

Report to	Licensing sub committee 16 April 2014	Item
Report of	Head of citywide services Licensing Act 2003:	3
Subject	Application for the Grant of a Premises Licence – 46 St Benedicts Street Norwich NR2 4AQ	

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 46 St Benedicts Street Norwich NR2 4AQ following the receipt of relevant representations.

Recommendation

That members determine the application to grant a Premises Licence in respect of 46 St Benedicts Street Norwich NR2 4AQ 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.

Corporate and service priorities

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

Financial implications

None.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment, development and transport

Contact officers

Ian Streeter, licensing manager

01603 212439

Background documents

None

Report

The application

1. The applicant is Anna Chalu of 58 Pottergate Norwich NR2 1DY.
2. The application seeks to allow the licensable activity of the sale by retail of alcohol.
3. The proposed standard days and hours for the licensable activity is:

the sale by retail of alcohol (for consumption on the premises)

Monday	1600 – 2300
Tuesday	1600 – 2300
Wednesday	1600 – 2300
Thursday	1600 – 2300
Friday	1600 – 2300
Saturday	1200 – 2300
Sunday	1200 – 2300

4. The opening hours requested are:

Monday	1600 – 2300
Tuesday	1600 – 2300
Wednesday	1600 – 2300
Thursday	1600 – 2300
Friday	1600 – 2300
Saturday	1200 – 2300
Sunday	1200 – 2300

5. The steps proposed to promote the licensing objectives together with a plan of the premises are attached at appendix A to the report.

Relevant representations

6. The responses from the Responsible Authorities are as follows:

Police – representations received (see appendix B).

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

7. The representation received from the police has suggested that the following additional conditions be attached to any premises licence granted and they would withdraw their representation on this basis.

A digital CCTV system will be installed and maintained in the premises and in working order at all times. Sufficient cameras will be installed to monitor the public area within the building and the immediate vicinity outside. Copies of images must be downloadable in a digital format and provided to police representatives on reasonable request. Images must be retained for a minimum of 28 days.

A refusal book will be kept on the premises to record all refused sales and be available for inspection to Police or Licensing authority on request.

An incident log to be kept on the premises to record all incidents of crime or disorder that occur at the venue. This log will be kept on the premises and available to Police or Licensing Authority on request.

All staff involved in the sale of alcohol will receive training relating to the sale of alcohol. A copy of this training will be available to Police or Licensing Authority on request.

A Challenge 21 Policy will be used.

No patrons will be allowed to leave the premises whilst in possession of any open drinking vessel or glass bottle whether empty or containing any beverage.

8. Six representations have been received in respect of the application with concerns which appear primarily to relate to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Copies of the representations are attached at appendix C to the report.

Norwich City Council Statement of Licensing Policy

9. 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:

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

10. 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.

Summary

11. In determining the application with a view to promoting the licensing objectives the sub-committee must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
 - the representations (including supporting information) presented by all the parties;
 - the guidance issued under Section 182 of the Licensing Act 2003 (national guidance); and
 - the council's own statement of licensing policy.
12. The Sub-Committee must take such of the following steps as it considers appropriate 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
13. 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 appropriate in order to promote the licensing objectives.
14. The representations received 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 20 and 24 of the local licensing policy at appendix C which contain examples of factors that impact on the licensing objectives 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.
15. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.

APPENDIX A

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

Minimum agreed beverage pricing structure.
Limited opening hours: weekdays 16:00 - 23:00 weekends: 12:00 - 23:00
Proof of age requested if needed.
Limited customer occupancy.

b) The prevention of crime and disorder

Sale of alcohol 'on-premises' only, within the designated opening hours.
No extended license (i.e. no sale of intoxicating beverages after 11pm).
CCTV already installed and functioning on exterior of building.

c) Public safety

Alcohol sold on the premises will be consumed only within the premises and not even on the immediate street area outside.
Occupancy capacity in order.
Fire escapes kept clear at all times.
Public liability insurance in order.

d) The prevention of public nuisance

Controlled opening hours - no sale of alcohol after 23:00.
Volume level of music kept to a minimum at all times.
No outdoor seating / smoking area.

