

### **Licensing sub committee**

**Date:** Thursday, 23 March 2017

**Time:** 10:15

**Venue:** Mancroft room

**City Hall, St Peters Street, Norwich, NR2 1NH**

**Pre-meeting briefing for members of the committee only  
15 minutes before the start of the meeting**

**Committee members:**

**For further information please contact:**

**Councillors:**

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### **Information for members of the public**

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For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website.

## **Agenda**

### **1 Apologies**

To receive apologies for absence

### **2 Declarations of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

### **3 Application for variation of a premises licence - Bar 52 52 Prince of Wales Road Norwich NR1 1LL 3 - 70**

**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 variation of a premises licence in respect of 52 Prince of Wales Road, Norwich, NR1 1LL following the receipt of relevant representations.

Date of publication: **Wednesday, 15 March 2017**

<b>Report to</b>	Licensing sub committee 23 March 2017	<b>Item</b>
<b>Report of</b>	Head of citywide services Licensing Act 2003:	<b>3</b>
<b>Subject</b>	Application for variation of a premises licence – Bar 52, 52 Prince of Wales Road, Norwich, NR1 1LL	

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## **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a premises licence in respect of 52 Prince of Wales Road, Norwich, NR1 1LL following the receipt of relevant representations.

## **Recommendation**

That members determine the application to vary a premises licence in respect of 52 Prince of Wales Road, Norwich, NR1 1LL 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:** Thorpe Hamlet

**Cabinet member:** Councillor Kendrick – Neighbourhoods and community safety

## **Contact officers**

Ian Streeter, Licensing Manager

01603 212761

## **Background documents**

None

## **Report**

### **The application**

1. The applicant is Bar 52 Ltd, 52 Prince of Wales Road, Norwich, NR1 1LL.
2. In summary the application seeks to amend the existing layout of the premises and to provide adult entertainment in the form of lap dancing.

### **Operating Schedule**

3. A copy of the existing licence and operating schedule is attached at appendix A to the report.
4. Attached at appendix B to the report is:
  - a copy of the application form, including proposed revisions to the existing operating schedule and additional steps put forward by the applicant to promote the licensing objectives as a result of the proposed variation;
  - copies of customers' and performers' codes of conduct referred to in the proposed operating schedule; and
  - a plan detailing the proposed revised layout of the premises;
5. The applicant and the police have agreed that the following conditions be applied to the premises licence should the variation application be successful:
  - The door supervisors will monitor the capacity using clickers.
  - The licensee shall maintain a digital colour CCTV system at the premises that ensures that all public areas of the licensed premises are monitored including all public entry points and exit points, bar, all dance areas and outside smoking areas. This shall continually record whilst the premises is open to the public. Footage will be kept for a minimum of 31 days and be available to police or other authorised responsible authority.

### **Relevant representations**

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

Police – no representations.

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. Nine representations objecting to the application have been received from local residents and also a petition with 197 signatures. Copies of the objections are attached at appendix C to the report, together with a plan identifying the relevant premises.

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

8. 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)**

9. 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**

10. 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.
11. 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
12. 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.
13. The representations received appear to relate to issues that fall under the licensing objectives. The sub-committee is directed to paragraphs 20 and 24 of the local licensing policy at appendix D 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.

14. 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.



# NORWICH City Council

## Premises Licence Summary

**Premises Licence Number**

**14/02692/PREM**

### Premises Details

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

Bar 52  
52 Prince Of Wales Road  
Norwich  
NR1 1LL

**Telephone number**

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

Not applicable

**Licensable activities authorised by the licence.**

Ent like live/recorded music/dance - Activity takes place indoors  
Films - Activity takes place indoors  
Late Night Refreshment - Activity takes place indoors  
Live Music - Activity takes place indoors  
Performances of Dance - Activity takes place indoors  
Sale by Retail of Alcohol  
Recorded Music - Activity takes place indoors

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

Ent like live/recorded music/dance	Every Day	10:00 - 03:45
New Years Eve - 10:00 New Years Eve to 10:00 New Years Day.		
Films	Every Day	10:00 - 03:45
New Years Eve - 10:00 New Years Eve to 10:00 New Years Day.		
Late Night Refreshment	Every Day	23:00 - 03:45
New Years Eve - 10:00 New Years Eve to 10:00 New Years Day.		
Live Music	Every Day	10:00 - 03:45
New Years Eve - 10:00 New Years Eve to 10:00 New Years Day.		
Performances of Dance	Every Day	10:00 - 03:45
Sale by Retail of Alcohol	Every Day	10:00 - 03:45
New Years Eve - 10:00 New Years Eve to 10:00 New Years Day.		
Recorded Music	Every Day	10:00 - 03:45
New Years Eve - 10:00 New Years Eve to 10:00 New Years Day.		

**The opening hours of the premises**

Monday	10:00 - 04:00
Tuesday	10:00 - 04:00
Wednesday	10:00 - 04:00
Thursday	10:00 - 04:00
Friday	10:00 - 04:00
Saturday	10:00 - 04:00
Sunday	10:00 - 04:00

New Years Eve – 10:00 New Years Eve to 10:00 on New Years Day

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

Alcohol is supplied for consumption on the Premise

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

Henacraft Limited  
52 Prince Of Wales Road  
Norwich  
NR1 1LL

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number      04401620

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Gursel Uslu

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



## Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 No moving picture shall be exhibited unless: -
  - (i) it has received a "U", "PG", "12A", "15" or "18" certificate of the British Board of Film Classification; or
  - (ii) it is a current newsreel which has not been submitted to the British Board of Film Classification; or
  - (iii) the permission of the Licensing Authority is first obtained and any conditions of such permission are complied with.
- 4 No person under the age of 18 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received an "18" certificate from the British Board of Film Classification.
- 5 No person under the age of 15 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "15" certificate from the British Board of Film Classification.
- 6 No person under the age of 12 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "12A" certificate from the British Board of Film Classification.
- 7 Where, at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.
- 8 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

9 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

10 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

11 (with effect from 1 October 2010)

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

12 (with effect from 1 October 2010)

The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: half pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

13 The Licensing Act 2003 (Mandatory Licensing Conditions)  
Order 2014

#### Mandatory Licensing Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1?

a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

b) "permitted price" is the price found by applying the formula?

$$P = D + (D \times V)$$

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

(a) 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part I of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991 (c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of and paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No. 2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

(b) 1994 c. 23. Section 2 was amended by section 3 of the Finance (No. 2) Act 2010 (c. 31). Section 7 was amended by section 76 of and Part 1 of Schedule 36 to the Finance Act 2009 (c. 10) and section 203 of and paragraphs 2 and 3 of Schedule 28 to the Finance Act 2012 (c. 14). Section 24 was amended by section 19 of and paragraph 1 of Schedule 8 to the Finance (No. 3) Act 2010 (c. 33). There are other amendments which are not relevant to this Order.

