, all of which will be soundproofed, comprising of concrete floors and walls.
- 40 **The Protection of Children From Harm**
- 41 Where films or plays or performances of dance or other entertainment of an adult nature is taking place, no children under 18 years will be allowed access to the premises during the period when adult entertainment is provided. For the purposes of this condition adult entertainment includes foul and abusive language, nudity, or violence which is likely to offend against good taste or decency.
- 42 Where a film is to be shown that has been classified 12A, 15 or 18, the licence holder must ensure proof of age evidence is viewed before admission to the premises and underage persons must not be admitted.
- 43 No children (defined as persons under 18 years of age) may enter the premises after 18:00 and all children entering before 18:00 must be accompanied by an adult.
- 44 The Portman Proof of Age Scheme or any replacement scheme of equivalent effect will be in use.
- 45 Anyone who appears to be under the age of 21 will be asked for identification.

Annex 3 – Conditions attached after a hearing by the licensing authority

- 1 There shall be no use of a public address system or a mixing desk, nor will karaoke be permitted.
- 2 Customers requiring taxis are to be encouraged to book these through the premises management, and the taxis so booked are encouraged to ring through to the management to state they are available outside the premises rather than sounding horns.
- 3 A sign is to be placed on the inside of the front door requiring persons leaving the premises to take care not to disturb the neighbours.
- 4 Tables and chairs placed in the front area are to be removed at 20:00 and persons loitering in this area from that time are to be moved on.
- 5 The maximum permitted numbers of occupants for the premises (with a separate number for the basement area) are to be agreed with the Fire Service within fourteen days of receipt of this Notice of Determination and the maximum permitted numbers are not to be exceeded.
- 6 The rear patio area shall be roped off and signed "Private Use Only"

Annex 4 – Plans

PL

GROUND FLOOR PLAN.

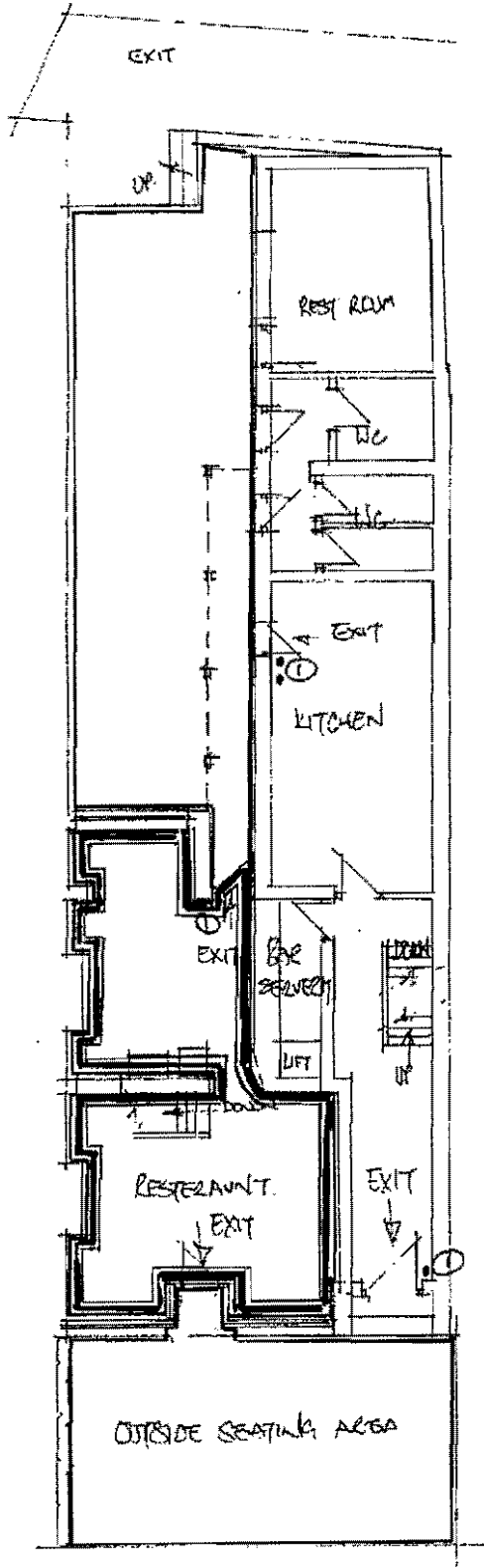
Drawing Title Ground Floor Plan & Basement Plan

At Trads Pizza
53 Earlham Road
Norwich,

Scale: 1:100




Date: June 05

Drg. No. 2005/TP/01
Rev

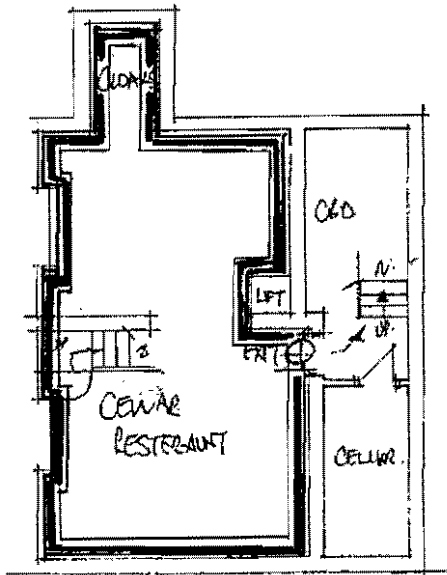


Legend

1 Fire extinguisher Positions

-  Provision of regulated entertainment and entertainment facilities
-  Consumption of alcohol
-  Late night refreshment

CELLAR FLOOR PLAN.



PAVEMENT.

EARLHAM ROAD

**APPENDIX
C****Philip Mason**

From: Bartram, Michelle [bartramm@norfolk.pnn.police.uk]
Sent: 02 August 2010 15:39
To: 'licensing@norwich.gov.uk'; 'pmason@overburys.co.uk'
Subject: Workshop, Variation of premises licence
Importance: High

Phil

I can confirm that we have received a copy of the variation to the premises for Workshop, Earlham Road.

We intend to make representation to this application to allow for the following conditions to be added to the licence. This will ensure that the extension of numbers and time allowed at the front of the premises will not have an impact on crime and disorder in and/or within the vicinity of the premises:


- There will be seating for a maximum of twelve persons in the outside seating area at the front of the premises. There will be no use of the area, and tables and chairs will be removed between 2200 hours and 0800 hours the following day.
- The outside seating area to the front of the premises shall be separated from the highway by the use of a suitable barrier whenever the premises are open to the public.
- Customers will be served by table service only, there will be no direct sales from the bar/counter.

With these conditions added to the licence, I can confirm to the licensing authority that the Police will have no objections

Regards

Michelle Bartram

Licensing Officer
Licensing
Partnerships Department
Norfolk Constabulary
Bethel Street Police Station
Norwich, Norfolk, NR2 1NN
bartramm@norfolk.pnn.police.uk
Tel: 01603-276020 Fax: 01603-276025

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03/08/2010

Philip Mason

From: Shearman, Anthony [AnthonyShearman@norwich.gov.uk]
Sent: 29 July 2010 13:13
To: [REDACTED] pmason@overburys.co.uk
Cc: Licensing
Subject: Variation application - Workshop Bar, 53 Earlham Road
Attachments: 05_03370_prem130906lc.pdf

Dear Both,

I understand that you are not in possession of a full copy of the premises licence, I have attached a scanned copy so that you have a full list of the conditions. Should you require an official replacement then an application would have to be made to the Licensing Office at City Hall, for which there is a fee payable of £10.50. There is no application form, just a letter requesting a replacement would suffice. I should remind you that the Licensing Act s.57(4) makes it an offence not to keep the full premises licence at the premises.

