

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee
24 January 2011

3

Report of Head of Citywide Services

Subject Licensing Act 2003:
Application for the Grant of a Premises Licence -
8 Redwell Street Norwich NR2 4SN

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 8 Redwell Street Norwich NR2 4SN following the receipt of Interested Party objections.

Recommendation

That Members determine the application to grant a Premises Licence in respect of 8 Redwell Street Norwich NR2 4SN in accordance with the:

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

Financial Consequences

The financial consequences for this report are nil.

Corporate Objective/Service Plan Priority

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

Contact Officer
Ian Streeter

Phone No 212439

Background Documents

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

1.0 The Application

- 1.1 The applicant is 100 Degrees North Limited of 58 Thorpe Road Norwich NR1 1RY.
- 1.2 The application premises are a retail shop with basement.
- 1.3 This grant application seeks to allow the supply of alcohol both on and off the premises.
- 1.4 The details of the Operating Schedule contained in the application are as follows:
 - 1.4.1 The Licensable Activities are:
 - Supply of alcohol (for consumption on and off the premises)
 - 1.4.2 The proposed standard days and hours for the licensable activities are:

• Supply of alcohol	08:00 – 22:00	Mon – Sun
---------------------	---------------	-----------
 - 1.4.3 The opening hours requested are:

	08:00 – 22:00	Mon – Sun
--	---------------	-----------
 - 1.4.4 The steps proposed by the applicant to support the Licensing Objectives are attached to the report as Appendix A.

2. Relevant Representations

- 2.1 The responses from the Responsible Authorities are as follows:
- Police – Representations attached at Appendix B to the report.
Environmental Services – No representations.
Fire Officer – No representations.
Planning Officer – No representations.
Area Child Protection Committee – No representations.
Trading Standards – No representations.
- 2.2 Representations objecting to the application have been received from Interested Parties with concerns relating mainly to the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance. Copies of these representations are attached to the report at Appendix C.
- 2.3 A site map of the area identifying the application premises in relation to the Interested Party addresses 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 representations received from the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance. The Sub-Committee is directed to paragraphs 20, 22 and 24 of the local licensing policy at Appendix C which contain examples of factors that impact on the licensing objectives of the prevention of crime and disorder, public safety 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 30.5 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, 3 and 4 of the local licensing policy (not re-produced in this report) that contain pools of model conditions relating to the prevention of crime and disorder, public safety and the prevention of public nuisance.

APPENDIX A

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)

--

b) The prevention of crime and disorder

- | |
|--|
| <ol style="list-style-type: none">1. "On-sale" supply of alcohol shall be limited to sale/supply for tasting purposes only.2. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Portman Proof of Age card, Citizen Card, Connexions Card or PASS scheme card.3. A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.4. The Licensee shall not advertise, promote, sell or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.5. A conspicuous notice must be displayed on or immediately outside the premises adjacent to the entrance to the premises which gives details of times when the premises are permitted to be open for any licensable activity. |
|--|

c) Public safety

- | |
|---|
| <ol style="list-style-type: none">1. "On-sale" supply of alcohol shall be limited to sale/supply for tasting purposes only. |
|---|

d) The prevention of public nuisance

--

e) The protection of children from harm

--

Please tick yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	22 November 2010
Capacity	Applicant's Solicitor

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

APPENDIX
B

Fuller, Maxine

From: Bartram, Michelle [bartramm@norfolk.pnn.police.uk]
Sent: 21 December 2010 16:22
To: Licensing
Cc: Streeter, Ian
Subject: Redwell Street - representation

Hello Licensing

Please note that we have received a copy of an application for a new premises licence for 8 Redwell Street, Norwich.

The information we have received from the applicant is that this premises will be an off licence for a wine shop and we are under the impression that the planning permission only allows for a retail outlet with the sale of alcohol on/off the premises.

Based on this information, the Police would have no objections to this.

However if the premises was to operate as a bar under this licence, then this would be deemed as inappropriate and the Police would want to make representation.

Regards

Michelle Bartram

Licensing Officer
Licensing
Partnerships Department

Norfolk Constabulary
Bethel Street Police Station
Norwich, Norfolk, NR2 1NN

bartramm@norfolk.pnn.police.uk

Tel: 01603-276020 Fax: 01603-276025



It takes 24 trees to produce 1 ton of office paper!

