

# NORWICH CITY COUNCIL

## Report for Resolution

**Report To** Licensing Sub-Committee

8<sup>th</sup> May 2009

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

**Subject** Licensing Act 2003:  
Application for the Variation of a Premises Licence -  
The Unthank Arms, 149 Newmarket Street, Norwich, NR2  
2DR

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### **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application to vary a Premises Licence in respect of The Unthank Arms, 149 Newmarket Street, Norwich following the receipt of Interested Party objections.

### **Recommendation**

That Members determine the application to vary a Premises Licence in respect of The Unthank Arms, 149 Newmarket Street, Norwich in accordance with the:

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

### **Financial Consequences**

The financial consequences for this report are nil.

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

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

### **Contact Officers**

**Ruth Kemp**

**Phone No 212760**

### Background Documents

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

## **1.0 The Application**

- 1.1 The applicant is Mr Nicholas De'Ath of 144 Trafford Road, Norwich, NR1 2QS.
- 1.2 The premises operate as a public house in a mainly residential area of Norwich.
- 1.3 The premises currently hold a premises licence, the summary of which is attached to the report as Appendix A.
- 1.4 The conditions attached to the current premises licence are attached as Appendix B.
- 1.5 This variation application seeks to:
  - Remove condition 36 on Annex 2 of the current licence which states that "tables and chairs to be removed from the front/side of the premises after 18:00".
- 1.6 Following consultation with Norfolk Constabulary and the Environmental Services Department at Norwich City Council, the applicant has agreed for the following condition to be applied to the licence:

"The use of the tables and chairs in outside areas will be prohibited between 23:00 and 07:00 hours every day".

## **2. Relevant Representations**

- 2.1 The responses from the Responsible Authorities are as follows:
  - Police – No representations.
  - Environmental Services – No representations.
  - Fire Officer – No representations.
  - Planning Officer – No representations.
  - Area Child Protection Committee – No representations.
  - Trading Standards – No representations.
- 2.2 There have been seven Interested Party objections to the proposals and these are attached to the report as Appendix C. The responses relate mainly to the licensing objectives of crime and disorder and the prevention of public nuisance.

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

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

- 3.1 Attached at Appendix E 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 F are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

### **5.0 Summary**

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

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

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

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

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

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

- 5.5 The representations received from the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee is directed to paragraphs 21 and 25 of the local licensing policy at Appendix E which contain examples of factors that impact on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance that the applicant could consider when addressing these issues. These paragraphs also contains examples of control

measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.

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

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

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



**Premises Licence Summary**

**Premises Licence Number**

**05/01290/PRETR**

**Premises Details**

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

The Unthank Arms  
149 Newmarket Street  
Norwich  
Norfolk  
NR2 2DR

**Telephone number** 01603 631557

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence.**

Late Night Refreshment  
Live Music  
Sale by Retail of Alcohol  
Recorded Music  
Private Entertainment as defined under section 2 of the Private Places of Entertainment (Licensing) Act 1967

**The times the licence authorises the carrying out of licensable activities**

Late Night Refreshment	Sunday	23:00 - 00:00
Late Night Refreshment	Monday to Wednesday	23:00 - 00:00
Late Night Refreshment	Thursday to Saturday	23:00 - 00:30
Live Music	Every Day	19:00 - 23:00
Sale by Retail of Alcohol	Sunday	10:00 - 00:00
Sale by Retail of Alcohol	Monday to Wednesday	10:00 - 00:00
Sale by Retail of Alcohol	Thursday to Saturday	10:00 - 00:30
Recorded Music	Sunday	10:00 - 00:00
Recorded Music	Monday to Wednesday	10:00 - 00:00
Recorded Music	Thursday to Saturday	10:00 - 00:30

**Non standard / seasonal activity times**

Sale by retail of alcohol – from the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day.

**The opening hours of the premises**

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 01:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	10:00 - 01:00

**Non standard / seasonal activity times**

From the end of permitted alcohol hours on New Years Eve to the beginning of permitted alcohol hours on New Years Day.