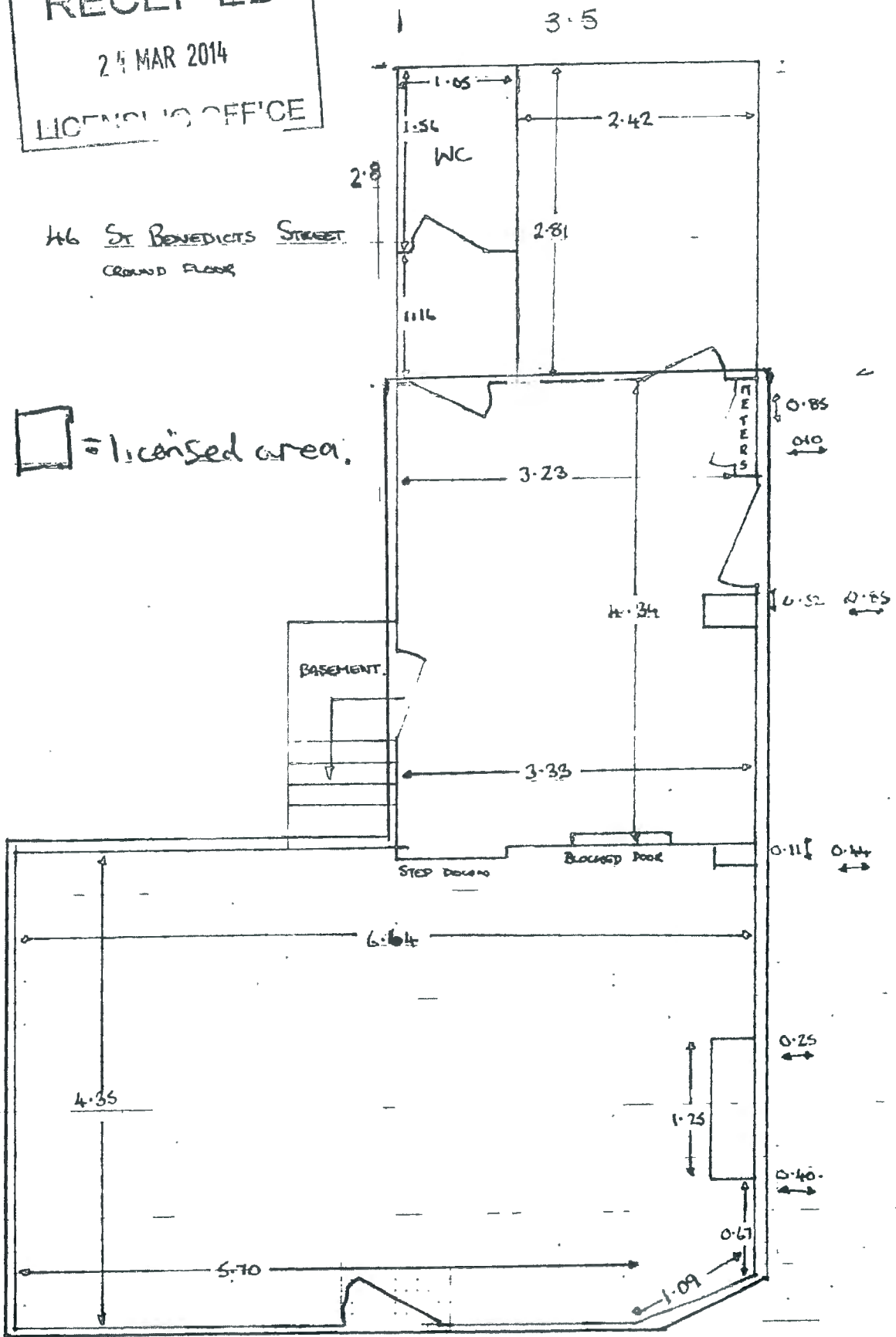
e) The protection of children from harm

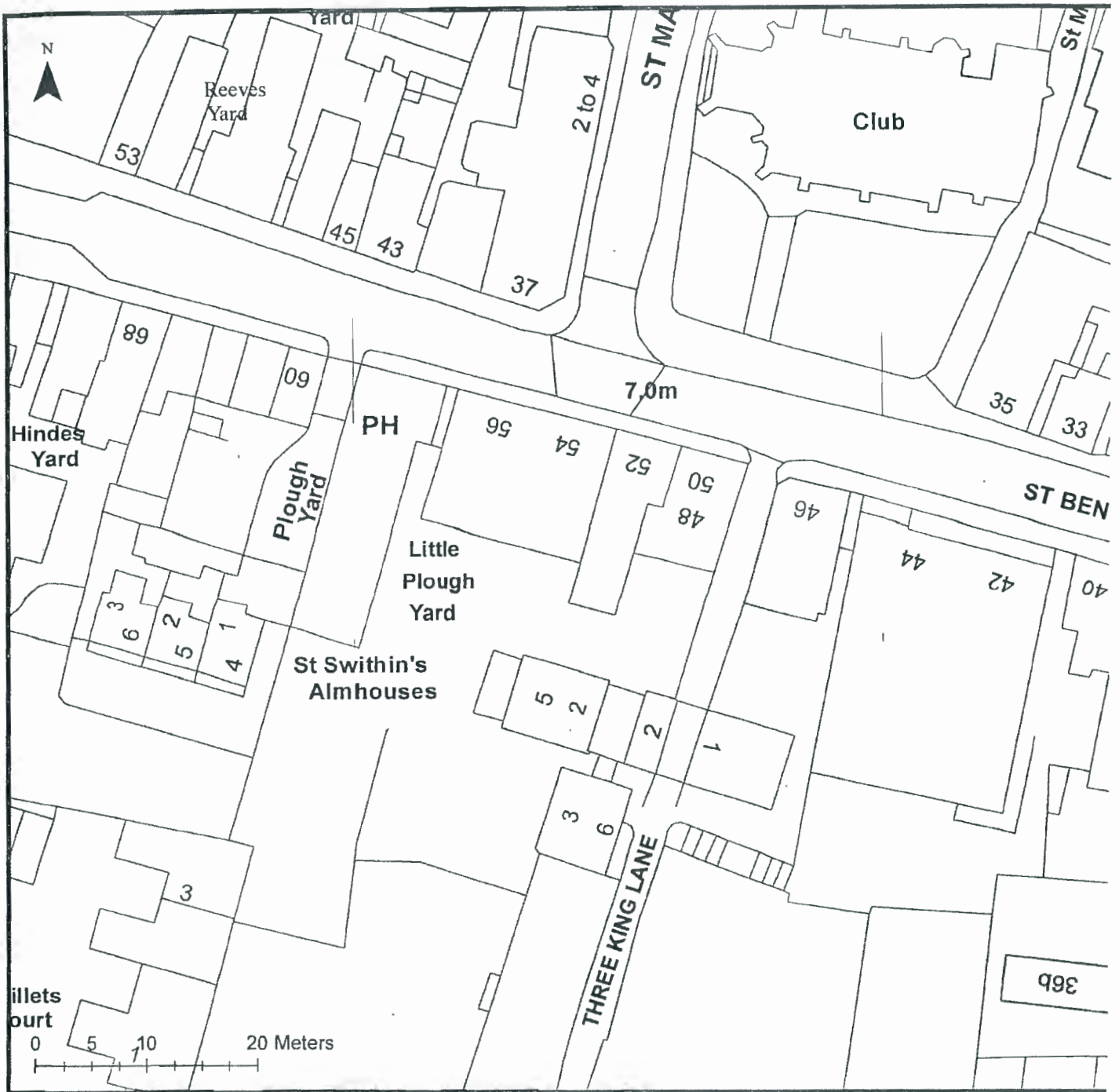
Proof of age taken at all times.

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446 St BENEDICTS STREET
 GROUND FLOOR

 = licensed area.