This e-mail carries a disclaimer

Go here to view [Norfolk Constabulary Disclaimer](#)

APPENDIX C

Your name/organisation name/name of body you represent (see note 1)	Norwich University College of the Arts
Postal address	Francis House 3-7 Redwell St Norwich NR2 4SN
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	8 Redwell Street Norwich NR2 4SN

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

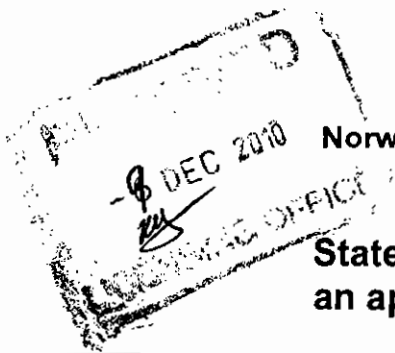
<i>Licensing Objective</i>	<i>Please set out your support or objections below.</i>
To prevent crime and disorder	
Public safety	<p>We would like to register an objection to the issue of a New Premises Licence for the premises 8 Redwell Street, Norwich, NR2 4SN. This objection is on the following grounds:</p> <ol style="list-style-type: none"> 1) Traffic at this location is particularly heavy and could pose a danger to customers of the bar. Customers leaving the bar could pose a danger to the road users. 2) Additional traffic, such as taxi pick up and set down would likely to cause obstruction. 3) The pavement alongside the premises, both in Redwell Street and St Andrews Street is narrow and likely to result in the overspill of pedestrian customers into the road.
To prevent public nuisance	<ol style="list-style-type: none"> 4) We would consider it an inappropriate location, with its proximity to professional businesses.
To protect children from harm	

Please suggest any conditions which should alleviate your concerns	None. Two applications made to the Norwich Planning Department for the change of use from retail (Class1) to drinking establishment (Class A4) have been refused
--	--

Signed:

Date:

3/2/10



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 J TURNER.
Postal address	GARDETT HOUSE, ST ANDREWS HALL PLAIN NORWICH NR9 1AU
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	8 Redmill Street
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	I support the use of this premises for the stated use if will operate in a similar way to several other premises in the area and will not be a nuisance.
Public safety	
To prevent public nuisance	
To protect children from harm	

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

Signed:

Date:

3/12/2010

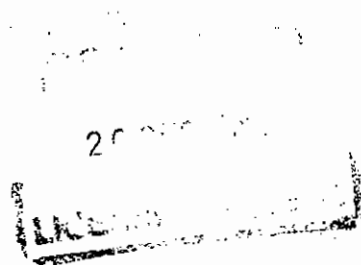
Please see notes on reverse

Statement of objection to Grant of Premises Licence at 8 Redwell Street.

The way this application is framed suggests a further attempt to supply alcohol by a different method (two previous attempts by the applicant to establish drinking premises there having already been rejected). I don't see how this 'tasting service' can, or could be regulated. What is to prevent customers spending an hour or two in these premises during the evening (up to ten o'clock) sipping one wine after another, with predictable consequences? How many would be admitted? The area shown on the plan (plus the basement) is far in excess of what a typical off-licence would need. What is the provision for smokers? Why is lavatory accommodation provided? (Further, how is the property to be protected against break-ins? And against fire?).

This application represents (as did those before) an extension of the so-called drinking 'culture' into this small and embattled historic area of this ancient city. Local businesses and residents are once again having to resist the ever-increasing pressures of an already drink-saturated context; and once again we have to look to our City Councillors and Officers for the protection of our well-being, as well as the preservation of the heritage of our own city.

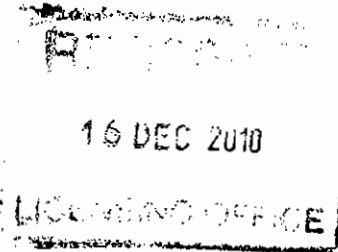
Philip Watson
2 Mandell's Court
NORWICH.



Drs. Hale Tufan and Cyril Zipfel
5 Princes Street
Norwich, NR3 1AZ

Norwich, 14 December 2010

Re:
Redwell Street Norwich NR2 4SN
Licensing Act 2003: Premises Licence – New



Dear Mr. Streeter,

This is the third time in a year that we must object to an application to turn 8 Redwell Street into a drinking establishment. The present application refers to sale by retail of alcohol (for consumption both on and off the premises) on a daily basis from 8am to 10 pm. This application is in essence similar to the previous ones by the same applicant (09/01105/U and 10/01250/F). The previous ones were rejected after massive opposition from nearby residents that objected to the opening of yet another drinking establishment. We therefore object to this application on the ground of prevention of crime and disorder, maintaining public safety, and preventing public nuisance in this residential and historical part of the city. For further details we can only reiterate our previous concerns by attaching a copy of our previous objection letters sent to the Norwich City Council.

