

# NORWICH CITY COUNCIL

## Report for Resolution

**Report To** Licensing Sub-Committee

25<sup>th</sup> June 2008

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

**Subject** Licensing Act 2003:  
Application for the Grant of a Premises Licence -  
19 Finkelgate, Norwich, NR1 3HE

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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 grant a Premises Licence in respect of 19 Finkelgate, Norwich, NR1 3HE following the receipt of Interested Party objections.

### **Recommendation**

That Members determine the application to grant a Premises Licence in respect of 19 Finkelgate, 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 Imam Uddin of 109 Lord Avenue, Ilford, Essex, IG5 0HL.
- 1.2 The premises will operate as a restaurant in a mixed residential, retail and commercial area of the city.
- 1.3 This grant application seeks to allow the provision of regulated entertainment and the sale by retail of alcohol.
- 1.4 The details of the Operating Schedule are as follows:
- 1.4.1 The Licensable Activities are:
- Recorded Music (Indoors Only)
  - Sale by Retail of Alcohol (For Consumption On the Premises Only)
- 1.4.2 The proposed standard days and hours for the licensable activities are:
- |                     |               |          |
|---------------------|---------------|----------|
| • Recorded Music    | 12:00 – 23:30 | Everyday |
| • Supply of Alcohol | 12:00 – 23:30 | Everyday |
- 1.4.3. The opening hours requested are:
- |               |          |
|---------------|----------|
| 12:00 – 23:30 | Everyday |
|---------------|----------|
- 1.5 The steps proposed to support the four licensing objectives are attached to the Report as Appendix A.
- 1.6 Following consultation with Norfolk Constabulary, the applicant has also agreed for the following condition to be attached to the Operating Schedule:
- “All staff will be appropriately trained in legislation regarding the sale of alcohol. A record of this training will be kept and made available to police and licensing officers on request.”

## 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 Seven representations in objection to the application have been received from Interested Parties and the responses are attached to the report as Appendix B. The objections mainly relate to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Members will note that the objections should only be considered in relation to the four licensing objectives, and that the question of the “need” for another licensed premises in the area is not a relevant consideration under the Licensing Act 2003.
- 2.3 A site map of the area identifying the application premises is attached as Appendix C. A more detailed map of the area detailing the Interested Party’s residences will be available at the meeting.

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

- 3.1 Attached at Appendix D 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 E 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.
- 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 representation received from the Interested Parties appear to relate to issues that fall under the licensing objective 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 contains examples of factors that impact on the licensing objective 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 31.7 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 contains pools of model conditions relating to the prevention of crime and disorder and the prevention of public nuisance.

**P** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

AS BELOW

**b) The prevention of crime and disorder**

LIQUOR IS NOT TO BE SOLD TO UNDERAGED OR INTOXICATED PERSONS.

**c) Public safety**

SENSIBLE OCCUPANCY LIMITS OF RESTAURANT WILL BE ADHERED TO, AS WELL AS APPROPRIATE TRAINING AND SUPERVISION OF EMPLOYEES TO SECURE THE SAFETY OF THE PREMISES AND PATRONS.

**d) The prevention of public nuisance**

CONSIDERING LOCAL RESIDENTS WHEN PLAYING RECORDED MUSIC, SO AS NOT TO CAUSE NUISANCE TO NEIGHBOURING OR ADJOINING PROPERTIES.

**e) The protection of children from harm**

CHILDREN MUST BE ACCOMPANIED BY AN ADULT.  
NO ALCOHOL TO BE SERVED TO UNDERAGED PERSONS.