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NORFOLK

CONSTABULARY

Our Priority is You

Ian Streeter
Licensing Manager
Norwich City Council
City Hall
Norwich

Date: 17th March 2014

Dear Mr Streeter

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel:

Fax:

Email:

Non-Emergency 101

Application for a new premises licence – 46 St Benedict's Street, Norwich

I can confirm that the Police have received a copy of the premises licence application for 46 St Benedict's Street Norwich to allow for the sale of alcohol for consumption on the premises between 1600-2300 hrs daily.

The premises management intend to operate the premises as a bar with an offering of food such as tapas.

In order to promote the licensing objectives and to reduce the risk of crime and disorder occurring at the venue, the Police request the following conditions are added to the premises licence:

- A digital CCTV system will be installed and maintained in the premises and in working order at all times. Sufficient cameras will be installed to monitor the public area within the building and the immediate vicinity outside. Copies of images must be downloadable in a digital format and provided to police representatives on reasonable request. Images must be retained for a minimum of 28 days
- A refusal book will be kept on the premises to record all refused sales and be available for inspection to Police or Licensing Authority on request.
- An incident log to be kept on the premises to record all incidents of crime and disorder that occur at the venue. This log will be kept on the premises and available to Police or licensing Authority on request.
- All staff involved in the sale of alcohol will receive training relating to the sale of alcohol. A copy of this training will be available to Police or Licensing Authority on request.
- Challenge 21 Policy will be in use
- No patrons will be allowed to leave the premises whilst in possession of any open drinking vessel or glass bottle whether empty or containing any beverage.

With these conditions added to the licence, there will be no Police objections to this application.

APPENDIX C

Martin Harris
46b St Benedicts Street
Norwich
NR2 4AQ



tel:

Norwich City Council
Licensing section
City Hall
St Peter Street
Norwich
NR2 1NH

17th March 2014

Dear sir or madam,

Please find enclosed two separate statements of objection to the application for a premise licence at 46B St Benedicts Street. One statement is from myself, the other is from my housemate, Daniel Champ.

Yours faithfully

Martin Harris

Encs.

Norwich City Council Licensing Authority Licensing Act 2003




NORWICH
City Council

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

Your name/organisation name/name of body you represent (see note 1)	Martin Harris
Postal address	46b St Benedicts Street Norwich NR2 4AQ
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	46 St Benedicts Street Norwich NR2 4AQ
Licensing objective	Please set out your support or objections below. Please use separate sheets if necessary.
To prevent crime and disorder	We often hear drunk people at evening and night time. Sometimes we find drunk people wandering in our alley way or urinating in our porch or alley way. My concern is that this would happen more.
Public safety	There are often quite a lot of drunk people in the area at night time. I do not always feel safe because of this. The proposed licence would surely mean more drunk people.
To prevent public nuisance	<p>I live directly above the application premises. I am self-employed and often work from home. My desk is in a room directly above a back room of the application premises. The application premises' ceiling and our floor are both very thin and easily let sound through. Previously, when the Rumbling Tum Café was below us, I could very easily hear their radio coming from the back room, even when they had it on quietly. This made it very difficult for me to concentrate on my work. I spoke to the Rumbling Tum owners on several occasions to no avail. I had intended to take further action but fortunately the café closed down and since then we've experienced blissful peace and quiet.</p> <p>So, if the proposed application premises were allowed to play music, it would disturb me even more than the Rumbling Tum's radio did. It would make it very hard if not impossible</p>

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	for me to work during the day, and in the evenings I would find it difficult to relax in my own home. I am a practising Buddhist and, from experience, I know I would find the music very disturbing to my meditation practice.
To protect children from harm	
Please suggest any conditions which would alleviate your concerns	Ideally, allow no music. Or no music in the back room. Keep the back door closed at all times, especially during the summer when it would tend to be kept open more. In my experience the open door makes the music even louder for us. Fit quality sound-proofing to the ceiling, as their floor and our ceiling are very thin and easily let sound through.
Signed:	 17 th March 2014