Yours sincerely,

Subject: Proposed change of use 8 Redwell Street - Appl. Ref. 10/01250/F

Date: Wednesday, July 28, 2010 16:33

From: Cyril Zipfel (TSL)

To: <RobParkinson@norwich.gov.uk>

Conversation: Proposed change of use 8 Redwell Street - Appl. Ref. 10/01250/F

Dear Mr. Parkinson,

We were very surprised and upset to see a new application (number 10/01250/F) proposing a similar change that was declined last year by the City Council, mostly due to objections by local residents and businesses. For the record, we copy below our previous objection letter, the content of which is still fully valid.

We can only reiterate our strong objection to this proposal. The main objection is linked to the character of the proposed change from a shop (Class A1) to drinking establishment (Class A4). As mentioned by all our fellow neighbours, we feel there is no need for a new drinking establishment in this historical neighborhood. We fear this proposed change will contribute to this area becoming similar to the nearby Princes of Wales Rd.

In the report provided by Big Sky Acoustics, Princes of Wales Road is referred as being "renowned for late night entertainment". We believe there is no need to reiterate the disturbances caused by the intoxicated individuals that frequent Prince of Wales Road. Noise disturbances, litter and human waste, and anti-social behaviour taking place in this area each weekend, require significant police presence at tax-payers cost. We would not want to see this sad deterioration expand further into the beautiful historic parts of the city, especially in this so-far relatively preserved neighborhood. Are 'commercial interests' really worth losing a part of this fine city's heritage?

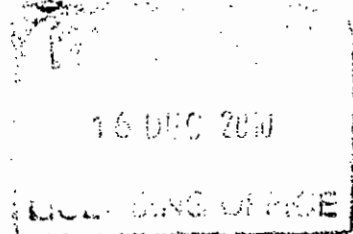
The presence of the existing drinking establishments nearby, and of course the link with Princes of Wales and Tombland areas, already causes great noise nuisance, associated with regular anti-social behaviour. A new establishment would only worsen this situation. In addition of reducing access to pedestrians, the request by the applicant of a smoking area at the junction of Redwell St and St Andrews St will only further increase the likelihood of noise and anti-social behaviour. This phenomenon is already exemplified every night in front of the nearby Delaneys Pub. None of the proposed solutions to tackle noise originating from inside the building would appropriately address these issues. Nor would the presence of a proposed CCTV monitor. Most existing drinking establishments have such devices, but we feel they are effective for major incidents, not in reducing outside noise.

The applicant would like to present this area as a mostly non-resident area. In contrary to what the Figure 4 of the Big Sky Acoustics report suggests, at least 4 residential properties (that of Carol Hardmann and family, Hudson architects, Cressida Hammerton, and ourselves) are immediately adjacent or have windows/doors facing 8 Redwell Street. These include our property that has 3 windows facing the back of the proposed drinking establishment via a courtyard.

In view of the numerous letters of objection previously sent and the current ones, it is time that the applicant (and hopefully the City Council) realize that many people are against this project as it may directly affect the quality of their life. We read with bemusement a comment by the applicant's agent in the recent Evening News article (published 16/07/10) on this subject that states "...this is a planning matter and nothing to do with politics. If people and residents don't like it, it's hard for us to do anything about that.". He is right, this has nothing to do with politics; but this deals with the right of local residents to voice their concerns about local planning.

Yours sincerely,

Drs. Hale Tufan and Cyril Zipfel
5, Princes Street
Norwich, NR3 1AZ



On 26/11/09 10:15, "Cyril Zipfel (TSL)"

wrote:

> Dear Mr. Parkinson,

>
> I have recently been informed about application number 09/01105/U proposing
> the change of use from retail (Class A1) to drinking establishment (Class A4)
> at 8 Redwell Street, Norwich NR2 4SN.
> I am strongly opposed to this proposal.