## Annex 2 – Conditions consistent with the Operating Schedule

- 1     **General - all four licensing objectives**
- 2     No alcoholic drink shall be sold for consumption off the premises.
- 3     Before the sale or purchase of alcohol to any persons who appears to be under the age of 18 years, proof of age will be required.
- 4     **The Prevention of Crime and Disorder**
- 5     The licensee shall ensure that at all times when the premises are open for any licensable activity there are management staff on duty at the premises for the purposes of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
- 6     No persons carrying open bottles shall be admitted to the premises at any time.
- 7     The licensee will be a member of the Norwich Licensing Forum and either he or a member of his management would attend at least three meetings per year.
- 8     Management will operate a Challenge 25 policy as a minimum in order to ensure that liquor is sold only to persons of lawful age (being that, should a person not look the age of 25 he/she would need to prove they are in fact of lawful age 18 or over).
- 9     All staff undergoes training concerning knowledge of licensing laws together with the social impact of the sale of alcohol.
- 10    CCTV will be installed and be fully operational and recording 24 hours every day.
- 11    Where the recording is on a removable medium (ie videotape, compact disc flash card etc) a written record will be kept every time images are recorded by CCTV and will include details of the recording medium used, the time and date recording commenced and finished. This will identify the person responsible for the recording and will be signed by him or her. A secure storage system to store those recording mediums will be provided.
- 12    All images will be kept for a period of 29 days and will be produced to the Police, Trading Standards or Local Authority Officers in relation to investigation of crime and/or upon request or within 24 hours of such request.
- 13    Notice will be displayed throughout the premises stating that CCTV is in operation.
- 14    The CCTV system clock will be correctly set and maintained and take into account GMT.
- 15    There will be a member of staff available at all times who is fully trained and capable of operating the CCTV system and downloading footage required by the Police, Local Authority Officers or Trading Standard Officers.
- 16    The CCTV system can be periodically inspected by the Police Licensing Officer to ensure that the system continues to function to their approval and access must be granted to the PLO upon request to facilitate such an inspection.
- 17    The CCTV system will be fully maintained in accordance with the manufacturers/installers instructions and a record kept of the maintenance undertaken.
- 18    CCTV will be installed and operative to the approval of the Police Licensing Officer and cover all public areas inside and also any area where smokers will be allowed to congregate and immediately outside the entrance/exit to the premises. The CCTV unit will be positioned in a secure part of the licensed premises and not within any private area of the location. Access to the system will be allowed immediately to the Police and Trading Standards of the location. Access to the system will be allowed immediately to the Police, Trading standards or Local Authority Officers investigating crime and or disorder issues, upon request.
- 19    The Licensee shall not sell or supply alcoholic drinks at prices less than the "agreed minimum prices". "Agreed minimum prices" are the prices for a variety of specified products or types of drinks, agreed from time to time by all participating members of the "pubwatch scheme", in conjunction with the Council and Norfolk Police.
- 20    To be an active member of local pub watch initiative.
- 21    A record of staff training in relation to the sale of alcohol will be kept on the premises and available to Police or Licensing Authority on request.
- 22    CCTV camera will cover entrances, all bars, dance areas and any external smoking area and will be maintained in good working order.
- 23    No patrons shall be allowed to leave the premises whilst in possession of any drinking vessel or open glass bottle.
- 24    There will be a minimum of 2 SIA door supervisors on the entrance to the premises and 1 SIA door supervisor inside to patrol inside the venue from 22.00 hours until close on Thursday, Friday and Saturday nights and Sundays before Bank Holidays. There will be a minimum of 2 SIA door supervisors employed from 22.00 hours until close on all other nights.

- 25 The door supervisors will monitor the capacity using clickers.
- 26 There will be a door supervisor signing in/off book which will include date, full SIA badge number, tour of duty and times worked. This book will be kept on the premises and available for inspection by Police or Licensing Authority on request.
- 27 Toughened glass will be used in place of regular glass.
- 28 A search policy will be in place and documents relating to this will be available for inspection on the premises.
- 29 Door supervisors situated on the front door to wear hi-visibility and bright fluorescent coloured out clothing to be visible.
- 30 There will be no entry/re-entry to the premises after 3am except for those using the designated smoking area.
- 31 A refusal book will be kept behind the bar to record all refused entries due to underage or intoxicated. This book will be kept on the premises and available to Police on request.
- 32 An incident book will be provided and available for inspection by Police or Licensing Authority on request.
- 33 An "Alert" radio system will be operated by the premises under Project 150 Scheme and subscription charges will be payable for the duration of the Project 150 Scheme. This condition is only enforceable whilst the reduced cost structure of Project 150 continues.
- 34 SIA door security or staff will check regularly all public areas i.e. toilets to ensure no unlawful activity is being carried out and this will be by door supervisors.
- 35 Breathalyser will be carried out by door supervisor's on patrons deemed intoxicated, for as long as licensing officers supply the breathalyser.
- 36 The premises will use the link radio scheme (Alert Project 150) operating in the City Centre Night Time Economy to report all incidents of disorder at the premises. Use of the link radio does not negate responsibility of the venue to also report incidents to Police via other channels if a Police response would be reasonably required. (This scheme is primarily intended as an information sharing mechanism between premises i.e. details of any individuals ejected or turned away from the venue). The venue will ensure that all subscriptions charges are paid for the duration of the scheme. This condition is strictly only enforceable whilst the terms and conditions of Project 150 are available.
- 37 **Public Safety**
- 38 When disabled people are present adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre determined plan.
- 39 All escape routes and exits must be kept unobstructed, in good order with non slippery and even surfaces, free from trip hazards and clearly identified.
- 40 All exit doors whenever the premises are occupied must be able to be easily opened in the case of an emergency without the use of a key, card, code or similar means.
- 41 Fire fighting equipment must be provided in the licensed premises as required by the fire authority.
- 42 In the absence of adequate daylight the lighting in any area accessible to the public, members or guests must be fully in operation when they are present.
- 43 All exit doors will be easily operable.
- 44 Means of escape will be maintained unobstructed and clearly identifiable with emergency lighting and illuminated exit signs.
- 45 All recommendations of the Norwich Fire and Rescue Service will be promptly acted upon.
- 46 All gas and electrical appliances on the premises will have current safety certificates.
- 47 The premises are well ventilated by the use of intake and extractor fans.
- 48 A log will be maintained of all incidents/accidents which may occur on the premises.
- 49 An adequate and appropriate supply of first aid equipment will be available on the premises.
- 50 **The Prevention of Public Nuisance**
- 51 Litter and detritus resulting from the business which is dropped outside will be cleared up.
- 52 Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining properties.
- 53 Waste and refuse must be removed in a timely manner to a licensed waste disposal facility.
- 54 Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.
- 55 Empty bottles and other waste must be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally the waste must be removed from the public area on a frequent

basis and transferred to the skip. Transfer to an external skip or other waste receptacle will not be undertaken between the hours of 21:00 and 08:00 on any day.

- 56 To secure a reduction in the level of noise emanating from the premises, such that noise levels from amplified music shall not exceed 45db at 63Hz C.B.F., 40db at 125Hz C.B.F. and NR30 over the frequency range from 250Hz to 8KHz as measured at position 1 metre outside any noise sensitive premises and shall not exceed 37db at 63Hz C.B.F., 30db at 125Hz C.B.F. and NR20 over the frequency range from 250Hz to 8Kz as measured inside any adjoining noise sensitive premise.
- 57 Bar managers to establish a closing time management policy designed to reduce rowdy behaviour on exit at closing time, involving the use of 'notices' requesting that patrons leave and disperse quietly, plus announcements made over the address system.
- 58 Regular checks by staff of the immediate outside area and to encourage patrons to use litter bins to dispose of rubbish.
- 59 The licence holder shall not display, or allow the display of any advertisement promoting any event or providing entertainment held at the premises, in particular, unless the licence holder has complied with paragraph 1.2

1.1 no display of advertisement(s) shall take place on any;

1.1.1 structure placed on, over, in or adjacent to the highway;

1.1.2 public or privately owned premises or land;

1.1.3 street furniture including litter bins, seating etc;

1.2 there shall be no display of advertisements unless the licence holder has first obtained written consent from;

1.2.1 the owner of the structure, or premises or land, or street furniture and;

1.2.2 the local planning authority which has granted advertisement consent for the advertisement(s) and:

1.2.3 the highways authority (if applicable);

1.2.4 Copies of all relevant consents shall be provided to the licencing authority within 14 days from the date when the request was made by the licensing authority.

1.3 The licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no person promoting or providing entertainment on the premises, nor any person acting on behalf of any such person, shall display in an unlawful manner advertisement(s) promoting or providing entertainment on the premises. In particular; the licence holder will ensure any persons booking, promoting or otherwise providing entertainment on the premises will;

1.3.1 sign and date a disclaimer which will state the following;

The display of advertisement(s) such as fly posters is an offence under section 224 of the Town and Country Planning Act 1990 (as amended), if the advertisement(s) do not have express consent from the local planning authority, or if the advertisement(s) are excluded by Schedule 1 of the Town and Country Planning (Control of Advertisement) Regulations 2007. Each advertisement is considered a separate offence; the maximum fine for each offence on conviction is £2,500.

As responsible licensed premises, we do not tolerate any unlawful advertisement(s) by person promoting entertainment on our premises.

We will assist fully with any investigation relating to incidences concerning the unlawful display of advertisement(s) including fly posters, banner advertisement(s) etc. We will provide to Norwich City Council, who are the licencing authority a copy of this signed and dated disclaimer and your full contact details on request.

1.3.2 provide their full name and date of birth of any person(s) promoting or providing entertainment on the premises;

1.3.3 provide the name of their business (if applicable)

1.3.4 provide their full business or residential postal address;

1.3.5 provide their contact telephone number

1.3.6 the licence holder will ensure that all contact details have been verified by asking for and retaining a photocopy of any appropriate proof of identification such as a current passport, drivers licence or any other appropriate document that will provide proof of identity to the licensing authority's satisfaction.