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

Alcohol is supplied for consumption both on and off the Premise

**Name, (registered) address of holder of premises licence**

Mr Nicholas De'Ath  
144 Trafford Road  
Norwich  
NR1 2QS

**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 Nicholas William De'Ath

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

Children will not be allowed on the premises after 21:30 unless eating in the restaurant.

**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.

## Annex 2 – Conditions consistent with the Operating Schedule

### 1 **General - all four licensing objectives**

2 A free phone taxi call point will be installed to aid quiet and efficient dispersal of customers.  
3 Customers will be encouraged to wait on the premises to keep the noise levels to a minimum outside the pub.

4 Taxi drivers will be asked to come into the pub to ask for their fares.

5 There will be responsible management and staffing of the business.

### 6 **The Prevention of Crime and Disorder**

7 CCTV will be installed monitoring all bars.

8 A strict ID policy (photo ID Portman Group scheme) will be used.

9 Outside areas will be patrolled by a member of staff on a regular basis.

10 Glasses will be cleared and the garden will close at 23.00.

11 CCTV system will also cover garden and front entrance.

12 The premises will take part in the 'Ban One Ban All' scheme.

### 13 **Public Safety**

14 Suitable and sufficient risk assessments will be carried out for the premises and will be acted upon on a regular basis.

15 Portable Appliance Testing of all electrical equipment will take place yearly for the premises.

16 There will be a trained First Aider at the premises.

17 The premises will operate a fire alarm which will be tested regularly.

18 Fire exits at the premises will be clearly marked.

19 Toughened glass used where possible at the premises.

20 A policy of a responsible pricing structure will be in place at the premises.

21 There will be ongoing staff training at the premises.

22 The following occupancy figures will be adhered to:-

#### First Floor

Main Dining Area = 100 People

Small Dining Area = 25 People

#### Ground Floor

Small Dining Area = 25 People

Bar/Dining Area = 36 People

Main Bar = 100 People

### 23 **The Prevention of Public Nuisance**

24 Customers will be encouraged to wait inside for taxis and lifts.

25 Staff will be trained to control noise levels (from both background music and customers).

26 The premises will be fitted with a noise limiter.

27 External and security lighting will be used during operating hours.

28 Glass and bottle bins will be emptied during the day.

29 An air ventilation system will be in operation at the premises to enable doors to remain closed late at night

30 Kitchen ventilation will be used to prevent cooking smells escaping.

31 A dispersal policy will be in operation at the premises which will monitor customers leaving, allowing them to wait for taxis indoors and order taxis from a free phone point.

32 Staff will check music levels to ensure they cannot be heard outside the premises.

33 Live music will finish at 23:00.

34 All windows and doors will be kept closed when live music is being played.

35 Live music will be limited to 14 occasions per year.

36 Tables and chairs to be removed from the front/side of the premises after 18.00.

### 37 **The Protection of Children From Harm**

38 All children must be accompanied by a responsible adult.

39 A risk assessment will be carried out on all play equipment.

40 Appropriate signage will state that children must be supervised by a responsible adult when playing in the garden.

41 Staff will be trained to be aware of children who may be on their own.

42 The garden will be fenced off from the car park.



43 A photo ID scheme will be in operation at the premises.

44 Children will not be allowed on the premises after 21:30 unless eating in the restaurant.

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

- 1 Signs will be in place asking customers to leave quietly.
- 2 All first floor windows will be kept closed after 22:00.

18 MAR 2009

Post Room

APPENDIX C

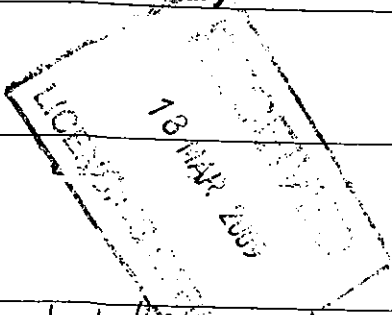
Norwich City Council Licensing Authority  
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	SUE HULL
Postal address	154 Newmarket St Norwich
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Linkbank Arms PH
Address of the premises you wish to support or object to.	Newmarket St, Nch.

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	Having chairs + tables on the pavement side of the pub after 1800hrs will disturb the residents until closing time - I object to changing the current arrangement
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	None
--	------

Signed:

Date:

14/3/09

Please see notes on reverse

156 Newmarket Street,

Northid,

NR2 2DR.