**Norwich City Council
Licensing Authority
Licensing Act 2003**



**NORWICH
City Council**

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

Your name/organisation name/name of body you represent (see note 1)	Daniel Champ
Postal address	46B St Benedict's Street. Norwich. NR2 4AQ.
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	46 St Benedict's Street. NR2 4AQ.
Licensing objective	
Licensing objective	Please set out your support or objections below. Please use separate sheets if necessary.
To prevent crime and disorder	I feel that a licensed premises opening here would lead to an increased risk of drunken and unruly behaviour which is already often present within the area.
Public safety	The presence of intoxicated persons within a residential area could pose a threat to the safety of those living there.
To prevent public nuisance	Having a potentially noisy premises in the same building as a number of residents would be disruptive to people's personal lives, sleep patterns and work routines.
To protect children from harm	
Please suggest any conditions which would alleviate your concerns	A closing time of 21:00 hours for the premises in question. Non-sale of alcoholic beverages.
Signed:	Date: 11/07/14

Fuller, Maxine

From: debra sequoia
Sent: 19 March 2014 14:51
To: Licensing
Subject: Licensing - premises licence applications received 46 St Benedicts Street
Attachments: Representationform 46A St Benedicts Strteet.docx

I have filled to the form to make a representation about the application for licence at 46 St Benedicts Street.

I live at 46A St Benedicts Street above the premises applying for the licence. I have a number of concerns which i have indicated. I don't necessarily wish to stop the licence going ahead, but do have a number of concerns that I wish to be taken into account with the possibility of some additional steps being put into place to protect residents.

Many thanks
Debra Sequoia

Debra Sequoia
46A St Benedicts Street
Norwich
NR2 4AQ

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)	Debra Sequoia
Postal address	46A St Benedicts Street Norwich NR2 4AQ
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	46 St Benedict's Street. NR2 4AQ.
<i>Your objection or objection must relate to one or more of the following:</i>	
Licensing objective	Please set out your support or objections below. Please use separate sheets if necessary.
To prevent crime and disorder	Concerned about drunk and disorderly behaviour on the street; especially at the entrance and in the resident's alley way / entrance to flats. We have had problems with drunk people peeing in alleyway near our flat's entrance. Recently we had someone trying to break into storage/bicycle shed. Worried we could have more of these types of problems.
Public safety	Concerned about increased drunken, unruly behaviour. My partner is partially disabled and worries about people knocking into him which could cause him to fall.
To prevent public nuisance	The previous cafe, Rumbling Tum generated a lot of noise. We could hear them talking to each other and also their radio . We could even hear their freezer when it was quiet at night!

Signed:

Debra Sequoia

Date:

19/03/2104

Notes

1. In order for you to be able to support or object to an application for a premises licence you must live, work or represent a body that is in the vicinity of the premises.
2. Comments of support or objection must relate to the four licensing objectives, which are:
 - to prevent crime and disorder
 - public safety
 - to prevent public nuisance
 - to protect children from harm.
3. An application for a premises licence will be notified to residents by displaying it on the premises and in the local press. Comments in support or objections must be made within 28 days of the date given in the public notice.
4. If you have made valid comments of support or objection you will be expected to attend a meeting of the authority's licensing sub-committee and any subsequent appeal proceeding. If you do not attend, the sub-committee will still consider your comments, but they may not carry the same weight as if you had attended if, for example, the contents are disputed or challenged.
5. Your comments of support or objection will be passed to the applicant to allow them the opportunity to address your concerns in line with the Licensing Act 2003. Your comments will also be published in the report to the licensing sub-committee, which is publicly available and displayed on the city council's website.
6. Please return this form when completed to:

Norwich City Council
Licensing section
City Hall
St Peter Street
Norwich
NR2 1NH
t: (01603) 623100
f: (01603) 623101
e: licensing@norwich.gov.uk

Fuller, Maxine

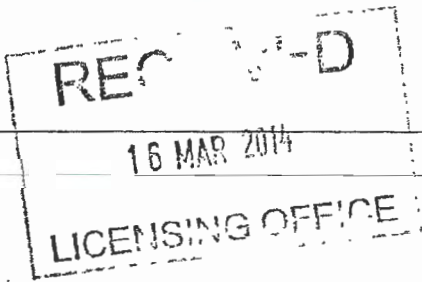
From: Andy Champ
Sent: 16 March 2014 21:08
To: Licensing
Subject: Licensing application 46 St Benedicts Street
Attachments: Representationform.doc