<<05_03370_prem130906lc.pdf>>

Please find below my representation regarding this application. The comments I make are based upon the assumption that the requirements as laid out in part 3 (page 2) of the application include the removal/variation of the following existing conditions, although some of it is not explicit in the application:-

Annex 2 cond. 30 - There will be a maximum of three tables with seating for a maximum of nine persons in the outside seating area at the front of the premises. Public use of this outside seating area will cease no later than 20:00.

Annex 2 cond. 37 - There will be no public use of the rear garden area except for access, and a sign will be placed on the rear exit to inform the public of this.

Annex 3 cond. 4 - Tables and chairs placed in the front area are to be removed at 20:00 and persons loitering in this area from that time are to be moved on.

Annex 3 cond. 6 - The rear patio shall be roped off and signed "Private use only"

Since the introduction of the smoking legislation in 2007, which prevents customers smoking inside premises, there has been a far greater demand for the use of outside areas associated with licensed premises. This increased use of outside areas has attracted an increase in complaints about noise from such premises, particularly in relation to the noise generated by the people themselves and also from music noise escaping the building envelope as the doors frequently open to accommodate the increased traffic.

The application premises is a terraced property, with residential properties adjoined on both sides, The rear courtyard is not directly overlooked from the surrounding residences but the front area is. As a result of the close proximity of the surrounding residents, there is a great potential for them to suffer nuisance from this premises if this application was granted as sought.

I also have concerns regarding the non-compliance with some of the current licence conditions, which will have and impact on the potential for nuisance with this variation; in

29/07/2010

particular the following:-

Annex 2 cond. 25 - All exits and entrances to the premises shall have double doors.

Annex 2 cond. 32 - Noise generated by amplified noise must be controlled by a noise limiting device set at a level determined by the Council's Environmental Services, such level being confirmed in writing to the Licensee.

Both of these conditions would serve to control the level of noise emanating from the building, particularly as customers enter/exit, and neither are being complied with at present.

Although not included in the application, the covering letter from Overburys dated 15th July 2010 states, referring to the outside front area, that it is the clients intention to increase the no. of covers from 9 to 12 and to increase the hours of consumption of alcohol from 2000 to 2300 hours, and the application also states that the rear patio is to be used by customers until 2300, and as the application stands, would allow the consumption of alcohol until that time.

Such a restriction in covers above is imperative due to the proximity of the neighbouring properties, although to operate until 2300 hours is likely to cause considerable nuisance. It would be more appropriate to ensure that the area were cleared of customers and tables/chairs removed by 10pm.

In a meeting with the applicant on the 22nd July he stated that the premises currently operates a table service only policy, with no direct sales from the bar. This is an important point as it serves to ensure that the premises is not a 'lively drinking' bar, and should it be conditioned as such this would assist in minimising any potential nuisance resulting in this application being granted.

Also discussed was the possibility of negative interaction between passing members of the public and customers using the area at the front later in the evening. To prevent this a barrier should be used at the front boundary where it meets the highway. This would serve to minimise the possibility of negative interaction and also discourage customers from wandering away from the area, preventing any spread of the potential nuisance.

In order for public nuisance and crime/disorder to be minimised the following conditions should be considered:-

1. There will be seating for a maximum of twelve persons in the outside seating area at the front of the premises. There will be no use of the area, and tables and chairs will be removed between 2200 hours and 0800 hours the following day.
2. The outside seating area to the front of the premises shall be separated from the highway by the use of a suitable barrier whenever the premises are open to the public.
3. Consumption of alcohol or other beverages will not be permitted in the rear patio area between 2200 hours and 0800 hours the following day.
4. Customers will be served by table service only, there will be no direct sales from the bar/counter.

It is also imperative that the current licensing conditions are complied with as non-

compliance would be an offence under the Licensing Act and may lead to more formal action. If this is not feasible then consideration should be given a further variation application at the earliest opportunity.

If you have any queries regarding the above or are happy to incorporate the above conditions into the operating schedule, please let me know.

Tony Shearman

Environmental Protection Officer
Norwich City Council
City Hall
St. Peters Street
Norwich
NR2 1NH
Tel: 01603 21(2278)

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APPENDIX

Fuller, Maxine

From: Brown, Mark
Sent: 29 July 2010 11:19
To: Streeter, Ian
Cc: Fuller, Maxine; Divey, Richard; Whittaker, Ian
Subject: FW: Licensing Representation

E

Dear Ian,

**Representation to licensing application - The Workshop, 53 Earlham Road, Norwich
(Premises No. 05/03142/PREM)**

I refer to the current application to vary the above premises licence.

The planning department wishes to object to the above application for the following reasons.

The property in question is located on Earlham Road adjacent to a number of residential properties. Part of the application seeks to amend the time restrictions relating the forecourt.

Planning consent was granted in February 2009 for the change of use of the premises and this was subject to a condition which prevented use of the forecourt by the restaurant after 8pm. The condition was imposed in order to preserve the amenities of nearby residents who would likely experience unacceptable levels of nuisance if this condition was not complied with.

With regard to the licensing objective to prevent public nuisance we consider that granting an unrestricted license for use of the forecourt areas would result in unacceptable levels of nuisance to nearby residents.

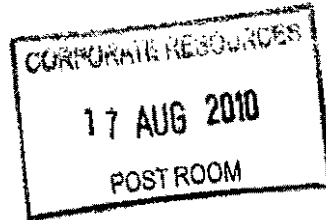
I trust you will consider the above representation in determining the current application.

Regards

Mark

Mark Brown
Senior Planning Officer
Planning Services
Norwich City Council
City Hall
Norwich
NR2 1NH

Mr Ian Streeter
Licensing Manager
Norwich City Council
City Hall
Norwich



Dear Mr Streeter

Re: Application to vary Premises Licence: The Workshop 53 Earlham Road Norwich

As you are aware we act for the Bryants in connection with their application to vary their Premises Licence at 53 Earlham Road. I can confirm that the relevant advert was printed in the Eastern Evening News on Saturday the 24th July 2010.

I enclose two e-mails received from the Responsible Authorities in connection with our client's application.

The first from Mr Shearman refers to a full copy of the Licence in operation at our client's premises. This is the first time that I and our clients have had sight of this full copy. We had both been unaware of a number of conditions as it is clear that we had only received a partial copy of the Premises Licence when it was first issued. We shall be taking immediate steps to remove or amend a number of conditions attached to the Licence Conditions 25 at annex 2 and Condition 32 annex 2 immediately come to mind.

However in connection with the current variation we wish to make a number of points, having considered the proposed conditions set out in the memo of the 29th July from Mr Shearman and repeated in part in the memo from Michelle Bartram dated the 2nd August 2010 we wish to make it clear that we have considered the wording of these conditions with our clients.

Our comment on Condition 1 is that the use of the patio area at the front of the premises should be permitted until 22.30 on any day. The reason for this is that it will allow our clients to serve food until 10 o'clock which is the cut off period for ordering of food at the premises thus it will give any clients using the patio area at the front half an hour to consume their food before leaving the premises or moving inside. Condition 2. We cannot agree to the proposed wording of Condition

Also at: 2 Victoria Road Diss Norfolk IP22 4EY t: 01379 641 221 f: 01379 641 227 DX 42521 Diss

Partners: Geoffrey Woolsey-Brown M.A. Ailsdair Liddle B.A LL.B. Richard Bevan LL.B. ** Nicholas Flower Jane Liddle M.A LL.B. Amanda Maruca LL.B. + *** Hayley George B.A.

Consultants: Benedict Keane B.A. Penelope Nicoll LL.B. +

** Member of the Children Panel *** Member of the Family Law Panel + Family Mediator

2 relating to separating off the patio area from the public highway on Earlam Road. In the first instance you will be aware that any condition ought to be necessary for the promotion of the Licensing Objectives. It is difficult to see how that condition can satisfy the statutory test in Section 18.4 sub-section (a) sub-section 1 of the 2003 Act. It is not necessary, it is burdensome to our clients and fails to recognise the small scale nature of our clients business. It directly offends the advice in paragraph 1.5 of the National Guidance.