30th March 2009.

CORPORATE RESOURCES

- 2 APR 2009

POST ROOM

Dear Sirs,

I wish to strongly object to the request of The Uthmaniyah Arms Pub to have tables & chairs outside the front and side of the premises, outside closing time.

There is already a lot of noise on summer evenings disturbing residents peace and privacy and even sleep. The obvious place for the tables is in the pub garden at the rear, where most pubs that have a garden put their tables.

It is quite infuriating to have dieters using foul and very low language standing and blocking the pavement and causing

Maghain on a quite a busy corner.

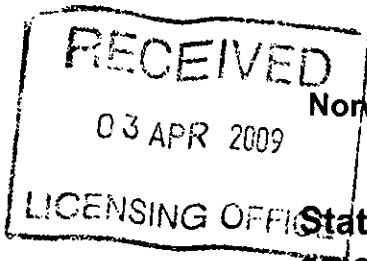
I urge you to deny this request  
please.

Yours faithfully,

(T13)

D. Greaney

RECEIVED  
02 APR 2009  
LICENSING OFFICE



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)	DR. LILIAN E. E. HODGSON
Postal address	158 NEWMARKET STREET NORWICH NR2 2DR
Email address	-
Contact telephone number	

Name of the premises you wish to support or object to	THE WINTHAMP ARMS
Address of the premises you wish to support or object to.	149 NEWMARKET STREET NORWICH NR2 2DR

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	SEE LETTER ATTACHED
Public safety	SEE LETTER ATTACHED
To prevent public nuisance	SEE LETTER ATTACHED
To protect children from harm PUBLIC CONCERN	SEE LETTER ATTACHED

Please suggest any conditions which would alleviate your concerns.	MAINTAIN STATUS QUO RIGOROUSLY
--	--------------------------------

Signed:

Date: 31 March 2009

Please see notes on reverse

158 Newmarket Street  
Norwich  
NR2 2DR

31 March 2009

Mr. Ian Streeter  
Licensing Manager  
Legal & Democratic Services  
Norwich City Council  
City Hall St. Peters Street  
Norwich  
NR2 1NH

Dear Mr. Streeter,  
Re. The Unthank Arms  
Premises Licence Variation

Variation application to remove the current licence condition which states that tables and chairs must be removed from the front and side of their premises after 1800hr  
Norwich City Council ref.; 09/00398/PREMTR

I am writing to register my opposition to the request to lift the current restriction. I have detailed my case below, based on current problems and increased adverse risk to resident sin the immediate vicinity of the pub.

I have been a resident at the above-named address since 1976.

Whilst I recognise that the public house formed an integral part of the residential area when the buildings were erected during the Victorian era, this close integration between pub and residents no longer exists as circumstances and consideration have changed over time.

Over the years, licensing hours have increased, and the behaviour of the majority of their patrons, who are not local residents, is markedly less considerate in our immediate neighbourhood.

This area is primarily residential for which due consideration and priority to residents must be of paramount importance.

We must see measure taken by the City Council to protect our interest and wellbeing, and to take positive and active steps to eliminate safety, unnecessary noise, offence and disturbance caused by the pub and its patrons.

Since the smoking ban in public places became effective, we have suffered a significant increase in noise and disturbance by the pub's patrons –they stand or sit on the walls at the front and the side of this building to smoke, or to accompany smokers. This is unforgivable as the pub has a large garden and smoking zone within its perimeter. There seems little evidence by the owners to actively encourage their

patrons to use the garden and smoking area - instead of the **current** practice of occupying the front and side of the building which are directly onto Newmarket street and Bury Street.

My other concern is that allowing patrons to congregate **outside** the front and side of the pub during the long licensing hours offers no assurance **that** they will disperse promptly and safely at closing time.

Currently we experience the noise (chatting to one another, **and** on mobile phones) and running engines of private cars and taxis for considerable **time** after official pub closing. Litter debris (often including food and broken glass) **are** discarded on the pavement adjacent to the front and side walls. This uncaring **attitude** by patrons will invariably extend disproportionately with the provision of **chairs** and tables, especially when the weather is fine and dry. Residents should not have **to** run the risk - these nuisances and hazards are easily avoidable if the residents are **put** first.