**NORWICH**  
City Council

29 MAY 2008  
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):

K. LAWS-CHAPMAN and N.A. STEVENSON

Postal address: 185 QUEENS ROAD, NORWICH NR1 3PP

Email address: \_\_\_\_\_

Contact telephone number: \_\_\_\_\_

Name of the premises you wish to support or object to:

Ref. 08/00970/PREM

Address of the premises you wish to ~~support~~ or object to:

19 Finkelgate, Norwich NR1 3HE

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

Licensing objective	Please set out your <del>support</del> or objections below. Please use separate sheets if necessary.
To prevent crime and disorder	
Public safety	Increase of vehicular traffic into the late evening at a very busy junction, increasing likelihood of accidents both vehicular and with pedestrians.
To prevent public nuisance	1. Potential increase in litter & food waste & odours from cooking food will contribute to reduction in the quality of life of residents. 2. Noise from access/egress to restaurant at night.
To protect children from harm	
Please suggest any conditions which would alleviate your concerns.	1. No take-away (to prevent traffic parking and blocking pavements near to junction) 2. Noise management, including air conditioning to reduce noise pollution from open windows in warm weather. 3. Enhanced air management/ventilation to reduce smells from cooking food. 4. Enhanced waste management to reduce smells and prevent vermin.

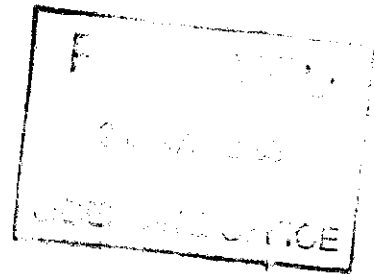
Signed: \_\_\_\_\_

Date: 29/5/08

Please see notes on reverse



**NORWICH**  
City Council



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. R. D. OAKLEY

Postal address: 9 FINKELGATE,

NORWICH, NR1 3HF

Email address: \_\_\_\_\_

Contact telephone number: \_\_\_\_\_

Name of the premises you wish to support or object to:

IMAM UDDIN

Address of the premises you wish to support or object to:

19 FINKELGATE,

NORWICH, NR1 3HE.

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	car parking. There is a limited amount of parking places at these premises.
To prevent public nuisance	There will be more noise and pollution as people will be parking outside our flats late at night
To protect children from harm	My grand children stay with me at weekends and I do not believe we have to put up with this place being open late at night
Please suggest any conditions which would alleviate your concerns.	one suggestion, close alday Sunday or two, close at 10.00 P.M. Sunday

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

Date: 25/05/08.

Please see notes on reverse

MR. R. D. OAKLEY

Referring to the public nuisance, I have lived here next door to these premises for many years when it was a public house. We had problems then with people and there bad behavior, like using our stairwells and court yard for toilets and the such. I have my grandchildren stay with me at week-ends and do not want them have to put up with this and all the noise and pollution that is going to happen more so late at night, we don't need this.

And with the parking as I said there is very limited parking spaces on these premises so that ~~means~~ means they will park where ever they can, which means outside our flats Also with the smoking ban they will be out-side causing more noise and pollution.



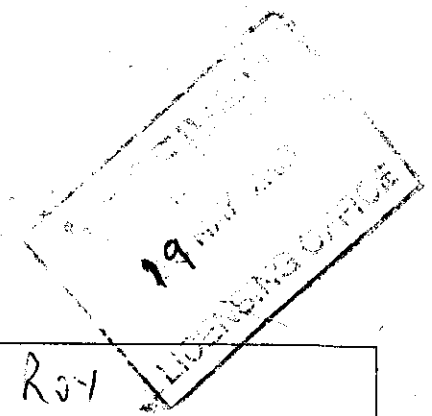
I think we have a enough drinking  
places in this area as it is.

As anybody gives any consideration  
to the residents in this area. Thank You.

Yours Sincerely

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)	JOHN GRAHAM ROY
Postal address	17 ALDERSON PLACE NORWICH NR1 3RD
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	
Address of the premises you wish to support or object to.	19 FINKLEATE NORWICH

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	THESE PREMISES WILL BE THE FIRST SUCH PLACE WITHIN A 50METER AREA AROUND MY HOME AND THESE ARE WELL KNOWN TO THE POLICE
Public safety	
To prevent public nuisance	MY BEDROOM WALL LIES AGAINST THE CAR PARK AND THE NOISE FROM CARS LEAVING AT NIGHT WILL WAKE ME UP I AM DISABLED AND GO TO BED AT 2100.
To protect children from harm	