1.3.7 If the contact information retained by the licence holder does not meet the criteria set out in 1.3.2 to 1.3.7 ie the details are incomplete or have not been confirmed by verifying the details of the person booking, promoting or otherwise providing entertainment on the premises the licence holder shall be in breach of these conditions.

1.3.8 the licence holder will retain contact details for a period of not less than 3 months from the date of the advertised event or entertainment. All contact details will be provided to the licensing authority within 7 days of any request made to the licence holder.

1.4 the licensing authority may require the licence holder to remove any unlawfully displayed advertisement(s) within 2 days of the date of notification. Failure to remove any unlawfully displayed advertisement(s) in accordance with such a request shall be in breach of these conditions.

1.5 the failure by a licence holder to remove any unlawfully displayed advertisement(s) will result in the licensing authority removing such unlawful advertisement(s). Any costs incurred by the licensing authority in removing such unlawful advertisements shall be recoverable from the licence holder as a debt.

60 Except for access and egress, all doors and windows of the licensed premises will remain closed whenever regulated entertainment is provided.

61 The outside area to the rear of the premises shall not be open to or used by the public or customers, other than for use in the case of an emergency for example, in case of fire.

62 **The Protection of Children From Harm**

63 Before the sale or purchase of alcohol to any persons who appears to be under the age of 18 years, proof of age will be required.

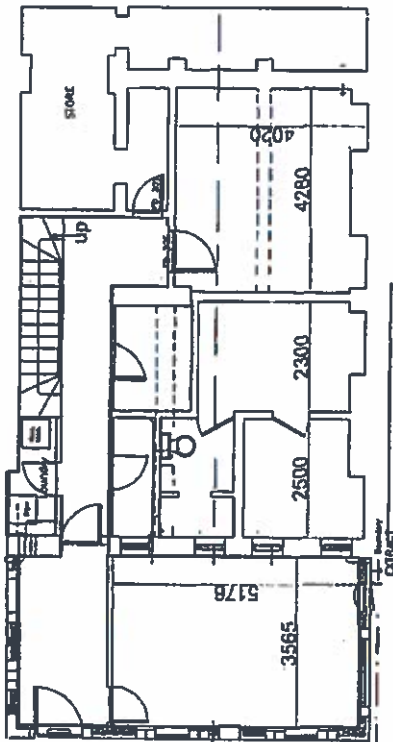
64 The premises licence holder will ensure that an age verification policy will apply to the premises whereby all staff will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and proof of Age Standards Scheme (or similarly accredited scheme) hologram.

65 Security will ID any persons who look under the age of 18 before entering the premises.

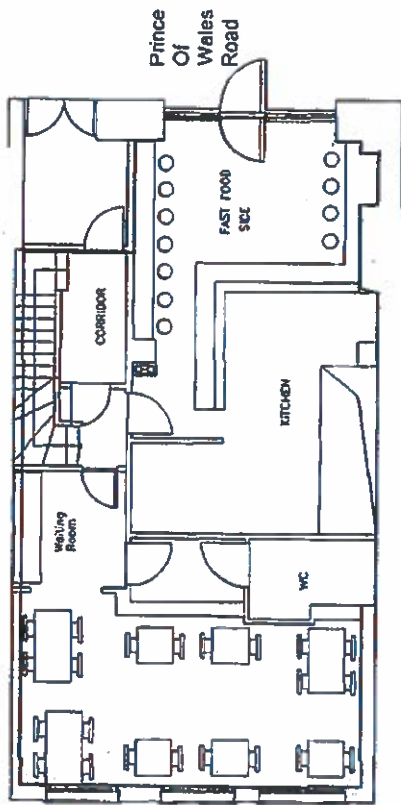
### **Annex 3 – Conditions attached after a hearing by the licensing authority**



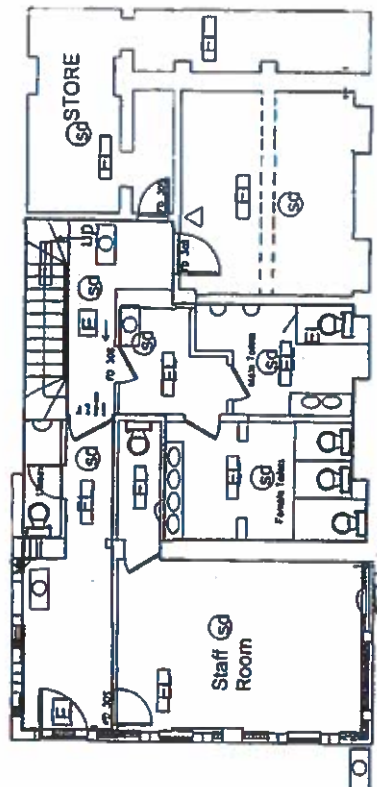
Survey by others



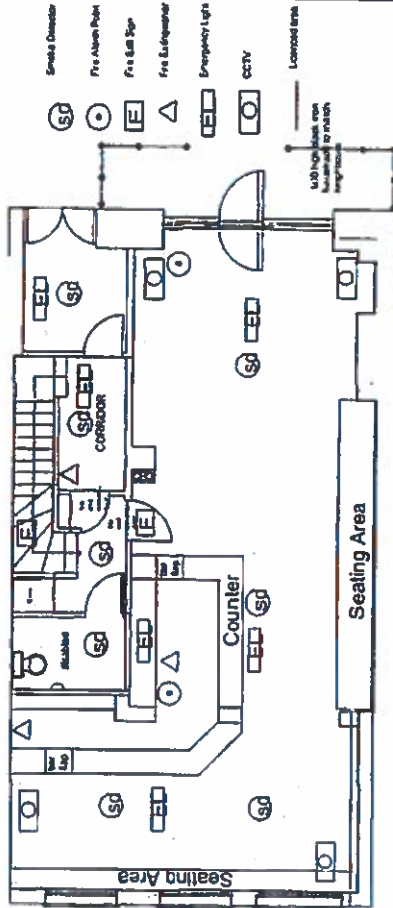
Exist Basement Floor Plan 1:100



Exist Ground Floor Plan 1:100



Proposed Basement Floor Plan 1:100



Proposed Ground Floor Plan 1:100

RECEIVED  
- 1 JUL 2013

**Stephen Moore** MB Eng, MRICS  
Architectural Services, Building Engineer, Chartered Surveyor  
3 Sunny Grove, Consett, North, NRS DL1  
T: 01903 81803 F: 01903 81804 M: 07740603208  
e: stephen@smm.co.uk www.smm.co.uk

Client:	Mr G Uslu	Drawing No:	Planning 1A
Site:	52 Prince of Wales	Change of use	
Address:	Exist and Proposed, Basement and Ground Floors		
Title:	Exist and Proposed, Basement and Ground Floors		
Scale:	As Noted @A3	Date:	June 2013
Drawn By:	SMM		

Rev A 27/06/13 Floors renamed



**Norwich**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensingapplications@norwich.gov.uk](mailto:licensingapplications@norwich.gov.uk)  
 Telephone: 0344 980 3333

\* required information

### Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Bar 52 licence variation

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Petrit

\* Family name

Vladi

\* E-mail

Petrit@bar52.co.uk

Main telephone number

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

RECEIVED

26 JAN 2017

LICENSING OFFICE

Include country code.

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

Bar 52 Ltd

If your business is registered, use its registered name.

VAT number

GB

184938655

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 17**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable  
value of premises (£)

12,750

### Section 3 of 17

#### VARIATION

Do you want the proposed  
variation to have effect as  
soon as possible?

☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

☐

Yes

☒

No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The premises currently operates as a late night bar at the heart of the designated entertainment zone in Norwich City Centre. The variation allows for minor conversion to a lap dancing club occupying ground floor and basement as the licensed area keeping the same hours of operation and applying for sexual entertainment as a licensable activity. Plans showing the proposed licensed area are submitted along with this application.

### Section 4 of 17

#### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to  
vary is successful?

☐

Yes

☒

No

### Section 5 of 17

#### PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to  
vary is successful?

☐

Yes

☒

No

### Section 6 of 17

#### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if  
this application to vary is successful?

Continued from previous page...