Furthermore there is no evidence whatsoever that the current use of the front patio area creates a negative atmosphere with users of the public highway in this part of Earlam Road at anytime of the day. We believe that the decision in Thwaites Plc versus Wirrel Borough Council is relevant in this regard. Given the lack of evidence to support the need for this condition we submit that it is unreasonable to impose it. Our clients are aware that if the variations are approved as applied for the power of review remains an option if matters get out of hand. You will be aware however that until now there has never been any problem with the way in which our client's premises have been run. Condition 3. Our clients wish to use the patio area at the rear until 23.00 hours, the time when the premises close. Condition 4. It is again totally unacceptable and is based on a misunderstanding of our client's business practice. Customers are not allowed to stand and drink at the bar/counter area. Customers do however order food and drink from the bar counter area and take a seat in another part of the premises. Our clients do not operate a table service only system and have no intention of doing so. Again this proposed condition is not necessary and is irrelevant to the smooth ongoing operation of our clients business. Again we fail to see how such a wording satisfies the statutory test in Section 18.4 (a) 1. It is not sufficient in our view for a condition to be desirable for it to be imposed. The statutory test must in each case be satisfied before any condition is applied to a Licence.

Finally our clients are aware that they need to seek planning permission to amend the condition relating to the use of the patio area which is currently restricted until 8p.m. That matter is in hand, but should have no impact on the determination of our client's application to vary the licence as already forwarded to you.

Yours faithfully


OVERBURYS

APPENDIX G

Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development
29 JUL 2010
Post Room

RECEIVED
29 JUL 2010

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

Your name/organisation name/name of body you represent (see note 1)	HUGH & AMANDA TEMPEST - RADFORD
Postal address	47 EARLHAM ROAD NORWICH, NR2 3AD
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WORKSHOP BAR 53 EARLHAM ROAD NORWICH NR2 3AD
Address of the premises you wish to support or object to.	

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	OBJECTION TO PROPOSED VARIATION (2) REMOVE CONDITION ANNEX 3 NUMBER 6 - REAR PATIO AREA USE - WE BELIEVE
To protect children from harm	THAT REMOVAL OF THIS RESTRICTION WOULD LEAD TO CONSIDERABLY MORE NOISE AND ANNOYANCE TO RESIDENTS WHICH WOULD BE UNACCEPTABLE

Please suggest any conditions which would alleviate your concerns.	IN WHAT IS PRIMARILY A QUIET RESIDENTIAL AREA.
--	--

Signed: (-)

Date:

27/07/08

Please see notes on reverse

43 EARLHAM ROAD
NORWICH
NR2 3AD



9 August 2010

Ian Streeter
Licensing Manager
Legal and Democratic Services
Norwich City Council
City Hall
St Peters Street
NORWICH
NR2 1NH

Dear Mr Streeter

**Re: Workshop Bar, 53 Earlham Road, Norwich, NR2 3AD
Licensing Act 2003: Premises License – Transitional – Variation**

The Proposals

1. Amend condition Annex 2 number 30 (this relates to the outside seating area in the front of the premises) - to increase the number of covers from 9 to 12 and to increase the hours for the consumption of alcohol from 20:00 hours to 23:00 hours on any day.
2. Remove condition Annex 3 number 6 (this relates to the rear patio area) - this area is currently roped off and signed "Private Use Only", this application is to remove this restriction and to have the area available for customers to consume alcohol until 23:00 hours on any day.

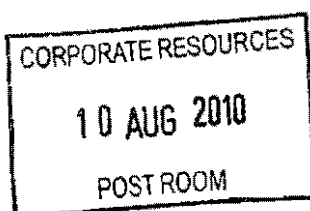
Our comments are as follows:

To prevent public nuisance

It is within this category of public nuisance that these objections are framed. It is perhaps useful to commence with the proposal to remove Annex 3 number 6.

▪ **Background**

Both requests have to be seen in the context of the original submission to the Planning and Licensing Committees in. At that stage there was no consent from the Planning Committee for what was effectively a change of use of the premises. Permission was given by the Licensing Committee and not the Planning for the present arrangements. Up until that period the restaurant was able to sell alcohol inside the premises and always with food. The Workshop team was allowed to continue this practice and their bid was centred on the idea of a restaurant with special links to local community activities. Now it is quite clearly a bar even in nomenclature. That would signal a change regarding the sale of alcohol and would warrant a complete review of whether these premises are suitable for anything other than an inside only restaurant that is allowed to serve drinks to accompany food. This should be undertaken by the Planning Authority rather than the Licensing Committee. This is not just a licensing issue but rather needs a consideration of a wider range of issues that are outlined below.



- The existing situation
Quite obviously the premises in which the Workshop is located are relatively small and are located in a row of shops that were never designed for this type of business. The impact of the enterprise on the immediate neighborhood is already invasive in terms of public nuisance. For example we learn that although there was a condition that the rear door of the premises was to be kept shut after 8pm this is regularly left open because it is the route to the lavatories. The sound from inside already carries to the outside spaces of the immediate houses.
- Ramifications of an extension to the use of the rear patio
If patrons are allowed to use the rear outside area as a matter of course on a daily basis then the impact on the neighboring gardens numbers 35-43 Earlam Road and the house immediately to the rear in Pottergate would be significant and would spoil the tranquility that we all have a right to enjoy. We know this because there have been occasions when there have been so called private parties taking place in this area and the effect was a serious breach of our right to live in relative peace and quiet. We also know that even the back door being left open affects the lives of the immediate neighbours in this area. To have this level of noise through the summer months and indeed at any other time would create a serious reduction in the quality of our lives in these properties and we therefore vigorously oppose the proposal to extend use to the rear of the bar with the ability to consume alcohol until 2300 hours.
- Car Parking
We also have some reservations about the impact of the restaurant in terms of car parking. It is frequently very difficult for residents to park in the area after 6.30 pm because of the patrons using cars as a means of transport to the premises.

Comments: Annexe 2

Having said that the Workshop does offer something to the neighbourhood. It is in an attractive facility that appears to be well managed. Overall the general deportment of the clientele has been good whilst it has been a food based establishment. It would be possible to perhaps discuss the possibilities within Annexe 2 to allow for an increase in covers but the noise problem would still remain if there was external activity late in to the night. In summary we would therefore be happy for covers to increase to 12 but would have reservations about the ability for alcohol to be served outside until 2300 hours.

We understand that we do live in the centre of the town and that the background noise of the traffic permeates our living spaces. This is something we get used to accept as part of the package. The possible noise that would emanate from the rear of the area is sustained high level often shrieky and excitable and has no place in this geographic location.

There is an irony in the overall provision of restaurants and pubs in the area. We have two large establishments, the Fountain and Black Horse, both with large car parks and both only occasionally working at full throttle compared to this small unit with no parking facility working at fairly high voltage on most late weekday evenings and Saturdays.

View from number 35 Earlam Road:

The timing of the application is unfortunate in that the premises that will be most affected will inevitably be the immediate neighbour at number 35 Earlam Road. The new owner will not be moving in until September and there is a case to be made to delay any consideration of the applications until the new owner has an opportunity to express his/her views.

Yours sincerely

TIM GILES and DEBORAH RYE

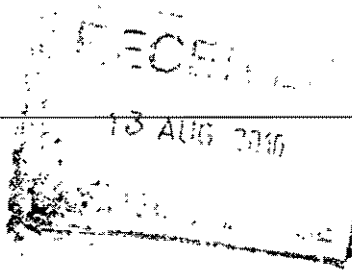
Norwich City Council Licensing Authority
Licensing Act 2003

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 JENIFER FROST
Postal address	134 WEST POTTERGATE NORWICH NR2 4BW
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WORKSHOP BAR
Address of the premises you wish to support or object to.	53 EARLHAM ROAD NR2 3AD

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	Please see attached letter.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	
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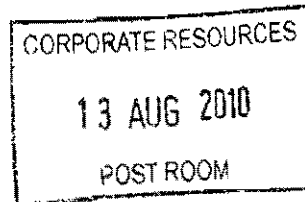
Signed: _____

Date: 12.08.10

Please see notes on reverse

Yom ref: 10/01379/PREM

134 West Pottergate
Norwich NR2 4BW



11 August 2010

Dear Mr Streeter

Workshop Bar, 53 Earlham Road, Norwich NR2 3AD

I wish to object, most strongly, to the application by the Workshop Bar to vary their existing licensing arrangements, on the grounds of Public Nuisance.