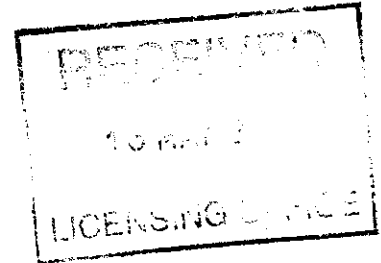
Please suggest any conditions which would alleviate your concerns.	
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Signed:

Date: 19/5/08

Please see notes on reverse

Norwich City Council Licensing Authority  
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	Miss. Elisabeth - Flowerday (resident)
Postal address	10, Finkelgate Norwich NR1 3HE
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	19, Finkelgate.
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	Granting a licence would increase anti-social behaviour in an area where crime figures are already above the national average
Public safety	There is already drug-dealing and prostitution in this vicinity & frequent disturbances (vandalism on vehicles, theft, burglary and attacks)
To prevent public nuisance	Noise would increase and parking for residents would become even more difficult than it is already.
To protect children from harm	(I work from home and appreciate a minimum of noise). Increased traffic, noise, hazardous driving and anti-social behaviour due to alcohol availability.

Please suggest any conditions which would alleviate your concerns.	- to refuse this application.
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Signed:

Date:

9<sup>th</sup> May 2008

Please see notes on reverse



**NORWICH**  
City Council

Organisational Development  
- 6 MAY 2008  
Post Room

RECEIVED  
06 MAY 2008  
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):

ANN JACKAMAN

Postal address:

11, FINKELGATE

NORWICH NR1 3HF

Email address:

Contact telephone number:

Name of the premises you wish to support or object to:

"PUB" 19 FINKELGATE NORWICH

Address of the premises you wish to support or object to:

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	WHEN YOU HAVE LOADS OF PUBS IN A SMALL AREA THERE WILL BE TROUBLE. ONE ON CITY ROAD AND THREE PUBS OPPOSITE ON THE
Public safety	TOP OF HALL ROAD! ALSO OTHER PUBS ON BER STREET! I WONDER IF THEY KNOW THIS ITS NOT GOOD FOR BUSINESS
To prevent public nuisance	MY BEDROOM IS RIGHT NEXT DOOR TO THIS PREMISES, I DONT WANT TO BE WOKEN UP EVERY NIGHT BY LOUD MUSIC AND
To protect children from harm	DRUNKS. WE HAVE ENOUGH PROBLEMS WITH THE PUBS HERE ALREADY ON SAT URDAY NIGHTS.
Please suggest any conditions which would alleviate your concerns.	WELL IF THE PREMISES WAS A RESTAURANT OR SHOP I WOULDNT COMPLAIN BECAUSE ITS NORMAL WORKTIMES AND NO TROUBLE

THANK YOU.

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

Date: \_\_\_\_\_

1/5/08

Please see notes on reverse

www.norwich.gov.uk

ALSO THE RESIDENTS AT FINKELGATE HAVE VERY FEW PARKING PLACES AND WHEN CHOICES WAS HERE THE CUSTOMERS TOOK OUR PARKING PLACES AND WOULDNT PARK AT THE BACK OF CHOICES SO THATS ANOTHER PROBLEM



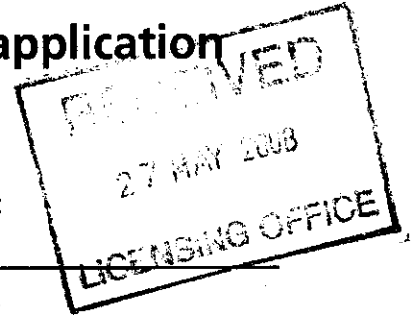
**NORWICH**  
City Council

2ND REPLY

21 May 08

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 JACKAMAN

Postal address:

11, FINKELGATE  
NORWICH

Email address:

Contact telephone number:

Name of the premises you wish to support or object to:

Address of the premises you wish to support or object to:

19 FINKELGATE

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	TOO MANY PUBS IN AREA (6 IN ALL) TOP OF HALL RD 3, CITY RD 1, BER ST. 2
Public safety	
To prevent public nuisance	MY BEDROOM IS NEXT DOOR TO THIS PLACE I AM GOING TO BE WOKEN UP EVERY NIGHT I ALSO DO NOT HAVE DOUBLE GLAZING!
To protect children from harm	
Please suggest any conditions which would alleviate your concerns.	ROWDY PEOPLE MAKING NOISE NEAR RESIDENTIAL HOMES. I AM NOT HAPPY ABOUT THIS