☐ Yes

☒ No

### Section 7 of 17

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

### Section 8 of 17

#### PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes

☒ No

### Section 9 of 17

#### PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☒ Yes

☐ No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 10:00

End 03:45

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Amplified music being played for the dance performance stage on the ground floor. Amplified music played in the private booths performance area on the basement floor although this will be low volume to avoid interference with the performance(s) in adjacent booths

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Additional hour to allow for the end of British Summer Time

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Year's Eve 10:00 to 10:00 New Year's Day

## Section 10 of 17

### PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☒ Yes ☐ No

#### Standard Days And Timings

MONDAY

Start 10:00

End 03:45

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 10:00

End 03:45

Start

End

Continued from previous page...

WEDNESDAY

Start 10:00

End 03:45

Start

End

THURSDAY

Start 10:00

End 03:45

Start

End

FRIDAY

Start 10:00

End 03:45

Start

End

SATURDAY

Start 10:00

End 03:45

Start

End

SUNDAY

Start 10:00

End 03:45

Start

End

Will the performance of dance take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Lap dancing and pole dancing performances involving nudity and semi-nudity (also described as 'exotic dancing' elsewhere in this application)

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Additional hour to allow for the end of British Summer Time

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Year's Eve 10:00 until 10:00 New Year's Day

Continued from previous page...

#### Section 11 of 17

##### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 12 of 17

##### PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 13 of 17

##### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 14 of 17

##### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

The premises will provide sexual entertainment in the form of lap dancing and pole dancing. These 'exotic dance' performances will involve some nudity and semi-nudity. There will be House Rules comprising a Code of Conduct for Performers and a Code of Conduct for customers and these will accommodate conditions within Norwich City Council Policy for SEVs

#### Section 15 of 17

##### HOURS PREMISES ARE OPEN TO THE PUBLIC

###### Standard Days And Timings

###### MONDAY

Start

End

Start

End

###### TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.



Continued from previous page...

WEDNESDAY

Start 10:00

End 04:00

Start

End

THURSDAY

Start 10:00

End 04:00

Start

End

FRIDAY

Start 10:00

End 04:00

Start

End

SATURDAY

Start 10:00

End 04:00

Start

End

SUNDAY

Start 10:00

End 04:00

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

An additional hour to allow for the end of British Summer Time

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Year's Eve 10:00 to 10:00 New Year's Day

*Continued from previous page...*

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

General - all four licensing objectives

3. Before the sale or purchase of alcohol to any persons who appears to be under the age of 18 years, proof of age will be required - replace with 'A' on pg 16

The Prevention of Crime and Disorder

5. The licensee shall ensure that at all times when the premises are open for any licensable activity there are management staff on duty at the premises for the purposes of fulfilling the terms and conditions of the licence and for preventing crime and disorder - replace with 'B' on pg 16

7. The licensee will be a member of the Norwich Licensing Forum and either he or a member of his management would attend at least three meetings per year - remove as no longer applicable

8. Management will operate a Challenge 25 policy as a minimum in order to ensure that liquor is sold only to persons of lawful age - replace with 'A' on pg 16

9. All staff undergoes training concerning knowledge of licensing laws together with the social impact of the sale of alcohol - replace with 'C' on pg 16

Remove conditions 10, 11, 12, 14, 15, 16, 17 and 18 relating to CCTV provision - replace with 'D' on pg 16

19. The Licensee shall not sell or supply alcoholic drinks at prices less than the "agreed minimum prices" - remove as this is no longer relevant/applicable

20. To be an active member of local pub watch initiative - remove as no longer relevant/applicable

22. CCTV camera will cover entrances, all bars, dance areas and any external smoking area and will be maintained in good working order - replace with 'D' on pg 16

23. No patrons shall be allowed to leave the premises whilst in possession of any drinking vessel or open glass bottle - replace with 'E' on pg 16

24. There will be a minimum of 2 SIA door supervisors on the entrance to the premises and 1 SIA door supervisor inside to patrol inside the venue from 22.00 hours until close on Thursday, Friday and Saturday nights and Sundays before Bank Holidays. There will be a minimum of 2 SIA door supervisors employed from 22.00 hours until close on all other nights - replace with 'F', 'G' and 'I' on pg 16

25. The door supervisors will monitor the capacity using clickers - remove as not relevant to this type of operation

29. Door supervisors situated on the front door to wear high visibility and bright fluorescent coloured outer clothing to be visible - remove as not relevant for this type of operation

31. A refusal book will be kept behind the bar to record all refused entries due to under-age or intoxicated - replace with 'H' on pg 16

32. An incident book will be provided and available for inspection by Police or Licensing Authority on request - replace with 'H' on pg 16

33. An "Alert" radio system will be operated by the premises under Project 150 Scheme and subscription charges will be payable for the duration of the Project 150 Scheme - remove as the current condition 36 supersedes this

34. SIA door security will check regularly all public areas ie. toilets to ensure that no unlawful activity is being carried out - replace with 'K' on pg 16

The Prevention of Public Nuisance

60. Except for access and egress, all doors and windows of the licensed premises will remain closed whenever regulated entertainment is provided - replace with 'L' on pg 16

The Protection of Children from Harm

63. Before the sale or purchase of alcohol to any persons who appears to be under the age of 18 years, proof of age will be required - replace with 'A' and 'M' on pg 16

64. The premises licence holder will ensure that an age verification policy will apply... - replace with 'A' and 'M' on pg 16

65. Security will ID any persons who look under the age of 18 before entering the premises - replace with 'M' on pg 16

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

**Continued from previous page...**

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

**Section 16 of 17**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

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

All bar staff will be trained in the basic law relating to the safe supply of alcohol and a record of who has received training will be kept at the premises - 'C'

b) The prevention of crime and disorder

The Licensee, that is the person in whose name the premises licence is issued, shall ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the Licence and for preventing crime and disorder - 'B'

There shall be a minimum of one SIA registered door supervisor present at any time when the premises are open to the public for the performance of exotic dancing. In addition, a minimum of two SIA door supervisors shall be on duty every Friday and Saturday night and any night where there is live music, dance or disco event between the hours of 21:00 and the terminal hour stated on the Licence - 'F'

Door Supervisors will be employed during the late evening and early hours of the following morning proportionate to the risk - 'G'

All incidents involving Door Supervisors shall be recorded in a suitable log, including all refused entries. The log shall be made available for inspection on request to the Police and Officers of the Local Authority - 'H'

The Licensee will ensure that there are sufficient staff on the premises to be able to monitor the behaviour of customers whilst inside the premises and take action to alert the Police and prevent problems escalating - 'I'

Anyone who appears to be under the age of 25 years shall be requested to provide identification. Only photographic identification shall be accepted such as a passport, driving licence or Citizen's Card with holograms. If a customer is unable to provide identification then no sale shall be made, or when adult entertainment is taking place allowed to remain on the premises - 'A'

A suitably worded sign of sufficient size and clarity will be displayed at the point of entry to the premises advising customers that they may be asked to produce evidence of their age.

No patrons shall be allowed to leave the premises whilst in possession of any drinking vessel or open glass bottle whether empty or containing any beverage - 'E'

The Licensee shall maintain a digital colour CCTV system at the premises that ensures that all public areas of the licensed premises are monitored, including all public entry and exit points, bar and all dance areas and which shall continually record whilst the premises are open to the public. Video recordings will be kept for a minimum of 31 days for inspection by the Police or other authorised responsible authority 'D'

There shall be in place a set of House Rules made up of a Code of Conduct for Performers and a Code of Conduct for

**Continued from previous page...**

customers. A copy of these Codes of Conduct will be submitted to the Police and Licensing Authority and these will not be changed without reference to these Authorities.

Each Performer will sign a copy of their Code of Conduct before being allowed to commence dancing at the premises and this record is to be available on site to Police or Licensing Officers on request.

Employee records of Performers will be kept and made available to the Authorities on request.

Toilets will be checked every hour and a log kept of each check. The log shall be made available on request to the Police and Officers of the Local Authority - 'K'

**c) Public safety**

The provision of the Regulatory Reform (Fire Safety) Order 2005 apply to these premises and accordingly all fire and health and safety risk assessments will be fully implemented.

**d) The prevention of public nuisance**

An adequate number of staff will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary especially during the terminal hour to assist in a quiet and orderly dispersal of patrons.