“Café culture” is fine in city centres where the density of **population** is low and moving, and confined largely to working hours.

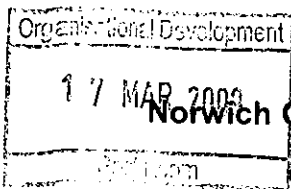
Norwich City Council should not succumb to commercial **and** business pressure at the expense of residents wellbeing in a densely populated residential area.

Quality of life, Environmental and Health & Safety considerations of residents must be the highest priority for the Norwich City Council.

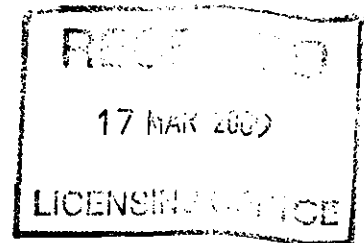
Yours sincerely,

Dr. L E E Hodgson (Mrs)





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)	RICHARD & RACHEL LEGGETT
Postal address	166 NEWMARKET STREET NORWICH NR2 2DR
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	THE UNTHANK ARMS
Address of the premises you wish to support or object to.	144 NEWMARKET STREET

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	OBJECT. This change will lead to: - more disorderly conduct outside the pub from intoxicated patrons - an increase in minor vandalism
Public safety	OBJECT. Intoxicated patrons are already intimidating to local residents. This would make things worse.
To prevent public nuisance	OBJECT. This change will lead to: - an increase in noise (already a problem) - an increase in intimidation of local residents - an increase in second hand smoke - we already smell it, even without tables outside.
To protect children from harm	OBJECT. Intoxicated patrons are hardly a good example to children living nearby. Better to keep them inside.

Please suggest any conditions which would alleviate your concerns.	Rather than loosening the conditions, we would suggest tightening them up to discourage smokers from standing outside. This already creates noise and disturbance.
--	--

Signed:

Date:

13/3/2009

Please see notes on reverse

RECEIVED  
20 MAR 2009  
LICENSING OFFICE

Norwich City Council Licensing Authority  
Licensing Act 2003

23 MAR 2009  
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)	CATERINA GARGIULO RICK CLEVERLEY
Postal address	172 NEWMARKET STREET NORWICH NR2 2DS
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	THE UNTHANK ARMS
Address of the premises you wish to support or object to.	149 NEWMARKET ST NR2 2DR

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

Licensing Objective	Please set out your <del>objections</del> objections below. Please use separate sheets if necessary
To prevent crime and disorder	- DRUNKEN BEHAVIOUR - DAMAGE TO STREETS/CARS
Public safety	- PEOPLE DRUNK IN ROAD CAUSING ACCIDENTS - <del>LADS</del> NIGHTS SHOUTING AT FEMALE RESIDENCE
To prevent public nuisance	- NOISE - PEOPLE DRINKING IN STREET - FIGHTS   BROKEN GLASS
To protect children from harm	PLEASE SEE ATTACHED LETTER

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

Signed:

Date:

18/3/2009

18/3/2009

Please see notes on reverse

Cont..

①

We strongly object to the plans of the Unthank Arms. As it stands at the moment they have a large beer garden at the rear of the pub, were summer or evening drinking can happen. We do not think that they need to have table/chairs out the front/ side to encourage people to drink excess and become loud in the street. We have complained to the pub a number of times about people that simply stand out the front to smoke, these people are usually loud, drunk and use foul language. They certainly do not respect the neighbours! We have also called out the Police, due to a fight that broke out in the front of the pub, these people were drinking outside. This not only causes noise and disturbs us but glasses got smashed on the road. which then damages cars.

By allowing people to drink outside the front + late in the evening is going to cause a problem with the safety of residence and passing people. The reason for our concern is because drunken peoples behaviour will leak out on to the street, it will no longer be in the hands of the pub!

