

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee

21 November 2008

Report of Head of Legal & Democratic Services

Subject Licensing Act 2003:
Application for the grant of a Premises Licence -
St Andrews Plain, St Georges Park and St Georges Street
from St Andrews Street to Colegate

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 for the grant of a Premises Licence in respect of St Andrews Plain, St Georges Park and St Georges Street from St Andrews Street to Colegate Norwich following the receipt of objections from Interested Parties.

Recommendation

That Members determine the application for the grant of a Premises Licence in respect of St Andrews Plain, St Georges Park and St Georges Street from St Andrews Street to Colegate Norwich in accordance with the:

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

Financial Consequences

The financial consequences for this report are nil.

Corporate Objective/Service Plan Priority

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

Contact Officers

Ian Streeter

Phone No 212439

Background Documents

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

Norwich City Council Statement of Licensing Policy

1.0 The Application

- 1.1 The applicant is Norwich City Council of City Hall, St Peters Street, Norwich.
- 1.2 The premises licence will cover the public spaces and streets within the city centre of Norwich, as detailed above and marked on the map at Appendix A.
- 1.3 This grant application seeks to allow the provision of regulated entertainment at the premises.

1.4 The details of the Operating Schedule are as follows:

1.4.1 The Licensable Activities are:

- Plays
- Films
- Live Music
- Recorded Music
- Performances of Dance
- Any Other Similar Entertainment
- Provision of Facilities for Making Music
- Provision of Facilities for Dancing
- Provision of Other Similar Entertainment Facilities

1.4.2 The proposed standard days and hours for the licensable activities contained in the application are:

• Plays	09:00 – 23:00	Everyday
• Films	09:00 – 00:00	Everyday
• Live Music	09:00 – 23:00	Everyday
• Recorded Music	09:00 – 23:00	Everyday
• Performances of Dance	09:00 – 23:00	Everyday
• Other Similar Entertainment	09:00 – 23:00	Everyday
• Provision of Music Facilities	09:00 – 23:00	Everyday
• Provision of Dance Facilities	09:00 – 23:00	Everyday
• Provision of Other Entertainment Facilities	09:00 – 23:00	Everyday

1.4.3 The opening hours requested are:

00:00 – 00:00 Everyday

1.4.4 The steps proposed to support the four licensing objectives (the 'Operating Schedule') are attached to the report as Appendix B.

1.4.5 Further to a meeting with the Friars Quay Residents Association, the applicant has amended the proposed standard hours for licensable activities as follows:

- Plays 09:00 - 22:00 Sunday -Thursday
 09.00 - 23:00 Friday & Saturday

• Films	09:00 - 22:00	Sunday -Thursday
	09.00 - 23:00	Friday & Saturday
• Live Music	09:00 - 22:00	Sunday -Thursday
	09.00 - 23:00	Friday & Saturday
• Recorded Music	09:00 - 22:00	Sunday -Thursday
	09.00 - 23:00	Friday & Saturday
• Performances of Dance	09:00 - 22:00	Sunday -Thursday
	09.00 - 23:00	Friday & Saturday
• Other Similar Entertainment	09:00 - 22:00	Sunday -Thursday
	09.00 - 23:00	Friday & Saturday
• Provision of Music Facilities	09:00 - 22:00	Sunday -Thursday
	09.00 - 23:00	Friday & Saturday
• Provision of Dance Facilities	09:00 - 22:00	Sunday -Thursday
	09.00 - 23:00	Friday & Saturday
• Other Entertainment Facilities	09:00 - 22:00	Sunday – Thursday
	09:00 – 23:00	Friday & Saturday

1.4.6 In addition to amending the standard hours, the applicant also seeks to add the following conditions to the Operating Schedule of the licence:

- The licensable activities permitted under this licence shall be restricted to a maximum of twenty four days per calendar year.
- On no more than twelve days per calendar year will the licensable activity finishing time be after 19:00.
- No licensable activity finishing after 19:00 will last longer than 2 consecutive days.
- Eighteen calendar days must elapse between events finishing after 19:00.
- All timings are inclusive of set up, set down & clear-up times.
- On Bank Holiday Sundays 1 hour is to be added to the finishing time.
- The Friars Quay Resident's Association Chair is to be informed by the event organiser for consultation at least two weeks in advance of events.
- The events staged in the area should at all times recognize and respect the residential nature of the area.
- The maximum number of persons permitted in St Georges Park shall be restricted to 1000.

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 A letter detailing the revisions to the application as set out in paragraphs 1.4.5 and 1.4.6 above was sent to those interested parties who had lodged objections and they were asked if the amendments would impact on the representations made. As a result, three of the interested parties withdrew their objections.
 - 2.3 However, there remain twenty five interested party objections to the proposals and these are attached as Appendix C to the report. The objections relate mainly to the licensing objectives of crime and disorder and the prevention of public nuisance.
 - 2.4 Six statements of support for the amended application have been received and these are attached as Appendix D to the report.
 - 2.5 A more detailed map of the area delineating 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)

- 4.1.1 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 public nuisance.