Volume levels from licensable music, both live and recorded will be monitored both inside and outside the premises by responsible persons with particular regard to excessive noise to neighbouring properties.

There shall be no amplified music in the application premises before the Council has determined the permitted maximum sound levels expressed in dBLAeq(5min) measured at a point 2 metres from any loudspeaker forming part of the amplification system and thereafter the permitted maximum sound level shall not be exceeded at any time

Except for access and egress, doors and windows will be kept closed when licensable music is being played - 'L'

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

All members of staff at the premises will seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking to purchase or consume alcohol on the premises.

A suitably worded sign of sufficient size and clarity will be displayed at the point of entry to the premises advising customers that they may be asked to produce evidence of their age.

No person under the age of 20 years will be allowed access to any part of the premises at a time where an activity or entertainment of a sexual nature is being provided - 'M'

Entry and exit to the premises will be controlled so that it would not be possible to see into the premises from the street at any time during a live show.

**Section 17 of 17**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

**Continued from previous page...**

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

**DECLARATION**

\* I/we understand 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/norwich/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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**

**OFFICE USE ONLY**

Applicant reference number	Bar 52 licence variation
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

< Previous   [1](#)   [2](#)   [3](#)   [4](#)   [5](#)   [6](#)   [7](#)   [8](#)   [9](#)   [10](#)   [11](#)   [12](#)   [13](#)   [14](#)   [15](#)   [16](#)   [17](#)   Next >

## **Customers' Code of Conduct**

Customers must be seated before a dancer can commence a dance and must remain seated during the dance with their hands at their sides

During the performance customers must remain fully clothed

Customers may not touch dancers during a performance

Customers may not make lewd or offensive remarks to dancers

Customers may not harass or intimidate dancers

Customers may not ask dancers to perform any sexual favour

Customers may not perform acts of masturbation or indulge in other sexual behaviour

Customers may not proposition dancers in relation to any sexual activities inside or outside the premises, nor shall such activities be provided

Dancers may not straddle customers at any time during their performance

No smoking, E-cigarettes or vaping is allowed inside any part of the club

Mobile phones and other photographic equipment may not be used inside the club

Any customer failing to adhere to this Customer Code of Conduct will be ejected from the premises

## **Performers' Code of Conduct**

1. The Performer must always sign in with the Manager prior to commencing each shift
2. Except in an emergency, the Performer may not use any mobile phones in public areas
3. The Performer must fully dress at the end of each performance and before moving from a designated dance area to the dressing room
4. The Performer must remain fully clothed whilst acting in the capacity of host or hostess
5. The Performer must never give out any personal information including telephone numbers or contact details. The Performer may provide customers with the days and shifts she, or another Performer work at the Club
6. The Performer may never accept any telephone number, address or any other contact information from any customer, except in the form of a business card, but may not make use of that information to contact the customer. Before leaving the premises, the Performer must permanently surrender all such cards to the Manager and may not retain the information on it in any form
7. The Performer must not be in the company of a customer except in an area open to the public within the Club (excluding toilets)
8. The Performer must never perform a private dance except in a private booth area
9. During the performance of a private dance –
  - The Performer must not sit on or straddle a customer
  - The Performer must maintain one foot on the floor at all times and not place their feet on the booth seat
  - The Performer may not place their knee or knees on the booth seat
  - The Performer may not perform any act that clearly simulates masturbation, oral sex or sexual intercourse including the insertion of any object, including their own finger, into any genital opening. The Performer may not touch their breasts with their mouth, lips or tongues
  - And at any time when exotic dancing is taking place - no Performer shall dance with or towards any other Performer and shall make no physical contact with another Performer. There shall be no simulated sexual acts or pseudo sexual acts
  - And at any time when exotic dancing is taking place - a Performer must not intentionally touch the genitals or breasts of another Performer or knowingly permit another Performer to intentionally touch their genitals or breasts



- Customers must be seated in an upright position against the back of the booth with their hands by their sides before a Performer can commence an exotic dance. Customers must remain so seated during the entire dance
  - There shall be no physical contact between customers and the exotic dancers except for the placing of money/tokens in a garter or in the hands of the performer at the beginning or conclusion of the performance or for payment for drinks
  - At all other times during the performance, the Performer will keep a minimum distance of, at least 3 feet away from the customer
10. The Performer may not use language of an inappropriate, suggestive or sexually graphic nature at any time
  11. Exotic dancing shall be provided solely by authorised Performers employed by the Club for that purpose. No audience participation shall be permitted
  12. Customers are not permitted to dance at any time. Customers must remain appropriately clothed at all times. Neither customer nor Performer may remove any of the customer's clothing during a performance
  13. If a customer attempts to touch, or speak to, a Performer inappropriately, the Performer must immediately stop the performance and explain the relevant rules. If necessary, the Performer must ask for assistance from a Door Supervisor who will take appropriate action which may include escorting the customer out of the Club
  14. The Performer must not engage in or offer to engage in acts of prostitution (the receiving of money for provision of any sexual act). The Performer must not accept a customer's offer of any such arrangement
  15. The Performer must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act
  16. The Performer must not intentionally meet any customer outside of the Club
  17. The Performer must not agree to meet a customer outside of the Club
  18. The Performer must not engage in any unlawful activity within the Club
  19. The Performer must never leave the premises during a shift, except in the case of an emergency and then only with the express permission of the Manager. In that event, the Performer must sign out before leaving the premises. If a Performer leaves early, for any reason, the Performer will not be re-admitted during that shift
  20. The Performer will either leave at the end of a shift in a nominated taxi or a member of security will escort them to their car or off the premises
  21. At the end of the night shift the Performer must not leave the premises until after the customers have departed and then have been cleared to leave by the Manager

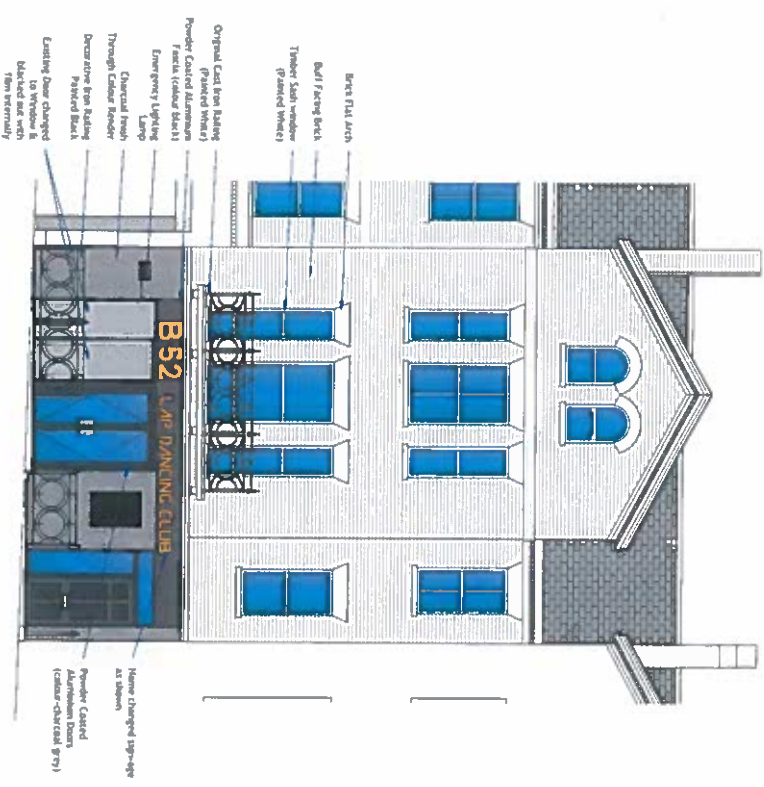
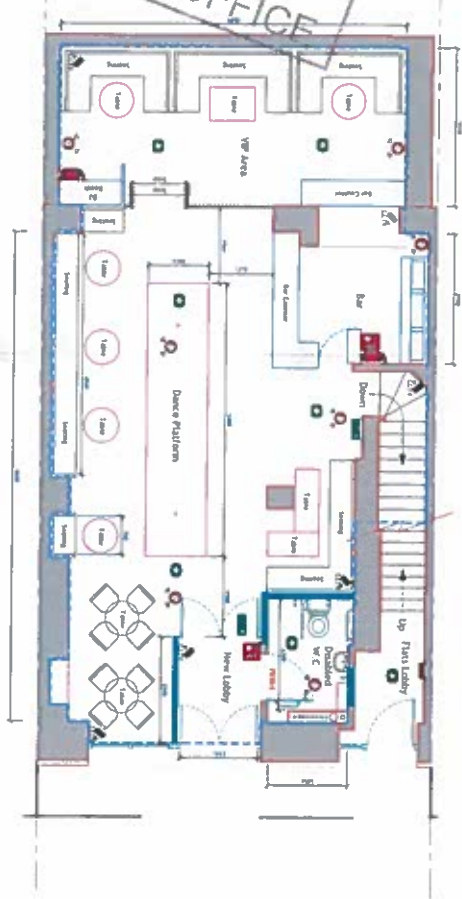
22. The Performer may consume alcohol in moderation. If there is any dispute, the Manager shall decide what is meant by moderation