>
> The proposed location (8 Redwell Street) adjoins and overlooks several
> properties, including my current residence, which would cause direct noise
> pollution. My bathroom, bedroom, and office (in which I regularly need to work
> in the evenings and weekends) directly overlook the back of 8 Redwell Street.
> Thus, day and night activities associated with the running of a bar/club would
> affect my quality of life. This situation would be even worsening with the
> proposed second storey extension and the presence of a smoker area.

>
> The historical nature of the proposed premises makes it also inappropriate to
> accommodate hundreds of people both in term of noise-containment and solidity
> of the building. Furthermore, access to and exit from the premises are
> rendered difficult due to its proximity to the Redwell and St Andrews Streets,
> as well as the narrowness of Redwell Street and the corresponding pavements.
> While taxi unloading will be difficult, parking availability in this part of
> the city centre is extremely limited, a problem that already affect us on a
> daily basis.

>
> Hence, I am already regularly disturbed during the night by individuals
> leaving and moving between nearby clubs and pubs. Over the last year, I
> witnessed a clear increase in antisocial behaviour on our street. Yet, there
> is little police presence in our area to curb such behaviour, which is already
> disappointing considering the amount of council tax I pay. On top of these
> already existing disturbances, permission for a new drinking establishment
> within this area will further increase antisocial behaviour and public
> disturbance.

>
> In conclusion, I expect that you will consider the opinion of inhabitants who
> want to preserve the quality of this pleasant and touristy area of the city,
> and who are fed up with antisocial behaviour linked to existing drinking
> establishments. Many bars and clubs already exist in this part of the city,
> necessitating large presence of police forces on Princes of Wales Rd for
> example. There is clearly no need for new drinking establishments in our
> area.

> Yours sincerely,

>
> Dr. Cyril Zipfel
> 5 Princes Street
> Norwich, NR3 1AZ

O.A. Chapman & Son

Chartered Surveyors

9 Princes Street
Norwich NR3 1AZ

15 Regent Road
Lowestoft NR32 1PA

Your reference: DAC/AJB
Our reference: 6 December 2010
Date:

Please reply to:
Norwich

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

Dear Sirs

Re: 8 Redwell Street, Norwich, NR2 4FN
Licensing Act 2003: Premises Licence – New

Thank you for your letter of the 30 November. I have completed, where appropriate, the statement required and attach to this my grounds for objection. These are as follows:

To prevent crime and disorder

The surrounding area already has sufficient licensed premises to serve the vicinity. The introduction of further licensed premises may encourage anti-social behaviour at night.

Public safety

The subject property is located at a point where there are no immediate pedestrian crossings outside, and is situated on a junction. This will introduce further areas of both pedestrian and vehicular traffic in the Redwell Street and Princes Street areas at night.

To prevent public nuisance

A number of properties in the immediate area are residential in nature as well as office accommodation and the introduction of licensed premises will increase noise levels etc as well as encouraging more litter dropping on the surrounding streets.

Yours faithfully

D A Chapman MRICS

Encs

Your name/organisation name/name of body you represent (see note 1)	Watfa Family	
Postal address	16, 18 & 20 St Michael at Pleas Norwich NR3 1EP	
Email address		
Contact telephone number		
Address of the premises you wish to support or object to	8 Redwell Street, Norwich	
<p>Licensing objective</p> <p>Please set out your support or objections below. Please use separate sheets if necessary.</p>		
To prevent crime and disorder	Previous applications have covered the issues and problems associated with the use of this building as a licensed establishment. Nearby residents already suffer from anti-social behaviour under current conditions caused by alcohol consumption which is readily available from the many existing licensed premises.	
Public safety	The Police are already stretched protecting our area from the problems caused by the encroaching activities the night time economy is having on our rights to peaceful and safe homes. The Council is unable to keep the area clean as it is and the litter, vomit and other bodily excretions are a constant obstacle on our doorsteps.	
To prevent public nuisance	The consumption of alcohol in public spaces is already a huge problem in the area, especially in St Michael at Pleas churchyard (corner Redwell/Queen St) which our houses adjoin. We are disturbed most nights, particularly in the summer months, and I fear the convenience of an off- licence so close would acerbate the problem.	
To protect children from harm	For the above reasons...	
Please suggest any conditions which would alleviate your concerns	I am afraid that any license to sell alcohol would be a major concern as it is with past experience that once a license is granted it is easily amended and extended thereafter to the detriment of nearby residents.	
Signed:	Jan Watfa & Family	Date: 20 December 2010

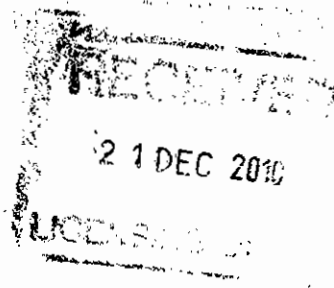
Notes

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.