I have lived in this house for 20 years, and had no trouble at all from Trad's Pizza who owned No 53 before the Bryants.

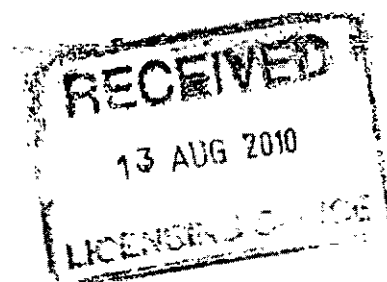
We had many problems with noise from the Bar from July 2007, when they did not stick to their licensing conditions, and I, as well as other residents, made frequent complaints to the Council Enforcement Officer in Pollution Control, Richard Divey. It was not until July 2008 that the Workshop Bar complied with the conditions after repeated visits from the Council and a year of noise and nuisance for the residents.

The noise from the back garden of the Bar was dreadful. Part of my house backs on to their garden and there is a window in the side of the house just metres away from the boundary. The noise is intrusive even with the window shut and the curtains drawn. The noise is even worse in the garden, and in all the gardens of the adjoining houses in Earlham Road. This is a residential area and we should not have to endure loud noise up to 11 at night every day of the year. We should be able to enjoy our gardens in peace and quiet.

The current seating outside the front of the Bar seems adequate. Again by lengthening the hours for the consumption of alcohol the noise would increase and become a nuisance for those living alongside. Parking in Earlham Road and West Pottergate, particularly at night, causes problems for the residents and this will only be exacerbated if the Workshop increases its capacity.

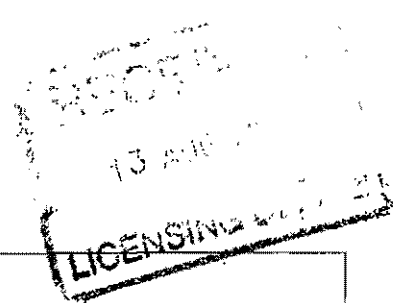
Yours sincerely,

Jenifer Frost



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)	R. A. MILLS
Postal address	135 WEST POTTERGATE NORWICH NR2 4BW
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WORKSHOP BAR
Address of the premises you wish to support or object to.	53 EARLHAM ROAD, NORWICH NR2 3AD

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	The Workshop is in a residential area; its rear patio is close to quite a few private gardens. Use of the rear patio by Workshop customers, would be likely to cause a nuisance in the form of noise and tobacco fumes. Please see attached letter for additional comments.
To protect children from harm	

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

Signed:

Date:

10. Aug. 2010

Please see notes on reverse



135 West Pottergate
Norwich
NR2 4BW

10 August 2010

Ian Streeter
Licensing Manager
Norwich City Council
City Hall
NORWICH
NR2 1NH



Dear Mr Streeter

Re: Workshop Bar, 53 Earlham Road, Norwich (ref. 10/01379/PREM)

Thank you for letting me know about the application for variation of Premises Licence received in respect of the Workshop Café Bar.

I object to the proposed variation in respect of the rear patio area, on the grounds of "public nuisance". The Workshop is in a residential area and the rear patio in question adjoins or is in close proximity to quite a few gardens belonging to private properties with Earlham Road and West Pottergate street addresses. If customers of the Workshop are allowed to use the rear patio area until 11.00 p.m. every evening, local residents using their own gardens are likely, during fine weather, to be subjected to a level of noise and tobacco fumes which constitutes a significant nuisance.

In the attachment to your letter dated 14 August 2006 letting me know the Licensing Committee's decision re a previous application from the Workshop for variation of Premises Licence, section 15 of the determination stated that "there will be no public use of the rear garden except for access, and a sign will be placed on the rear exit to inform the public of this". The following comment appears within the section of that attachment headed "The Committee's reasons": "... It was helpful that offered conditions prevented the use of the front outside sitting area past 20.00 hours and prevented public use of the rear area apart from access at all times ... ". The character of the neighbourhood has not changed in the past four years; there is no reason for the Licensing Committee to take a different view this time.

I am not a lawyer, but I believe the concept of "quiet enjoyment" is very relevant to the consideration of this application. In order to ensure that local residents can continue to enjoy their own gardens in peace, I believe the element of the application relating to the rear patio area should be refused.

Yours sincerely

Rod Mills

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)	ANN DELANEY + MARTIN FEATHER
Postal address	49 EARLHAM ROAD, NORWICH NORFOLK NR2 3AD
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WORKSHOP BAR
Address of the premises you wish to support or object to.	53 EARLHAM ROAD, NORWICH, NORFOLK NR2 3AD

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	PLEASE SEE ATTACHED LETTER
To protect children from harm	'' ''

Please suggest any conditions which would alleviate your concerns.	SEE PROPOSED COMPROMISE AT END OF LETTER
--	---

Signed:

Date: 12/08/10

Please see notes on reverse

BY HAND

49 Earham Road
Norwich
NR2 3AD
England

Norwich City Council
Attn.: Ian Streeter, Licensing Manager
Licensing Section
City Hall
St Peter Street
Norwich NR2 1WF



Tel:

12 August 2010

**Application for variation of licence at the Workshop Bar, 53 Earham Rd, Norwich,
Norfolk NR2 3AD (Your reference: 10/01379/PREM)**

Dear Mr Streeter,

I am enclosing the form including our statement of objection to the above application.

The attached ordnance survey map shows how close we are to the premises – at number 49 we are next door but one to the premises and our front and rear windows are only a few metres away from the Workshop premises.

This letter describes the concerns we have about the proposed variations, which fall primarily under the heading “to prevent public nuisance”.

We strongly object to variation 1 and 2 which are proposed.

**Variation 2: use of the rear patio area for the consumption of alcohol until 23 00
every day**

I refer to this first as I am extremely concerned about any change in the use of the rear patio/garden which has always officially only been for private use in the past.

49 Earlham Road
Norwich
NR2 3AD
England

Tel:

We have previously experienced problems when the outside rear area of the Workshop was used (in breach of the licence) and we and several of our neighbours living closest to the premises had to contact the Licensing/Pollution Enforcement Officer, Richard Divey, on a number of occasions in 2007/2008. The problems we experienced (including disturbed sleep) and the contact with Mr Divey are detailed in the attached chronology. 7 instances of communication with Mr Divey at that time are listed.

When, after a number of complaints to the council and intervention by the council, the Workshop eventually began to stick to its licence terms re use of the rear outside area, those problems more or less disappeared and we have enjoyed a much more peaceful two years. This shows that the original licence was correct to include the conditions about use of the rear outside area and nothing has changed which would provide a reason to change those conditions: in fact events have reinforced the appropriateness of those conditions.

We believe that if they start using the rear outside area again then those problems will reoccur and we will be disturbed again – even more than before as they would be officially allowed to be out there.

Please bear in mind that our terraced houses and adjoining properties are all very close to the Workshop. Our back gardens are very small and close to each other. Bedroom and living room windows are less than about 8 m away from the Workshop (other neighbours are even closer). Most of our kitchens have doors or double doors at the rear leading onto the garden. We tend to cook with the doors open in the summer and enjoy the lovely bird song we get here in the evenings. There are a lot of big trees close by and looking out the back/sitting out the back and listening to the bird song does make you feel like you could be in the country (friends from the country can't believe the volume of the bird song!). The peace in the rear garden is one of the things I have appreciated most in the last 10

49 Earlham Road
Norwich
NR2 3AD
England

Tel:

years I have lived here and it's what makes living here really special. The idea that this peace could be shattered and the sound of the bird song drowned out by a group of drinkers fills me with horror and dread (as does the more practical issue of sleep and relaxation at home being disturbed again).