23. The Performer must not consume, possess or be under the influence of any drug or substance unless it is personally prescribed medication by a registered GP

24. The Performer must not invite or knowingly permit her spouse, boyfriend or anyone else with whom the Performer is romantically involved to enter the Club

25. Breach of this code by a Performer may cause the Manager to invoke the disciplinary procedure against that Performer and may result in the termination of that Performer's Licence

RECEIVED  
26 JAN 2017  
LICENSING OFFICE



- DRAWING KEY**
- New B in-filled walls
  - Licensed Area
  - Fire Call Point
  - Fire Extinguisher
  - Fire Exit Sign
  - Accident Book
  - Closed Circuit TV
  - Smoke Detector
  - Emergency Lighting
  - First Aid Station
  - Fire Alarm Control Panel



Project No.	CP-16-07-003
Client	As above
Design	As above
Drawn	CP-16-07
Check	CP-16-07
Scale	1:500
Date	07/10/16
Project Name	B52 LAMP DANCING CLUB
Project Address	52 Prince Of Wales Road
Project Description	Proposed Change of Use
Project Status	As Proposed
Project Manager	N/A
Project Engineer	N/A
Project Designer	N/A
Project Checker	N/A
Project Approver	N/A
Project Sign-off	N/A

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

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

<b>Your name/organisation name/name of body you represent (see note 1)</b>	Mrs. Hazel Flavell
<b>Postal address</b>	9 church road, Ashmanhaugh NR12 8YL
<b>Email address</b>	
<b>Contact telephone number</b>	
<b>Name of the premises you wish to support or object to</b>	Bar 52
<b>Address of the premises you wish to support or object to.</b>	52 Prince of Wales Road, Norwich

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

<b>Licensing Objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	There is evidence of sexual harassment by men after they leave clubs where they are sexually stimulated. I have a house just off Tombland and my elderly neighbours tell me they are afraid to walk down Prince of Wales Road already. I believe that a new lap dancing club is likely to make an already bad situation worse.
<b>Public safety</b>	We know from other clubs close to our homes that rules and conditions laid down by the licensing authority are not always carried out. There are insufficient checks in Norwich by the authorities to guarantee public safety after licenses have been issued.
<b>To prevent public nuisance</b>	All the above reasons apply to this
<b>To protect children from harm</b>	Children may not be allowed into the club but their parents influence them and the exploitation of women in these establishments by their parents offers the children dangerous role models.

<b>Please suggest any conditions which would alleviate your concerns.</b>	I don't think any safeguards would alleviate my concerns because there is not the money to pay for local authorities to employ enough people to police or monitor any conditions which might be imposed.
---	--

Signed: Hazel Flavell

ate: 13-2-2017

Please see notes be...





3 Middletons Lane  
Norwich

NR6 5NF

14-2-17

To all it concerns,

I wish to register my  
objection to the change of use of  
BAR 52, 52 Prince of Wales Rd,  
applied for.

These sort of venues are  
incompatible with Norwich City's  
equality policy. The alcohol fuelled  
atmosphere in these places leaves  
women very vulnerable, often women  
caught in the poverty trap.

The venue is especially unsuited  
as it is opposite another Super 2 Spice.  
Please reject the application.

Sincerely,

RECEIVED

21 FEB 2017

LICENSING OFFICE

Norwich City Council Licensing Authority  
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	Harry Grainger
Postal address	91King Street Norwich
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Bar 52
Address of the premises you wish to support or object to.	52 Prince of Wales Road

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

Licensing Objective	<i>Please set out your support or objections below. Please use separate sheets if necessary</i>
To prevent crime and disorder	Although The bar52 is located within the area designated for the night time economy (NTE) this area is surrounded by residential accommodation and cannot be accessed without passing through. Already residents right across the city centre face harassment and considerable collateral damage from the NTE and this is not policed at all. Rosary Road is currently subject to a large amount of kerb crawling and drug related activity, again policed ineffectively. Until effective policing of crime and disorder is put into place across the city centre, not simply outside of bars in Prince of Wales road then the NTE should not be encouraged and allowed to yet further impinge on the basic human rights of the residents of the broader city centre.



<p><b>Public safety</b></p>	<p>There are studies showing that crimes against women increase in areas where lap-dancing clubs proliferate. Proliferation makes gender equality worse and increases the risk as well as the fear of crime, and is incompatible with the Norwich's equality policy.</p> <p>A study in Camden  <a href="https://www.theguardian.com/world/2008/mar/19/gender.uk">https://www.theguardian.com/world/2008/mar/19/gender.uk</a>  <a href="http://www.hertsequality.org/downloads/content/Corporate%20Sexism.pdf">http://www.hertsequality.org/downloads/content/Corporate%20Sexism.pdf</a></p> <p>is contested by the industry, as one would expect, but this objection is neither objective nor conclusive. Norwich Local residents are not willing to have the additional risks imposed on them by adding sexual arousal to the mix of alcohol-induced dis-inhibition. We already suffer from public urination and defecation, the casual disposal of drug needles, and vomiting in public places all of which raise serious health and safety concerns which are not currently addressed within the control issues relating to the NTE. The addition of this club will simply add to this disgraceful situation.</p>
<p><b>To prevent public nuisance</b></p>	<p>The presence of SEVs has been shown to increase demand for prostitution in Edinburgh  <a href="http://www.womenssupportproject.co.uk/userfiles/file/uploads/Challenging_Men%C2%92s_Demand.pdf">http://www.womenssupportproject.co.uk/userfiles/file/uploads/Challenging_Men%C2%92s_Demand.pdf</a></p> <p>and sexual violence in Newquay  <a href="http://www.telegraph.co.uk/news/uknews/law-and-order/9284609/Lapdancing-clubs-encourage-rape-and-sexual-assaults-claims-police-chief.html">http://www.telegraph.co.uk/news/uknews/law-and-order/9284609/Lapdancing-clubs-encourage-rape-and-sexual-assaults-claims-police-chief.html</a></p> <p>There is no evidence to suggest these findings would not apply to Norwich. And again to repeat as said under public safety the NTE already generates considerable public nuisance across the city centre so the addition of yet another venue, particularly one focused around SEV will simply add another layer, but in this case one focussed on vulnerable women, to the already considerable public nuisances generated by the NTE.</p>

Comment [1]:

**To protect children from harm**

*The council's licensing policy states:*

*16.1 Where the activities specified in an operating schedule include striptease, or any other kind of nudity (e.g. lap dancing, table dancing, pole dancing or topless waitresses) the council will take into consideration any increased risk*

*to the promotion of the licensing objectives. In particular, the council will expect the applicant to have given particular consideration to the promotion of the licensing objectives in relation to the protection of children and the prevention of crime and disorder.*

*16.2 Where applications for premises licences or club premises certificates include*

*striptease or any other kind of nudity in the licensable activities, the council will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to attend.*

*The emerging SEV policy calls for consideration of*

*11.1 Relevant Localities*

*In considering the characteristics of a locality the Licensing Authority shall particularly take account of the density and proximity of:*

- (1) schools, nurseries, crèches, youth hostels and other similar educational or recreational facilities attended by children,*
- (2) parks and children's play areas,*
- (3) residential and sheltered accommodation,*
- (4) religious and community buildings,*
- (5) alcohol or entertainment licensed premises,*
- (6) other retail units (and their uses).*

**Bar 52 is 100m from Norwich Central Mosque, the Evangelical Free Church and Charles Darwin Primary School.**

The presence of strip clubs sends damaging messages to children and young people in the surrounding area, given how they portray male and female roles and relations. This is harmful to boys and girls who are learning their identities. It is naive to think that the clubs affect only the people who enter them, especially since there are no clear government guidelines to regulate billboard advertising, signage and leafleting for lap dancing in the local areas.