3 Princes Street,
Norwich, NR3 1AZ

20th December, 2010

Norwich City Council
Licensing Section
City Hall
St. Peter Street
Norwich NR2 1NH



Your ref. 10/02201/PREM
8 Redwell Street Norwich NR2 4SN
Licensing Act 2003: Premises Licence - New

Dear Mr. Streeter,

Our family and my neighbours next door and across the road on Princes Street are the closest residential neighbours to 8 Redwell Street, although there are hundreds of other residents close by who would be affected by this application.

My family wishes to object to this application on the grounds of the prevention of crime, disorder and public nuisance. We are aware that another city centre residential neighbourhood has had to appeal to the police to stop the disorder and public nuisance caused by the late night opening of a local off-licence. By their nature and late trading hours, off-licences are quite different to other retail businesses.

Restricting hours to normal retail business closing times would be better suited to our mixed residential/retail/office and cultural quarter of the city. Over the last four years this highly residential conservation area has been beleaguered by the increasing nuisances, disturbances, crime and disorder caused by the late night drinks industry being allowed to develop beyond the Council's AEC1 Policy area. We have had to complain on many occasions about late night disturbances and the results of anti-social behaviour imported into our streets. My family has suffered noise nuisance to such an extent that my daughter can no longer sleep in her bedroom. The amenity value of our home has therefore been very considerably reduced.

Although a late opening off-licence in this increasingly alcohol-dominated area would be an unwelcome addition to our neighbourhood, the inclusion of drinking on the premises also causes huge concern.

We find the term "tasting" in this context very worrying indeed. The extent of its meaning is not defined anywhere in the application. It could be interpreted very widely indeed;

There is a lot of space in these premises and a very large number of people could be accommodated for a "tasting". If a "tasting" is to take place over several hours, there will inevitably be people who will want to smoke and be outside on the surrounding streets.



This was a great concern which counted against the previous drinking applications as there is no smoking provision, and the pavement outside the door is extremely narrow.

How frequently could "tastings" be held? Every night? Could "tastings" continue on the premises after the off-licence has closed?

There is no suggestion that these "tastings" will be free to customers. Will there be an entry charge per person or per group? Or some sort of off-set against the price of a bottle, or entry to the applicants' other late night bars? What volume of alcohol constitutes a "taste"? "Tastings" could be of vodka, scotch, lagers, or wine or all of them on the same occasion.

This application is no doubt an attempt by Mr. Fisher and his representatives to get drinking on the premises after his two applications for a three storey bar were rejected in the last twelve months. If granted, it will inevitably invite progressive applications to develop the use of the building for a bar or bars. Any conditions which this committee decides to impose will be interpreted in their widest terms.

In addition, Mr. Fisher's two drinking establishments nearby, 'Noir/Nowhere' and 'Havana', have proven to be constant sources of noise and public nuisance. Seemingly no attempt has been made to rectify this situation, despite many requests from local residents. He has clearly demonstrated scant regard for his neighbours, and thus would be a worrying proprietor of yet another establishment devoted to alcohol so close to people's homes.

Our previous letters of objection to the use of these premises for drinking have described the frailty of the building and its unsuitability for holding large numbers of people, for containing their noise and that of any music, and, importantly for this particular application, the total lack of ventilation or air conditioning provided for in the plans should "tastings" be permitted. These points are still relevant when considering any form of public drinking on the premises.

We ask that if, despite our objections, a licence is granted, the conditions clearly lay out strict definitions of "tastings" as opposed to sales on the premises and sales off the premises, with regard to potential numbers of people involved and how often and for how long these events can be held, and whether "tastings" can be charged for in any way.

We also ask that trading hours be restricted to normal daytime opening hours for this area of the city (Elm Hill, The Lanes, London Street), no later than 6pm. For example, the whiskey shop in Swan Lane has normal daytime retail hours. This would separate the daytime from the nighttime/late night economies. And that any "tastings", if allowed, are restricted to within those times.