Dear Sir,

Please find attached an objection to the licence application for 46 St Benedict's Street

Sincerely

Andy Champ

Your name/organisation name/name of body you represent (see note 1)	Andy Champ Landlord, 46b St Benedicts St
Postal address	Vicarage Cottage, 15 Burton End, West Wickham, Cambridgeshire
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	46 St Benedicts Street
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	<p>No. 46 used to be a public house, but was divided into two residential flats and a shop many years ago. The internal soundproofing is very poor, an ordinary portable radio used by The Rumbling Tum, the former tenants, was clearly audible within. To have music and what presumably the landlord would wish to be a party type atmosphere immediately below the flats until 11PM 7 days a week would make normal life within the flats impossible.</p> <p>You should have further objections from my son and his flatmate who are my tenants.</p> <p>I suspect the applicant will point out that this was formerly a public house. It closed in May 1968.</p> <p>I also cannot see that there is a need for another public house on St Benedict's Street, when there are others within a few yards - the nearest is The Plough is at number 58.</p>
To protect children from harm	
Please suggest any conditions which would alleviate your concerns	
Signed: Andy Champ	Date: 16 March 2014

Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development

5 MAR 2014

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)	MARION MAXWELL
Postal address	FLAT 4 37 ST BENEDICTS NR 3 HP6
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	46 ST BENEDICTS NORWICH NR3 4AG
Address of the premises you wish to support or object to.	

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	IF THE LICENCE IS GRANTED COULD IT BE A CONDITION THAT THE DOORS REMAIN CLOSED Whilst MUSIC IS PLAYED -
To protect children from harm	

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

Signed:

Date: 04/03/14

Please see notes on reverse

DISPIKE BEING TOLD NOT TO DO SO
OTHER PREMISES IN THE STREET HAVE THE DOORS OPEN Whilst MUSIC IS PLAYED. THIS CAUSES DISRUPTION TO SLEEP LATE AT NIGHT AND WAKES THE CHILDREN

Norwich City Council Licensing Authority
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	RONALD SCOTT
Postal address	NO 3 THREE KING LANE, NORWICH NR2 4JX
Email address	N/A
Contact telephone number	
Name of the premises you wish to support or object to	46 ST B
Address of the premises you wish to support or object to.	46 ST BENEDICTS STREET NORWICH NR2 4JG

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	Yourselves having given no detail of the intended usage, I will object if the above premises are a public house. reasons attached
To protect children from harm	
Please suggest any conditions which would alleviate your concerns.	NO SMOKERS/DRUNKS BLOCKING THE PAVEMENT ON ST BENEDICTS, NO LATE NIGHT SHOUTING, OVERSPILL OF CLIENTS FROM SIDE DOOR INTO THREE KING LANE

Signed:

Date: 26-2-2014

Please see notes on reverse

please see attached

Dear Sir or Madam

Although I'd think myself churlish objecting to some quite responsibly run bistro at 46 St BENEDICT ST, my concern is that whilst licence applicants might give various assurances at the outset once granted these are largely forgotten. The specifics of my objection are that given the size of the premises, fear the customers will frequent the lane entrance and be in a row, manner especially during warmer months.

The fears expressed above are based on the fact that whilst you use the term authority none is exercised when it comes to breaches regarding the licence issue. The above statement is evidenced by the fact that you issue a beer garden licence to the plough 54 St Benedict another small premises who flouts this in an outrageous manner by ignoring the terms, numerous complaints from residents and somewhat half hearted intervention by the environmental health.

In conclusion its lively enough round these parts with the zoo at the plough 70% of whose capacity shrieks and screams in the so called garden tab of the larder being the couple/licencees, this used to go on till 2am now a pretense is made to clear it at 10:30pm, but as they all cant fit in the pub they just stand at the sack and keep shouting.

Anyway my and other residents continuing nightmarish experience with Nº54 leaves me fearing additional noise from Nº46. Yours Sincerely,

(Authority is a misnomer as you exercise neither control or any other responsibility)

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. As an example, the council will not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.