In addition the area, even the defined area for the NTE contains at least three hotels, boat moorings and numerous bed and breakfasts which could reasonably expect families to stay, and do actively advertise themselves as suitable for family use. This again is not consistent with the use of premises as SEV.



Please suggest any conditions which would alleviate your concerns.

Vigorous and consistent law enforcement across the wider city centre of public disorder offences related to sex venues, bars and drugs. A council recognition that Norwich should not become the sleeze centre for East Anglia and a vigorous campaign to make public drunkenness and urination etc. Completely unacceptable. A broad ranging cost / benefit analysis which shows clearly the net financial effect of the NTE within Norwich and any associated potential loss / gain to the city centre as a result of allowing SEV premises to further alter the frame of the NTE.

Signed: Harry Grainger

Date: 15/217

#### **Duty to promote equality**

All local authorities have a legal obligation under the *Public Sector Duty of the Equality Act 2010* to eliminate unlawful gender discrimination and harassment and to promote equality of opportunity between women and men. Article 1 of the Convention on the Elimination of Discrimination Against Women (CEDAW) states that discrimination against women means:

*any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

Comment [2]:

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

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

<b>Your name/organisation name/name of body you represent (see note 1)</b>	Councillor Lesley Grahame, Thorpe Hamlet Ward
<b>Postal address</b>	7 Railway Cottages, Hardy Road, NR1 1JW
<b>Email address</b>	
<b>Contact telephone number</b>	

<b>Name of the premises you wish to support or object to</b>	Bar 52
<b>Address of the premises you wish to support or object to.</b>	52 Prince of Wales Road

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

<b>Licensing Objective</b>	<b><i>Please set out your support or objections below. Please use separate sheets if necessary</i></b>
<b>To prevent crime and disorder</b>	<p><b>Bars and pubs can get around the licensing regime by holding sexual entertainment events on an 'occasional basis'</b></p> <p>If policymakers acknowledge that sexual entertainment requires a specific kind of regulation, then it is inconsistent that they allow venues to hold unlicensed sexual entertainment events, ever. Furthermore, venues hosting infrequent lap dancing events are even less likely to have in place the necessary facilities and security measures to safeguard the female performers, who are thus at higher risk of being victims of crime. See additional sheet</p>
<b>Public safety</b>	<p>There are studies showing that crimes against women increase in area where lap-dancing clubs proliferate, and in countries where gender inequality is worse. Proliferation makes gender equality worse and increases the risk as well as the fear of crime, and is incompatible with the Norwich's equality policy.</p> <p><a href="https://www.theguardian.com/world/2008/mar/19/gender.uk">https://www.theguardian.com/world/2008/mar/19/gender.uk</a>  <a href="http://www.hertsequality.org/downloads/content/Corporate%20Sexism.pdf">http://www.hertsequality.org/downloads/content/Corporate%20Sexism.pdf</a></p> <p>The Camden study is contested by the industry, as one would expect, but this is neither objective nor conclusive. Local residents are not willir to have the additional risks imposed on them by adding sexual arousal the mix of alcohol-induced dis-inhibition.</p> <p>The additional risk is further complicated by the location opposite</p>

	<p>another Sugar and Spice, so there is no option for those who wish to, crossing the road to avoid an SEV.</p> <p>See additional sheet</p>
<b>To prevent public nuisance</b>	<p>The presence of SEVs has been shown to increase demand for prostitution in Edinburgh  <a href="http://www.womenssupportproject.co.uk/userfiles/file/uploads/Challenging_Men%C2%92s_Demand.pdf">http://www.womenssupportproject.co.uk/userfiles/file/uploads/Challenging_Men%C2%92s_Demand.pdf</a></p> <p>and sexual violence in Newquay  <a href="http://www.telegraph.co.uk/news/uknews/law-and-order/9284609/Lapdancing-clubs-encourage-rape-and-sexual-assaults-claims-police-chief.html">http://www.telegraph.co.uk/news/uknews/law-and-order/9284609/Lapdancing-clubs-encourage-rape-and-sexual-assaults-claims-police-chief.html</a></p> <p>See additional sheet</p> <p>There is no reason to think these findings would not apply to Norwich, unless Norwich conducts its own research.</p>
<b>To protect children from harm</b>	<p><i>The council's licensing policy states:</i></p> <p><b>16.1 Where the activities specified in an operating schedule include strip or any other kind of nudity (e.g. lap dancing, table dancing, pole dancing or topless waitresses) the council will take into consideration any increase to the promotion of the licensing objectives. In particular, the council will expect the applicant to have given particular consideration to the promotion of the licensing objectives in relation to the protection of children and the prevention of crime and disorder.</b></p> <p><b>16.2 Where applications for premises licences or club premises certificates, striptease or any other kind of nudity in the licensable activities, the council will have particular regard to the location of the premises in relation to religious worship, schools, youth clubs or other premises where numbers of children are likely to attend.</b></p> <p><i>The emerging SEV policy calls for consideration of</i></p> <p><b>11.1 Relevant Localities</b></p> <p><i>In considering the characteristics of a locality the Licensing Authority shall particularly take account of the density and proximity of:</i></p> <p><b>(1) schools, nurseries, crèches, youth hostels and other similar educational recreational facilities attended by children,</b></p> <p><b>(2) parks and children's play areas,</b></p> <p><b>(3) residential and sheltered accommodation,</b></p> <p><b>(4) religious and community buildings,</b></p> <p><b>(5) alcohol or entertainment licensed premises,</b></p> <p><b>(6) other retail units (and their uses).</b></p> <p>Bar 52 is 100m from Norwich Central Mosque, the Evangelical Free Church and Charles Darwin Primary School.</p> <p>The presence of strip clubs sends damaging messages to children and young people in the surrounding area, given how they portray male and female roles and relations. This is harmful to boys and girls who are learning their identities. It is naive to think that the clubs affect only the people who enter them, especially since there are no clear government guidelines to regulate billboard advertising, signage and leafleting for lap dancing in the local areas. See additional sheet</p>

<p><b>Please suggest any conditions which would alleviate your concerns.</b></p>	<p>Contracts and Living wage for dancers &amp; all staff.  Regular, unannounced inspections and enforcement of policy rules. Zero tolerance to harassment/assault +Warnings to men about prosecution of assault  Confidential whistle-blowing mechanism  Cap on number of SEVs in City/LNAZ/Prince of Wales Road</p> <p>As suggested in Lambeth:  <a href="https://moderngov.lambeth.gov.uk/documents/s32548/02d%20Sex%20Establishment%20Policy%20Stage%202%20EIA%202.pdf">https://moderngov.lambeth.gov.uk/documents/s32548/02d%20Sex%20Establishment%20Policy%20Stage%202%20EIA%202.pdf</a></p> <p>i). Conditions proposed by the Chair of the Institute of Licensing 1. No contact between performers and audience and a minimum of 1 metre separation between performers and audience. 2. Performers confined to stage area. 3. Prevention of fining performers. 4. Zero tolerance policy on customers who break rules of conduct. Contravention warrants a lifetime ban from the premises. 5. Prohibition of private booths. 6. CCTV coverage of all public areas. LBL/PEP/EIA Report Template/V. August 2010/JRT 12 7. Controls on exterior advertising and signage. 8. Prohibition of advertising in public spaces, including on billboards, telephone booth boards, and leafleting.</p> <p>ii). Conditions proposed by the Fawcett Society 1. A register to be kept of all staff working each night and valid proof to be held on the premises of the age of each of the performers. 2. No fee to be charged by any club to a performer for working in the club. 3. Police to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges. 4. No smoking areas to be allowed at the front of clubs to minimise the potential harassment of women living, working and passing through the area. All smoking areas must be in private areas away from public spaces 5. No advertising allowed in media that is not exclusively aimed at adults – this would exclude local and family newspapers for example.</p> <p>These suggestions would help a little, they not outweigh my objection, which would still stand, even if these conditions were met, for the reasons given above and below</p>
--	---

Signed:

Date: 9/2/17

Duty to promote equality

All local authorities have a legal obligation under the Public Sector Duty of the Equality Act 2010 to eliminate unlawful gender discrimination and harassment and to promote equality of opportunity between women and men. Article 1 of the Convention on the Elimination of Discrimination Against Women (CEDAW) states that discrimination against women means:

*any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

A report by End Violence Against Women and London Metropolitan University, *Sexualised Sexism: popular culture, sexualisation and violence against women and girls* states that: "Since violence against women and girls is defined by the United Nations as cause and consequence of gender inequality, rooted in, and also reproducing, disparities in power, economic resources and respect<sup>1</sup>, sexist, sexualised representations of gender play a part in creating environments where violence becomes possible."