Yours faithfully,

Carol Hardman and family

CENTRAL NORWICH CITIZENS' FORUM

29th December 2010

Mr Ian Streeter
Licensing Manager
Public Protection
Citywide Services
Norwich City Council
via e-mail

Dear Mr Streeter

Re: GRANT PREMISES LICENCE – 8 REDWELL STREET, NORWICH

I am grateful for your letter of 21st December clarifying how the operating schedule attached to the above application seeks to explain its purpose in seeking a licence to enable the sale of alcohol for consumption both off and on the premises. Now that it is made clear that the "On-sale supply of alcohol shall be limited to sale/supply for tasting purposes only" it confirms our suspicion that the intention is for the applicant, if granted the licence he seeks, to offer tutored wine tastings for which he will charge and thus be able effectively to provide a setting for activities which are essentially those of a private members club which is precisely what we foresaw happening when his previous applications for change of use planning permission was sought and refused to change the use of the premises from a shop into a bar.

We have no objection to these premises being used as a shop and none either if that shop were to sell alcohol. If it were to trade as a wine merchant we would not object to wine being available free of charge for tasting purposes as occurs in most wine merchant's shops but we would strongly object to a licence being awarded to allow the applicant to sell alcohol for drinking on the premises and we hope that the Licensing Authority will prevent this for all the reasons we have stated before and which caused the planning authority to refuse the previous planning applications which were mainly concerned with breaching the four licensing objectives.

Yours sincerely

Julian F Foster
CHAIRMAN

Central Norwich Citizens' Forum is a company limited by guarantee and registered in England No 4855745 and a charity registered with the Charity Commission for England and Wales No 1106226.

Registered office: 2 Roaches Court, Norwich NR3 1HJ. Website: www.cncf.co.uk

Tel: 01603-767066 (24hrs). e-mail: julianf.foster@btopenworld.com

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 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’, ie it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representation’s, 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 necessary for the promotion of the licensing objectives.
- 8.0 The Impact of Licensed Premises
- 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
 - the proposed hours of operation;

- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises including the location of customer entrances and exits;
- the provision of toilet facilities;
- the frequency of the licensable activity.

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

13.0 Management of Licensed Premises

- 13.1 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 antisocial 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 (separate permission under the Highways Act 1980 may be required)
- adoption of best practice guidance eg 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
- adoption of challenge 21 and the acceptance of accredited proof of age cards eg 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 ie drug and weapon amnesty safes
- 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
- attendance at the monthly meetings of the Norwich City Licensing Forum
- responsible advertising
- distribution of promotional leaflets, posters etc.
- drug seizure kits (available from Norfolk police operation enterprise)
- member of a recognised 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 to 3 hours before licensable activities finish
- Providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night – including night buses, licensed taxis and private hire (mini-cabs).

22.0 Objective – public safety

- 22.1 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.

22.2 Applicants must ensure that they carry out their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and liaise with the Norfolk Fire and Rescue Service where necessary. Further information is available from <http://www.norfolkfireservice.gov.uk/firesafetyinbusinesspremises.html>

22.3 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
- 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 (eg age, disability)
- the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc
- the safety of electrically powered equipment brought onto their premises
- having public liability insurance.

22.4 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 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 (eg 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 The Event Safety Guide, Safety in Pubs published by the BBPA)
- provision of effective CCTV in and around premises
- provision of toughened or plastic drinking vessels
- implementation of crowd management measures
- the provision of suitable electrical cut outs for use with electrical appliances which are brought onto the premises (such as amplifiers, microphones etc).

Such cut-outs should be of a residual current device with a rated tripping current of 30ma in 30 milliseconds (applicants should have regard to HSE Publication INDG 24 7 Electrical safety for entertainers)

- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

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

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

- **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.**
- 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.
- 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)

Where representations are made

9.4 “It is for the licensing authority to decide in the first instance whether or not representations are relevant. This may involve determining whether they have been made by an interested party and whether or not, for example, an individual making a representation resides or is involved in business “in the vicinity” of the premises concerned...”

9.5 “...licensing authorities should consider whether the individuals residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises.”

Fundamental principles

13.16 “...licensing is about regulating licensable activities on licensed premises...and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.”

13.17 “...whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case.”

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.”

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.”

Licensing hours

13.40 “...in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night

fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.”

- 13.41 “...the Government also 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.”