We are happy for people to enjoy a drink in the pub, and in the beer garden. But out the front/side will be an absolute nuisance to residence. All activity of residence can be monitored which is a concern for elderly or people living alone. Not to mention the noise if you are putting children to bed and it's a summer evening and your windows are open. Or if you are just simply trying to relax in your own home without wanting to feel like you are in the pub with them. I think we are all aware of the UK drink culture!

finally we would just like to state we are not against the pub and people enjoying themselves. But what we didnt think would happen is drinking in the street because essentially this is what it would be. The pub have the table/chairs out till 6pm this should be enough there is no reason or need for them to be out longer.

We are sure many people that drink in the pub are respectful but it only takes a few to spoil things. And we dont want ~~our~~ evenings spoilt.

Kind Regards

18/3/09.

18/3/09

## Kemp, Ruth

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**From:** Dave Smith  
**Sent:** 17 March 2009 20:19  
**To:** Licensing  
**Subject:** Unthank Arms, NR2

I understand The Unthank Arms public house in Newmarket Street, NR2, has applied to have tables and chairs on the pavement at all hours.

I have received no letter from the council regarding this. Are the council planning to inform the residents of this application?

I would like to state my objection to the license application on the following grounds

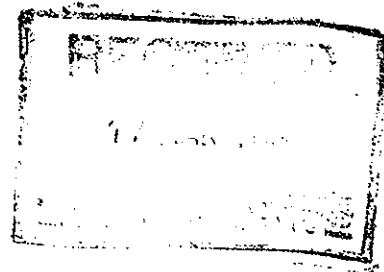
- The noise it will create late in the evening
- There is already a considerable number of people gathering on the pavement smoking/creating noise/dropping glasses etc
- The pub already has a large beer garden, it does not need to encroach on the public space
- The intrusion into residents' privacy with large gatherings of people

Please let me know you have received this email

Regards

Mr David Smith  
32 Mount Pleasant  
Norwich  
NR2 2DG

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)	Clr Niki George Norwich City Council
Postal address	145 Newmarket street NR2 2DE
Email address	
Contact telephone number	

Name of the premises you wish to support or <del>object</del> to	Unthank Arms
Address of the premises you wish to support or object to.	149 Newmarket street - NR2 2DE

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 change.
Public safety	..
To prevent public nuisance	..
To protect children from harm	..

Please suggest any conditions which would alleviate your concerns.	I see no problems as long as the <del>the</del> seating is not in use after 6pm. - This could possibly be extended on a <u>Saturday</u>
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Signed:

Date: 16/3/09

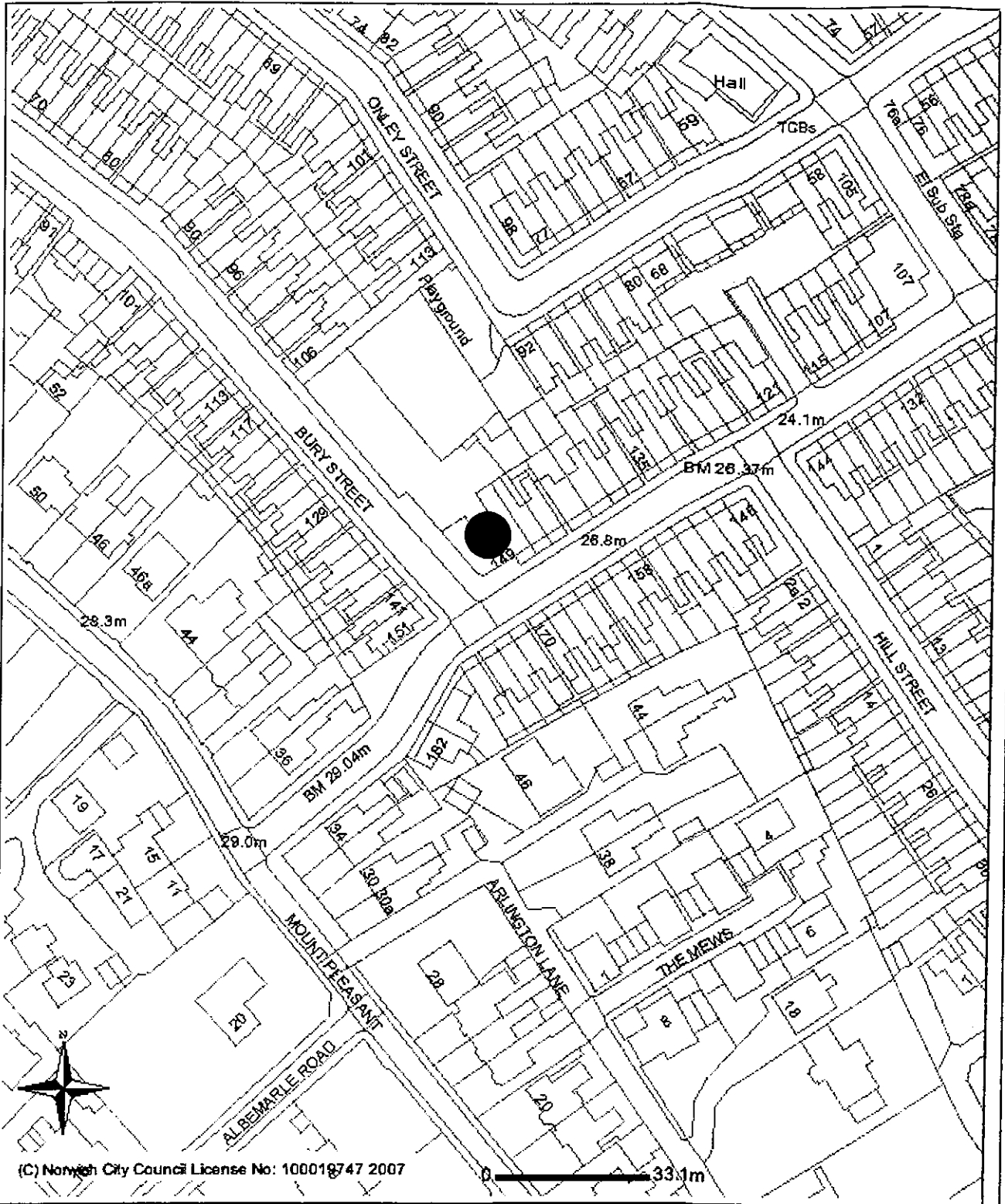
Please see notes on reverse



NORWICH City Council

Norwich City Council  
City Hall Norwich  
NR2 1NH

Tel: 01603 212212  
info@norwich.gov.uk



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# APPENDIX E

## Local Policy considerations

- 1.0 Introduction
- 1.4 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the four licensing objectives. These are:
  - The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children from Harm
- 1.5 The 2003 Act also requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 2.0 Consultation and Links to other Policies and Strategies
- 2.7 So far as possible, the Council will avoid duplication with other regulatory regimes, and will not to use its powers under the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation and other enforcement agencies. As an example, the council will not seek to impose fire safety conditions that mat duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.
- 3.0 Applications for Licences
- 3.1 To assess applications for premises licences, the council must be satisfied that the measures proposed in the applicant's operating schedule aim to achieve the four licensing objectives. **Bold type** refers to matters that the council expects to see addressed in the applicant's operating schedule, where appropriate. Passages of text that are not in **bold type** are provided to assist applicants to understand what the council is seeking to achieve, the factors that influence the achievement of that outcome and the control measures that could be implemented by the applicant to achieve that outcome. Guidance notes for applicants will be available.
- 3.2 **Applicants must address the four licensing objectives in their operational plan. The operating plan must have regard to the nature of the area where the premises are situated, the type of premises, the licensable activities to be provided, operational procedures and the needs of the local community. The operating schedule must demonstrate how the premises will be "good neighbours" both to residents and to other venues and businesses.**

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

## 8.0 The Impact of Licensed Premises

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

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

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

## 13.0 Management of Licensed Premises

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

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

## LICENSING OBJECTIVES

### 21.0 Objective - Prevention of Crime and Disorder

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

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

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

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

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

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

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

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

### 23.0 Objective - Public Safety

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

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

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

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

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

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

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

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

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

## 25.0 Objective - Prevention of Public Nuisance

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

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

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

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

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

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



## 27.0 Objective - Protection of Children from Harm

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

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

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

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

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

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

These examples can be adopted in any combination.

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

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

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

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

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

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

# APPENDIX F

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

### Where representations are made

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

### Fundamental Principles

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

### Licensing Hours

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

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