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.**

4.0 Representations

4.1 “Responsible Authorities” (see Appendix 7) 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. Representations can be made in opposition to, or in support of, an application.

- 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', i.e. it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that 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 appropriate 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 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a premises supervisor must be designated (designated premises supervisor) and such person must be in possession of a current personal licence. The licensing authority will normally expect the designated premises supervisor [DPS] to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the licensing authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

13.2 The act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times and have a duty to comply with the terms of the licensing act and any conditions, including the matters set out in the premises' operating schedule, in order to promote the licensing objectives. To that end, the licensing authority will be mindful of the guidance issued by the secretary of state, which recommends that a personal licence holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the act and the designated premises supervisor/personal licence holder remain ultimately responsible for ensuring compliance with the act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement.

The licensing authority will therefore expect that where the personal licence holder/DPS does not have the premises under their immediate day to day control, written authorisations will be issued to staff acting on their behalf, such authorisations being made available for inspection by a responsible Officer of the licensing authority or the police upon request.

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

20.1 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.

20.2 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.

20.3 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.

20.4 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;

24.0 Objective - prevention of public nuisance

24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.

24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

- 24.3 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.
- 24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.
- 24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.
- 24.6 **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 prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.**
- 24.7 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 11pm and 7am
 - 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
- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

24.8 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, eg 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 (eg garden areas) of premises, including such matters as deliveries ie not too early in the morning.
- Adoption of best practice guidance (eg 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 to 3 hours before licensable activities finish.

To address issues arising from customers smoking, eating and drinking in outdoor areas and on the highway outside the premises could include signage asking customers to keep noise to a minimum when using outdoor areas; restrictions on the numbers of customers permitted in certain outside areas and/or at certain times; and use of door-staff and employees to monitor possible public nuisance issues.

SECTION E - Hours of Trading

30.7 Consideration will always be given to an applicant's individual case and if the matter of trading hours has been raised in a representation, the council will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises.

It is however, unlikely that statements such as the premises being well-managed, or that the applicant is of good character or that the style of the premises is intended and likely to attract a discerning clientele, will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.

APPENDIX E

National Guidance

(issued under section 182 of the Licensing Act 2003)

CRIME AND DISORDER

2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities take place. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local Community Safety Partnership (CSP).

2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on and access to premises where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave. Examples of measures which may encourage swift and effective dispersal from licensed premises include quietening down periods at the end of the night, security training in reminding patrons to leave quietly and signage on the premises reminding people of this.

2.5 Licence conditions should not replicate offences that are set out in the 2003 Act or other legislation. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour on the premises would be superfluous because this is already a criminal offence. A condition that states that a licence holder shall not permit the sale of controlled drugs on the premises would be similarly superfluous.

2.6 Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.7 Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.8 Radio links and ring-round phone systems allow managers of premises and clubs to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The inclusion of

these systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.

2.9 However, while this may be appropriate and effective in certain parts of a licensing authority's area, it may be less effective or even inappropriate in others. Licensing authorities must remember that only appropriate conditions, which are within the control of the licence holder or club, may be imposed.

2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only appropriate but both practical and achievable. Further guidance on determining whether a condition is appropriate is given in Chapter 10 of this guidance.

2.16 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will", is encouraged. Conditions on licences must:

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

PUBLIC NUISANCE

2.33 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.34 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.35 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community,

such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.37 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.38 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.

2.40 Beyond the immediate area surrounding the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

PROPOSED CONDITIONS

10.6 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.7 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. Proper liaison may avoid the need for representations.

10.8 Conditions should be appropriate, proportionate and justifiable in meeting the licensing objectives. They should be written in a prescriptive format and be readily understood and enforceable.

10.9 It is also not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention. Conditions should be appropriate for the promotion of the licensing objectives and easily enforceable.

CONSISTENCY WITH STEPS DESCRIBED IN OPERATING SCHEDULE

10.10 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.11 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

IMPOSED CONDITIONS

10.12 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.13 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

10.14 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

10.15 Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives. Consideration should also be given to wider issues such as conditions already in place

that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.

THE NEED FOR LICENSED PREMISES

13.18 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.