I DO NOT SUPPORT THIS PLAN

Signed:

Date:

21/5/08

Please see notes on reverse



NORWICH  
City Council

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18  
LICEN

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 K. WHILEY + MISS L. ABBS

Postal address: 7 FINKLEGATE, NORWICH, NORFOLK

NR1 3HE

Email address: N/A

Contact telephone number: \_\_\_\_\_

Name of the premises you wish to ~~support~~ or object to:

19 FINKLEGATE, NORWICH NR1 3HE

Address of the premises you wish to ~~support~~ or object to:

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	FEAR OF GENERATING MORE CRIME, DISRUPTION + DISORDER AND POTENTIAL ACCIDENTS CAUSED TO DRUNK + DISORDERLIES. *
Public safety	We believe that the potential of accidents caused on the road may increase
To prevent public nuisance	we feel that there is enough noise pollution caused by surrounding licensed premises and do not wish for any more.
To protect children from harm	
Please suggest any conditions which would alleviate your concerns.	

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

Date: 17<sup>th</sup> May 2008.

Please see notes on reverse

19 Finkelgate Norwich NR1 3HE

**Premises Opening Hours**

Everyday 12:00 - 23:30

Please note that this application replaces that previously made which was deemed an invalid application as the applicant has not complied with the necessary advertising requirements.

**Activities and Operational Times**

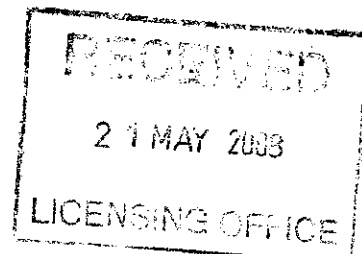
Recorded Music (Indoors Only)  
Everyday 12:00 - 23:30

Supply of Alcohol (For Consumption On the Premises Only)  
Everyday 12:00 - 23:30

**Any Representations must be received by the Licensing Office by 29<sup>th</sup> May 2008.**

Please be aware that representations must relate to one of the four licensing objectives, e.g. prevention of public nuisance, and that the question of the "need" for a licensed premises in the area cannot be taken into account.

Further to our other objections we do not feel it necessary to have another licenced premises in this ~~area~~ <sup>area</sup>. we have further concerns that we, as residents of this ~~area~~ <sup>area</sup>, will have to endure public noise, the potential of brawls + nuisance however, it would be appreciated if we could more of a description of what the premises will actually be rather than guess at it!!





**NORWICH**  
City Council

RECEIVED  
02 MAY 2008  
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):

St John de Sepulchre Church

Postal address: Belf Finklegate Street  
NORWICH

Email address: \_\_\_\_\_

Contact telephone number: 01603-448445

Name of the premises you wish to support or object to:  
7

Address of the premises you wish to support or object to:  
19 Finklegate  
NORWICH NR1 3HE

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	<u>Please see attached</u>
To protect children from harm	
Please suggest any conditions which would alleviate your concerns.	

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

Date: 28<sup>th</sup> April 2008

Please see notes on reverse



**The Parish of St. John the Theologian  
Finklegate, Norwich  
Registered Charity No. 293833**

**127 Wilks Farm Drive  
Sprowston  
NORWICH NR7 8RQ**

28<sup>th</sup> April 2008

Norwich City Council,  
City Hall  
NORWICH NR2 1NH

Notes on application for premises licence, 17 Finklegate

Dear Sir,

On behalf of our parish, we welcome all actions that will improve the social situation of this section of the city.

Our only reservations would be for possible excessive noise and parking problems, which could result from large events at the subject premises. We hold church services on a regular basis on Saturday evenings (7 p.m. on) with occasional evening services on other dates.

We aim to be good neighbours to all in the Finklegate area and hope that this will be reciprocated.

Chris J. Cowlin  
Parish treasurer.