If this condition were to be removed (and not reinstated on appeal) it will inevitably mean that we will have to contact Mr Divey again on a regular basis and burden him with our problems once more as we are not in a position to speak to the Workshop owners directly about any problems (they have been hostile to those neighbours who opposed their application for a late bar opening until 2 am ever since that opposition. A number of events which show that hostility and their attitude to their neighbours' valid concerns are listed at the following dates in the chronology: 04/06/07, 17/06/07, c.July 2008, July/August 2010 (the latest being a notice displayed outside the premises about neighbours being "meanies").

Variation 1: use of outside front area after 8pm extending to 11pm and increasing number of covers from 9 to 12

The current restriction of the use of this area up to 8pm works well to protect the nearest neighbours from any nuisance. I would have grave concerns about the increase in covers or drinking outside the front any later than currently as I feel it would make our front two bedrooms unusable: the noise of 9 or 12 people sitting comfortably and drinking for a number of hours up to 11pm and then the clearing up of tables and clinking glasses afterwards would cause a lot of disturbance to those trying to sleep behind windows (closed or open) which are less than about 8 m away. It would be like a permanent party going on just outside our front windows.

49 Earlham Road
Norwich
NR2 3AD
England

Tel:

Visiting godchildren and children of friends and family often use those front two bedrooms and are usually in bed by around 8pm. The two nearer bedrooms at my next door neighbour at 51 Earlham Road were previously occupied by a young boy for the first 15 years of his life and then a baby for about the first year of her life: I suspect that being even closer (2-6m away), those rooms would become unusable for children if a later drinking time were permitted. (Number 51 has recently changed hands and is unoccupied currently while renovation work continues).

Our living room is at the front on the ground floor and the windows are again less than about 8m from the front seating area. We generally move through to this room between 8 and 9pm after eating and find that the present restriction protects us from any possible nuisance. However, a large group of people drinking comfortably into the evening would be bound to disturb us at a time when we are trying to relax in our home and when the noise levels on this part of Earlham Road are surprisingly low. We know that we would be at risk of disturbance because of our experience at the rear of the property from windows which are equally close to the Workshop --see comments above.

There are not that many evenings in England when customers can comfortably sit outside beyond 8pm – this summer has been a real exception. 8pm should be adequate for their customers' needs and I am sure that their customers can appreciate that those living adjacent to the premises should be able to relax in their own homes without disturbance too: how would they feel with the same situation on their doorsteps?

Parking

Increasing the number of covers at the front or the rear would result in an increase in Workshop customers taking up local people's parking spaces. We have already experienced problems with parking since the Workshop opened with no parking provision of its own, especially with trying to park after work in the evenings (the Workshop's customers often park in residents' spaces after the 6.30pm restriction which

49 Earlham Road
Norwich
NR2 3AD
England

Tel:

means that residents returning later than that often need to park in the two hour spaces, which has resulted in fines for residents when we forget about the two hour restriction the next day). Any additional covers would add to those problems.

Possible compromise?

We appreciate that the Workshop's clientele includes smokers. We have tolerated the fact that smokers use the front outside area from time to time (and sometimes loitered in front of our houses) after 8pm and we have not objected to this to date (despite it being in breach of the licence conditions). By way of compromise, could there be a condition which allowed use of the front area immediately outside the Workshop on their own property by a limited number of smokers (without being allowed drinks or tables and chairs) after 8pm? A sign on the door might indicate that smokers should not take drinks outside after 8pm and should not go outside if there are more than say 3 people already smoking on the forecourt and should not raise their voices so as not to disturb neighbours? Something like that or other appropriate controls might help? The fact that these smokers would be out the front and visible to the public would mean that they would probably be more likely to obey any restrictions and not loiter for longer than necessary to have a cigarette.

However, if it was abused or became a problem, we residents would need to have the possibility of having this aspect reviewed. I am also unsure as to whether all of my neighbours would concur with such a relaxation of the conditions at the front.

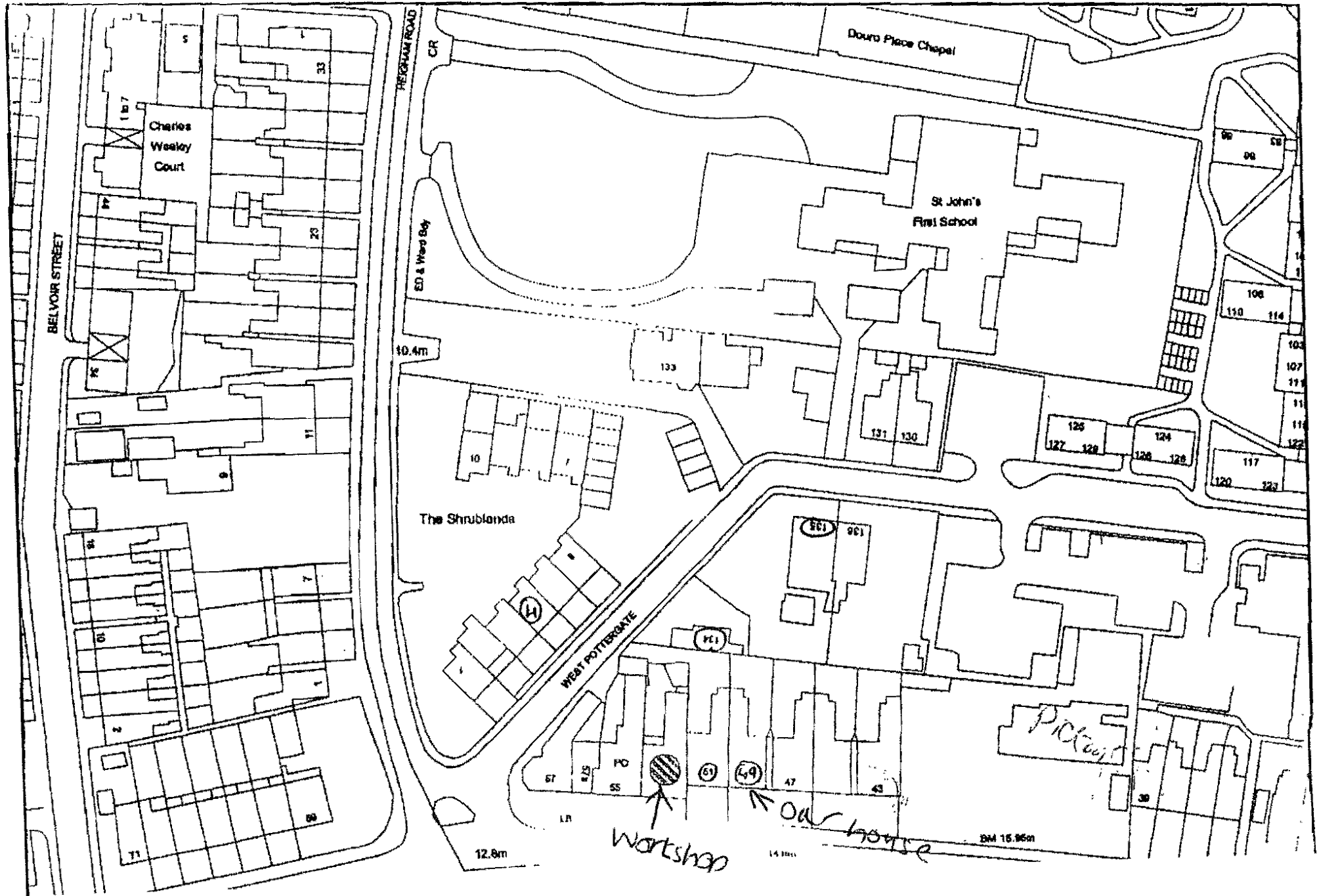
Thank you in advance for taking the time to consider our objections.

Yours sincerely

Ann Delaney & Martin Feather

Ordnance Survey

This extract from Ordnance Survey map material is supplied by Norwich City Council, City Hall, Norwich NR2 1WP for Map Return Scheme purposes only. No further copies may be made.



You forwarded this message on 21/11/2007 09:27.

From: Delaney

From: -
To: RichardDivey@norwich.gov.uk
Cc:
Subject: The Workshop Bar 53 Earlham Road
Attachments:

Sent: Wed 21/11/2007 09:27

Dear Richard

My neighbour, Jenifer Frost, has given me your contact details as the person to contact at the Council in the event of noise disturbance from the above premises. She has also informed me about her previous contact with you this summer.

I was dismayed to be disturbed in my back bedroom (2 doors and two small rear yards away from the premises) again on Friday 16 November by loud shouting in the rear garden area of the above premises - this was audible even with the windows closed. When I opened the window it was clear that a number of people were outside the rear of the premises talking and shouting loudly.

The premises concerned have been breaching their licence conditions constantly since the introduction of the smoking ban. I noticed that they had installed decorative lights outside to attract people to their rear yard in June shortly before the ban was introduced. The rear door (and often the front door) were open all summer (it was rare to pass when the doors were closed). As soon as the smoking ban was introduced we experienced a considerable amount of noise from the rear of the premises, especially on their busiest nights - Thursday, Friday and Saturday. I have kept a log of many of the occasions when we were disturbed, either in our rear rooms, in our bed trying to sleep or in our garden - on some occasions we came indoors because it was not relaxing in the garden any more. I am concerned that the problem of noise could be even worse with a better summer.

Since my husband was in hospital for 5 days for a major operation at the end of July and spent August recuperating I was not in the frame of mind to start contacting the Council about these problems, but I kept a log of disturbance and I knew that Jenifer Frost had contacted you and hoped that this would have an effect on their behaviour - it did not and I continued to log incidents - the 31/08 and 01/09 were particularly bad and I understand that these dates were only a matter of days after your warning visit. There were further incidents in the first half of September, early October and again that I noticed last Friday night.

It is a shame that I cannot ask my "neighbours" at the Workshop to keep the noise down in their garden - however, I would not feel comfortable approaching them as they have always been very hostile since we (and many other neighbours) opposed their application for a late night bar opening until 2am. It is also not as if they are doing something they are allowed to do but doing it too loudly - they are flagrantly breaching the condition of their licence requiring there to be no public use of the rear garden which was included to protect the neighbours from noisy bar customers at the time this premises had the condition on the licence removed which required alcohol to only be served with meals. The removal of the latter condition was widely opposed by the neighbours and the condition restricting the use of the rear garden was added to the licence in the determination dated 14 August 2005 which followed our objections and a visit to the premises and my adjoining neighbour's garden by the licensing committee.

I also feel terribly sorry for my new neighbours at 51 (between us and the premises) who moved in towards the end of August and have also been disturbed. Myself and other longer term residents know what peace and tranquility we used to enjoy in our rear gardens with bird song being the dominant summer evening noise.

Please could you give them another warning and ask the DSP to put a notice on the rear external door saying that it is to be kept closed and is for access to the outside WC only and that there is to be no public use of the rear outside area at all times (if there is already a notice on the door then it needs to be a more effective one).

I don't imagine that there will be many more problems this year as the nights get colder. I just hope they will abide by the rules next summer when we are likely to suffer again unless they do comply with their licence.

I look forward to hearing from you with confirmation of any action you have taken.

Yours sincerely,

A-- Delaney
48 Earlham Road Norwich NR2 3AD

21/11/2007

Chronology of events relevant to Workshop Bar's application to vary premises licence
and the issue of public nuisance

NB: items which are in "" but are not described as contents of emails are taken from (scribbled) contemporaneous notes made in handwriting at the time of disturbances. Both the emails (about 16 pages) and the manuscript notes can be made available at any meeting if required, but I did not wish to burden the committee with an excess of paper at this stage.

DATE	TIME	53 EARLHAM ROAD / WORKSHOP RELATED EVENT
Up to Nov 2005	N/A	53 Earlham Road was operating as Trads Pizza restaurant, a quiet family-friendly place which cleared cafe tables from the front at 8pm (in line with planning consent) and closed at around 10pm. The premises licence was subject to the following proviso: <i>"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 ancillary to his meal".</i>
December 2005/Jan 2006		New owners are the Bryants. Workshop Bar/Cafe starts operating at the premises.
28 /07/06	N/A	Notice of determination of licence removes previous condition requiring food to be consumed with any alcohol but in view of residents' concerns about change of status to bar includes conditions preventing use of outside area at rear and the use of front outside area after 8pm and requiring doors to be kept closed.
04/06/07		Site visit by planning inspector regarding application for extension of opening hours. Several neighbours gather to attend meeting with planning inspector and she talks with us outside the Workshop premises. When she goes inside Workshop the door is shut firmly in our faces by Warren Bryant and we are forced to wait outside.
15/06/07	21 23	Email from neighbour Pat Mullin at 51 Earlham Road: <i>"I don't know if you can hear this, but the outside back of the Workshop Bar is being used for drinks at a table, the rear door is open".</i>
17/06/07	c. 9.20pm	Returning from an evening out, my husband and I walk past Workshop and notice they have switched on fairy lights lighting up a table outside the rear of the premises, paused to look at this from outside the front of the premises as we were concerned at the potential use of the outside space in breach of licence. Victor Bryant came straight round to our house, knocked on the front door and spoke very aggressively to my husband telling him we shouldn't look into their premises (he smelt strongly of alcohol and cigarettes and seemed a bit drunk).

1/07/07		Smoking ban comes into force
TUESDAY 10/07/07	10.50pm	<i>"Loud noise from rear of bar of number of people in garden. Sounds like a beer garden. First good weather after ban."</i>
THURSDAY 12/07/07	8.45 -9.15 pm	<i>"In garden 8.45-9.15pm. Lot of noise from Workshop, obviously back door open, sounds like a number of people in garden or at least sound travelling out from inside. Bottles crashing at 9.15pm. Go inside as not relaxing in our garden any more"</i> .
FRIDAY 13/07/07	11.25pm	<i>"Bottles in bins and shout at 11.25"</i> .
MONDAY 16/07/07	11.10pm	<i>"Loud discussion in garden"</i> .
TUESDAY 31/07/07		My husband has major operation involving a week in hospital and 3 weeks' recuperation off work at home so I am not in the mood to contact Workshop or Council about continuing problems and so just make a note of problems when I can get round to noting disturbances.
FRIDAY 10/08/07	11.20pm	<i>"V.loud in garden, shouting 'fucking hell', woman, large number of people, loud, audible in back bedroom, difficult to sleep with window open"</i> .
THURSDAY 16/08/07	10.45 pm	<i>"V.loud in garden, buzzy. Can hear from our bedroom. Go and close back closest window but can still heard loud voices. Would not be possible to sleep in back bedroom with window open"</i> .
THURSDAY 16/08/07	12 00 am	<i>"Midnight. Smashing bottles at back in bin. Just as dropping off [to sleep] after previous disturbance"</i> .
FRIDAY 17/08/07		Old neighbours, Roy, Pat and family, move out and Clare and Luke move in.
FRIDAY 17/08/07	10 11 am	Email to neighbour Jenifer Frost ('JF') of 134 West Pottergate immediately behind the Workshop re noise at Workshop: <i>"We have been appalled by Workshop's recent behaviour – last night we had to shut windows as they were loud in the garden"</i>