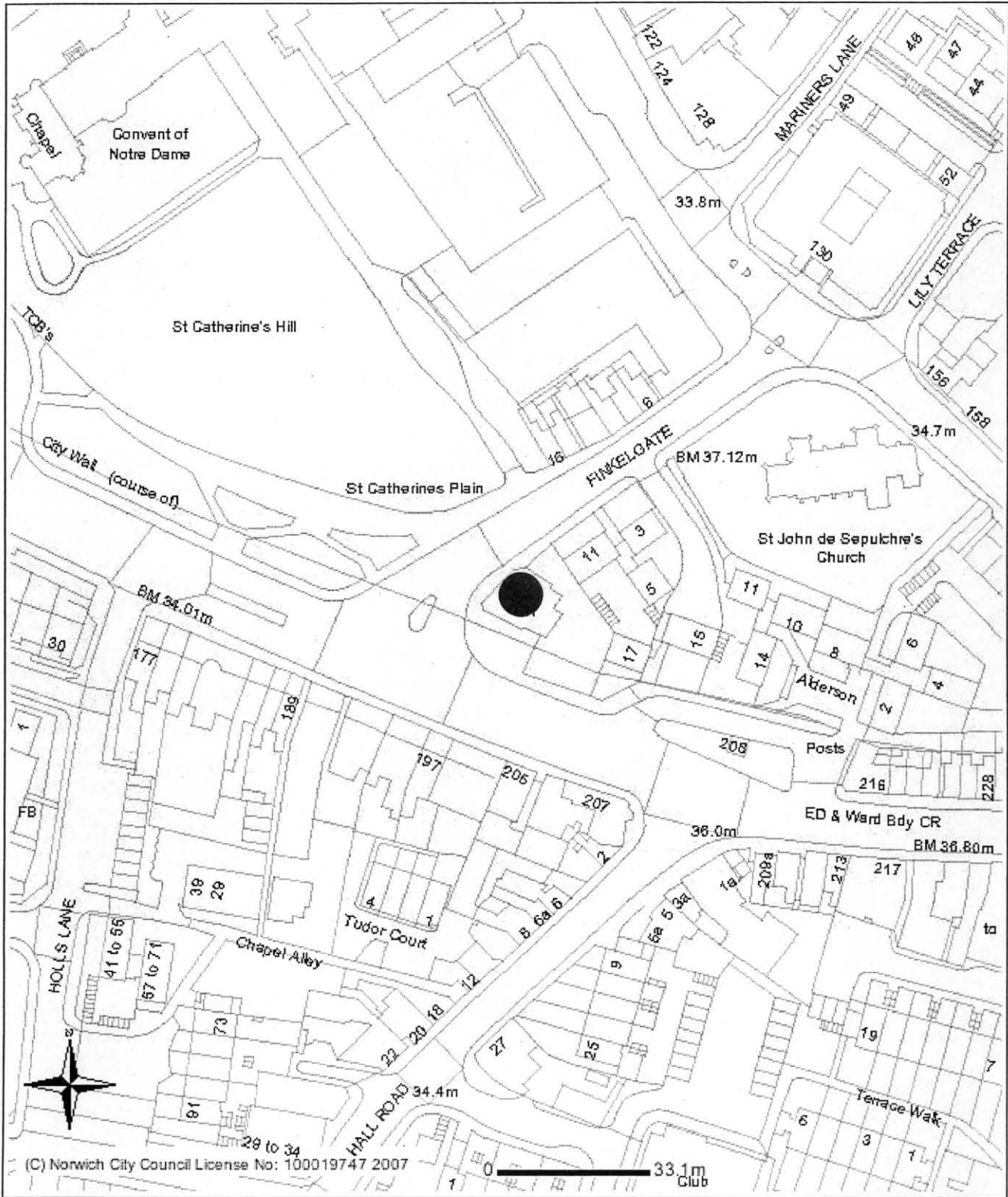


NORWICH City Council

Norwich City Council  
City Hall Norwich  
NR2 1NH

Tel: 01603 212212  
info@norwich.gov.uk

### 19 Finkelgate, Norwich



(C) Norwich City Council License No: 100019747 2007

Scale: 1:1250

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# APPENDIX D

## 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.
- 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

### 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.

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  
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

31.7 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 E

## **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."