	10 23 am	<p>particularly between 10 and 11pm and later I think. This is becoming a frequent occurrence since the smoking ban and they seem to be getting louder and bolder as time goes on. Have you been disturbed as well?"</p> <p>Response from JF: "...Thanks for emailing me about the Workshop. I was just about to look out my copy of their terms of licence because of the noise. It is really terrible. I think I have only once seen the back door shut – and I look every time I go by! ..."</p>
FRIDAY 17/08/07	10 30 -11 55 pm 01. 20 am	<p>"Really really loud, cannot believe it, first night new neighbours and so loud I can't sleep in back room and garden like a beer garden".</p> <p>(I remember that we came in from being out somewhere ourselves and were horrified at how loud it was in our kitchen (at rear) with all doors and windows shut. We felt terribly sorry for our new neighbours too).</p> <p>"Really really loud in garden in back bedroom impossible to sleep. Loud." "Still out there".</p>
TUESDAY 21/08/07	10 32am 11 57 am	<p>Email from JF: "I was nearly driven mad by the noise here on Thursday, Friday and Saturday and am going to write to the council about it..."</p> <p>My email in response: "Yes, noise was appalling last weekend, Friday night was really bad and very audible in our bedrooms, making it absolutely impossible to sleep in the closest one and pretty bad in our one. The noise has got steadily worse since the smoking ban and sometimes we have gone inside as the garden has not been relaxing with the beer garden noise instead of the usual bird song...".</p>
TUESDAY 21/08/07	15 56	<p>Email from JF: "I've just rung the City Council and got a man called Richard Divey...he says they will send someone round to have a talk with the Bryants...".</p>
THURSDAY 23/08/07	14 14	<p>Enforcement Officer Richard Divey emails JF and confirms: "... Have spoken to designated premises supervisor (DPS) about use of rear area and leaving doors open. The rear door was open and DPS was advised this was not acceptable he apologised and stated this was not normally the case. He stated he does allow some personal friends to sit in his private garden. We are unable to stop this use without proof that these are in fact customers but pointed out to him that noise complaints from this area will be investigated if they continue. Hopefully this will be enough to get him to tow the line. Please report any further disturbance if it reoccurs".</p>

MONDAY 27/08/07	11: 12 13 50	JF emails: <p><i>"...my optimism was misplaced. On Friday evening, the first decent evening of the week, the door was open, people were out in the yard & it was very noisy. It is amazing that they pay absolutely no attention to the licensing requirements. They were in the garden last night. I don't know about Saturday as I didn't get home until 10.45. The door is always open. But Richard Divey does give us some hope..."</i></p> <p>Ann Delaney ('AD') responds: <i>"Sorry to hear that – we were in Germany Friday and out until late Saturday so missed that. ... They should really have the door shut and a notice inside it saying no use of the garden – the current practice of leaving it open all the time clearly encourages people to use it..."</i></p> <p><i>Met new neighbours (51) Luke & Claire last night...They were concerned about the level of noise last weekend too and I told them about the council's action so they were pleased to hear that and that officially no use of the garden is allowed".</i></p>
TUESDAY 28/08/07	10 51 am	JF emails: <p><i>"Yes, I think I'll email Richard Divey about the noise. I might wait another evening..."</i></p>
FRIDAY 31/08/07	9.10 /9.15pm	<i>"Really loud again, shouting 9.10/9.15pm. A lot of people in garden, doors open front and back. 10 pm same".</i>
SATURDAY 01/09/07	11.10pm 11.25 pm	<i>"People in garden, raised voices, very audible in back bedroom". "Noise from inside seems shouting and pub [noise/atmosphere]"</i>
MONDAY 03/09/07	3.17PM	JF emails Richard Divey enforcement officer: <p><i>"Nuisance caused by Workshop Bar I am sorry to have to report that your visit to the Workshop Bar has not had any effect on them. The door to the yard is constantly open, and they even have a sort of bead curtain hanging inside it, which they wouldn't need if the door were ever closed. On Friday September 24th [sic. August 24th] (the first warm evening that week) there was constant noise to 10.45pm from people in the yard. I was out on Saturday but on Sunday again there were people in the yard and noise. The rest of the week was slightly quieter (they were closed on Bank Holiday Monday) but Friday, Saturday and Sunday are always noisy. The excuse that it is friends in the yard doesn't really hold water. If he is entertaining friends he can't be serving in the bar and vice versa. I do hope they can be made to toe the line and stop causing nuisance to all their neighbours".</i></p>
SATURDAY 08/09/07	11.20 pm	<i>"Noise at rear. Blinds shut at front. Number of people in garden. Glasses chinking".</i>

THURSDAY 13/09/07	10 40 pm	<i>"Noise [heard] from my bedroom (own) shouting and swearing. Go to back bedroom and hear very loud (...) coming from back garden. Lot of people outside. Can hear shouting from my bedroom and closer back room really really loud".</i>
SATURDAY 06/10/07	10.30pm	<i>"Number of people in garden (music night)."</i>
FRIDAY 16/11/07	9.30/10pm	<i>"Loud shouting in rear garden audible inside back bedroom. Opened window, clear number of people outside shouting and talking loudly".</i>
WED 21/11/07	09 27	Sent long email to Richard Divey Enforcement Officer notifying him of problems both recently and earlier in the summer. (See text of email which summarises above history).
THUR 22/11/07	12 59	Richard Divey emails to confirm he will be writing to Mr Bryant and warn him that problems are being recorded.
THUR 29/11/07	18 21	Email from JF to AD: <i>"I am sending you a copy of the email I sent to Richard Divey today. Did you hear the noise last night? That goaded me into writing. I really wonder if the Council's letter will have any effect on the Bryants."</i>
THUR 29/11/07	5.13PM	Email from JF to Richard Divey, Enforcement Officer: <i>"My neighbour, Ann Delaney, sent me a copy of the email she sent you and your reply. I fully endorse everything she says.</i> <i>The nuisance hasn't abated. Last night, 28 November, there was a terrible racket in the Bar's garden again – in spite of the weather. I could hear it plainly through shut windows and drawn curtains.</i> <i>I understand that you are writing to Mr Bryant and I only hope you have better luck this time. The door to his back yard has been open nearly all the summer and autumn in spite of your earlier visit."</i>
JAN 2008 – JUNE 2008		Building and renovation work on our home at 49 Earlham Road forces us to move out to temporary accommodation.
MID JUNE 2008		Move back into house and we are dismayed at level of noise in Workshop garden on regular basis. We cannot really use our garden much as it is just a load of mud after the building work, but we open our double doors at the back and hear noise from the Workshop when in our kitchen. We also hear it from the rear bedrooms.

<p>TUESDAY 15/07/08</p>	<p>18 27</p>	<p>Email to JF and Wendy Cleary (135 Pottergate): <i>"...Did you hear the noise from the Workshop last night? We were appalled at the beer garden rabble and so were Clare and Luke [No.51 Earlham Road].</i></p> <p><i>They seem to be getting gradually bolder and noisier and have tables out the back now too (despite the complete prohibition on using the garden).</i></p> <p><i>I plan to say something to them when I next see them in the street. Their behaviour shows a complete lack of respect for their neighbours and a disregard for the law. If necessary I will involve the council again but ideally I would like to try a direct approach first though. My real concern is that the type of noise levels we experienced last night could become a regular occurrence and spoil our peace in our gardens/affected bedrooms..."</i></p>
<p>c. JULY 2008</p>		<p>Discuss Workshop noise situation with Clare and Luke (next door neighbours both to us and the Workshop). Luke is angry about the noise in the garden, all the more so as Clare is pregnant. He goes round to the Workshop to complain while I am at their house. When he returns he remarks that they were not very friendly about it. From recollection, this is either the second time that Luke has to complain to them at about this time or the first of two occasions when he complains to them. His complaints do not result in a change of behaviour and the problem persists. We discuss situation subsequently and they tell me they have notified the council of the problem and asked them to act.</p> <p>The council must have acted in a very firm way at this stage as there are no more significant or persistent noise problems at the rear of the premises which we feel are worthy of action (except the rear door being open and causing occasional disturbance in our garden which we just tolerate rather than be hassled with contacting the council again).</p>
<p>June 2010</p>		<p>No 51 Earlham Road is sold again but is not presently occupied.</p>
<p>July /August 2010</p>		<p>Notice displayed with details of application for variation of licence by the Workshop in their window refers to <i>"some meanies out there"</i> who want to prevent their customers enjoying themselves after 8pm at the front or in the rear garden and requests customers to write to the council.</p>
<p>August 2010</p>		<p>New owner of 51 has not moved in and is not currently expected to occupy the property until September at the earliest. Internal improvements /decoration is being done by builders while owner is away on holiday in August. It is not known whether the new owner is aware of this application.</p>

Norwich City Council Licensing Authority
Licensing Act 2003

CORPORATE RESOURCES
16 AUG 2010
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)	TIM CAYNES
Postal address	45 EARLHAM ROAD NORWICH NR2 3AD
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WORKSHOP BAR
Address of the premises you wish to support or object to.	53 EARLHAM ROAD NORWICH NR2 3AD

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	THERE IS ALREADY PRECIOUS LITTLE PARKING SPACE FOR RESIDENTS ON EARLHAM ROAD, AND AS THE VARIATIONS WOULD ALLOW SIGNIFICANTLY MORE NUMBERS OF CUSTOMERS, PARKING →
To prevent public nuisance	REMOVING CONDITION ANNEX 3 NO. 6 WOULD MAKE THE QUIET AND CALM ENVIRONMENT AT THE REAR OF OUR PROPERTIES LOW, NOISY & INTOLERABLE. WE CURRENTLY ENJOY A PEACEFUL, FRIENDLY ATMOSPHERE →
To protect children from harm	

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

Signed:

Date: 14 08 2010

Please see notes on reverse

PUBLIC SAFETY (WMI)

(2)

WILL ONLY BECOME MUCH WORSE. ON ANY GIVEN EVENING WHEN THE WORKSHOP BAR IS OPEN, PARKING SPACES ARE ALL BUT CONSUMED BY THEIR CUSTOMERS AND RESIDENTS ARE OFTEN FORCED TO PARK A CONSIDERABLE DISTANCE FROM THEIR HOMES. SINCE THE WORKSHOP BAR HAS NO ALLOCATED PARKING, IT IS ALWAYS THE SPACES NEAREST TO THE BAR WHICH ARE FILLED FIRST. WHEN RETURNING HOME FROM WORK, OR AN EVENING EVENT, THIS IS VERY FRUSTRATING, AND, WITH CHILDREN, A SIGNIFICANT SAFETY ISSUE.

TIM CRYNES RE: WORKSHOP BAR

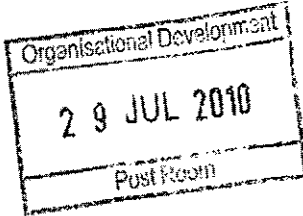
TO PREVENT PUBLIC NUISANCE (CONT) -

(3)

IN OUR SMALL OASIS OF CALM IN THE CITY, WHERE WE CAN ENJOY THE EVENINGS WITHOUT DISTURBANCE OR WORRY. IF THE WORKSHOP BAR WERE PERMITTED TO USE THE PATIO AREA IN THE EVENINGS, THROUGH TO THE NIGHTTIME, THAT PEACE AND TRANQUILITY WILL BE FOREVER LOST. I SINCERELY HOPE THAT THE SMALL COMMUNITY OF FRIENDS AND NEIGHBOURS THAT HAS BEEN ESTABLISHED OVER MANY YEARS IS NOT SUBJECTED TO THE NIGHTLY DISTURBANCE OF THE WORKSHOP CUSTOMERS, AND HAVE THEIR RIGHT TO A PEACEFUL AND RELAXING ENVIRONMENT DENIED. I HAVE NO DOUBT THAT THE CUSTOMERS THEMSELVES ARE CONSIDERATE, WELL-MANNERED INDIVIDUALS, BUT THE PROVISION OF SPACE AND THE PROXIMITY OF ADJOINING PROPERTIES MEANS THAT THE PLAN IS SIMPLY INAPPROPRIATE. I DON'T BEGRIEVE OCCASIONAL EVENTS, AFTER ALL, WE HAVE THEM IN OUR COMMUNITY TOO, BUT ALLOWING THIS TO HAPPEN ON ANY, OR EVERY NIGHT, IS WHOLLY UNACCEPTABLE. I HAVE LESS CONCERN WITH THE AMENDMENT TO CONDITION ANNEX 2 NO. 30, ALTHOUGH I WOULD PREFER TO SEE A LIMIT OF 10 PM RATHER THAN THE PROPOSED 11 PM.

APPENDIX

H



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)	MR. W.M. Pearce Bryan
Postal address	53a earham Road, Norwich NR23AD
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WORKSHOP BAR/CAFE
Address of the premises you wish to support or object to.	53 earham Road Norwich NR23AD

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	Never have I known any acts of crime or disorder caused by the workshop and it is in to the best way of preventing such incidents
Public safety	
To prevent public nuisance	I do not believe that 11:00 watered of which the workshop is asking for will cause substantial increase in public nuisance. Its clientele are never loud and 11:00pm bar a predominantly food orientated
To protect children from harm	establishment in this day and age is perfectly reasonable

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

Signed:

Date: 26/07/10

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development
- 9 AUG 2010
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 ALEXANDER POND
Postal address	55B EARLHAM RD NR2 3AD
Email address	N/A
Contact telephone number	

Name of the premises you wish to support or object to	WORKSHOP
Address of the premises you wish to support or object to.	5B Earlham rd NR2 3AD

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	As I live behind the Workshop I am aware of their efforts to banish the drug dealers in W. Potterygate and it is now a better place to live -
Public safety	To my knowledge the Police have never been called out for any incidences that are usually associated with drink etc. Well done Workshop.
To prevent public nuisance	Thoroughly support the Workshop in all its endeavours - there is never any nuisance or noise from its patrons and is a well run trouble free establishment.
To protect children from harm	N/A

Please suggest any conditions which would alleviate your concerns.	NO CONCERNS - I have Here are it more establishments like the Workshop.
--	---

Signed:

Date: 6/8/10

Please see notes on reverse

RECEIVED
- 9 AUG 2010
LICENSING OFFICE

CORPORATE RESOURCES

10 AUG 2010

POST ROOM

Norwich City Council Licensing Authority
Licensing Act 2003

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

RECEIVED
10 AUG 2010
LICENSING OFFICE

Your name/organisation name/name of body you represent (see note 1)	Elena Nardi & Irene Biza
Postal address	51 Earlham Road Norwich NR2 3AD
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	53 Earlham Road (THE WORKSHOP) NORWICH NR2 3AD
Address of the premises you wish to support or object to.	Same as above

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	No concern
Public safety	No concern.
To prevent public nuisance	No concern. (Please see also below)*
To protect children from harm	No concern.

Please suggest any conditions which would alleviate your concerns.	*As we have right of way at the back of the property the owner of The Workshop has agreed kindly to keep the space at the back clean and proper for us to use to enter the back of our property.
--	--

Signed: 6 August 2010

Date:

Please see notes on reverse

APPENDIX I

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.

(a) 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.

3.0 Applications for Licences

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 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 level of likely car parking demand on principal roads and surrounding residential streets and its effect on local residents, in comparison with the existing situation, and the effect on residential parking and emergency access;
- 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

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.

31.7 SECTION E - Hours of Trading

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 J

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

Standardised Conditions

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."

The Scope of the Licensing Act 2003

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."

Licensing Law and the Control of Anti-Social Behaviour

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."

Licensing Hours

Extended Opening Hours

13.40 "...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."

Consideration for Residents

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."

- 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 individual's 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."