#### Link between SEVs and increased crime

The council's assertion that there is no link between SEVs and crime and disorder is unsubstantiated. There is clear evidence that women working in SEVs are likely to be victims of sexual violence and exploitation. Research has also found a link between lapdancing clubs and prostitution (see Bindel 2004). <http://secondaryeffectsresearch.com/files/Edinburgh.pdf>

A report by the Lilith Project which looked at lap-dancing in Camden Town found that in the three years before and after the opening of four large lap-dancing clubs in the area, incidents of rape in Camden rose by 50%, while sexual assault rose by 57%. It also concludes that the existence of lap-dancing clubs has a negative effect on the community, that areas where lap-dance clubs operate have become 'no-go' for women who feel uncomfortable walking by, and that men have been harassed by personnel offering them sexual services.

One body of research on strip clubs in the US found that all dancers had suffered verbal harassment and physical and sexual abuse while at work; all had been propositioned for prostitution; and three-quarters had been stalked by men associated with the club. <https://www.theguardian.com/world/2008/mar/19/gender.uk>

From a Glasgow City Council report on table-dancing:

In the study 'Stripclubs According to Strippers: Exposing Workplace Sexual Violence' by Kelly Holsopple published in 1998 (Appendix 1) it is noted that '100% of the eighteen women in the survey report being physically abused in the strip club. The physical abuse ranged from three to fifteen times with a mean of 7.7 occurrences over their involvement in stripping. 100% of the eighteen women in this study report sexual abuse in the strip club. The sexual abuse ranged from two to nine occurrences with a mean of 4.4 occurrences over the course of their involvement in stripping. 100% of the women report verbal harassment in the strip club. The verbal abuse ranged from one to seven occurrences with a mean of 4.8 occurrences over the course of their involvement in stripping.'

<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=1776&p=0>

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1

<sup>1</sup> United Nations (2006) In-depth study on all forms of violence against women: Report of the Secretary-General. New York: UN. See [www.un.org/womenwatch/daw/vaw/v-sg-study.htm](http://www.un.org/womenwatch/daw/vaw/v-sg-study.htm)



Norwich City Council Licensing Authority  
Licensing Act 2003

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

<b>Your name/organisation name/name of body you represent (see note 1)</b>	Susan Steward (resident Thorpe Hamlet)
<b>Postal address</b>	91 King Street, Norwich NR1 1PH
<b>Email address</b>	
<b>Contact telephone number</b>	
<b>Name of the premises you wish to support or object to</b>	Bar 52
<b>Address of the premises you wish to support or object to.</b>	52 Prince of Wales Road

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	Kerb crawling and the sexual harassment of women is already known to be a problem in Prince of Wales Road and roads near to it. Drunk men coming out of a sex venue will already be sexually aroused and will regard any woman as 'available' – especially women on their own. For example residents of Rosary Road have been subject to sexual harassment and kerb crawling (I reported an incident to the Police recently because I was walking alone at 8pm at night on my own at the bottom of Rosary Road). Sexual harassment both physical and verbal is a crime and should be taken seriously, it appears to be on the increase in the PoW Road area and the Council needs to properly recognise the effects of promoting women as sexual objects and take measures to address this.
Public safety	As a woman I do not feel safe walking down Prince of Wales Road at night, I am 55 years old and have been approached by kerb crawlers. I genuinely fear for my 21 year daughter who often uses PoW Rd as a route home from the railway station at night – what other route should she use?  A report by academics Jackie Patiniotis & Kay Standing in Criminal Justice Matters (2012, 88:1 10-12) entitled <i>License to cause harm? Sex entertainment venues and women's sense of safety in inner city centre</i> demonstrates that ordinary women are being affected by the granting of licences to Sex Clubs because <i>"the normalcy of the sex industry in public and commercial spaces causes harm to women's sense of safety and wellbeing and denies women their fundamental freedoms to access social, cultural and civic space". (p12)</i>



	As an 'ordinary woman' with an 'ordinary female daughter' I argue that our sense of wellbeing and safety are being compromised – why should they be? Why is my well-being and that of other women like me considered of no consequence and therefore be disregarded?
<b>To prevent public nuisance</b>	<p>The City Council has not commissioned any research into the effects of SEVs and the Night-time Economy and so has no evidence to refute or contradict ordinary residents' experiences of constant hassle – sexual and other, constant disruption and disturbance as well as crime (regularly reported to the Police).</p> <p>My other comments re 'sexual harassment' and women's perception of threat should also be considered in this section however I take issue with the term 'nuisance' as these are CRIMES and of a much more serious nature and should be treated SERIOUSLY.</p>
<b>To protect children from harm</b>	<p><i>The council's licensing policy states that the Council should consider the children and religious organisations:</i> Bar 52 is 100m from Norwich Central Mosque, the Evangelical Free Church and Charles Darwin Primary School.</p> <p>The presence of strip clubs sends damaging messages to children and young people in the surrounding area, given how they portray male and female roles and relations. This is harmful to boys and girls who are learning their identities. It is naive to think that the clubs affect only the people who enter them, especially since there are no clear government guidelines to regulate billboard advertising, signage and leafleting for late dancing in the local areas.</p>
<b>Please suggest any conditions which would alleviate your concerns.</b>	<p><i>'All local authorities have a legal obligation under the Public Sector Duty of the Equality Act 2010 to eliminate unlawful gender discrimination and harassment and to promote equality of opportunity between women and men.'</i> <i>The obvious presence of the sex and porn industries into our city centre i.e. Norwich has a negative impact on women's sense of self esteem, their value as citizens, and their safety. These are issues of discrimination and inequality which Norwich City Council must consider when granting licences to SEVs. ... the granting of any licence to SEVs is therefore a licence to cause gendered harm. (ibid, edited)</i></p> <p>If the City Council actually upholds its responsibilities under the law then I cannot see any circumstances in which it could grant this licence. If it does it is causing, and willingly causing, gendered harm.</p>

Signed: Susan Steward

Date: 21/2/17

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

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

<b>Your name/organisation name/name of body you represent (see note 1)</b>	East Anglian Bangladeshi Islamic Trust Known as 'Norwich Central Mosque'
<b>Postal address</b>	70-72 Rose Lane, Norwich, NR1 1PT
<b>Email address</b>	
<b>Contact telephone number</b>	

<b>Name of the premises you wish to support or object to</b>	Bar 52
<b>Address of the premises you wish to support or object to.</b>	52 Prince of Wales Road, Norwich, NR1 1LL

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

<b>Licensing Objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	Sexual entertainment venues will attract a proportion of serious crimes such as drug dealing, violence and alcohol related crime. Another factor is the safety concern for the vulnerable female performers as there is not enough police presence in this area. Having a lap dancing Club near to a worship place will be of concern as our congregation come to the area late night and early morning for prayers. During our congregation, we will feel very unsafe and will be exposed to definite dangers. At present, there are many instances where we are already experiencing verbal and sometime physical abuses by the local intoxicated people, so therefore having a lap dancing club will make more difficult for our attendees to in and out to mosque at night time.
<b>Public safety</b>	The presence of a strip club will attract more possible prostitution and some level of drugs related crime and sexual violence in this area. Currently, our mosque is a peaceful place for the worshippers but the club will create more violence and alcohol related fights.
<b>To prevent public nuisance</b>	We are already experiencing a substantial amount of noise pollution from next door; if this is combined with the presence of another lap dancing club in the same street we feel that this would be more disturbing to this area as it will create more shouting and screaming which will affect our congregation.
<b>To protect children from harm</b>	As we are an Islamic cultural centre and Mosque, we do many activities which involve children, women and disabled people. We have serious concerns about their safety since the proposed bar will attract a lot of young drinkers. Sexual arousal to intoxication will make things worse for our visitors. Particularly, Our Islamic appearance will cause more abusive attitude the young intoxicated club users. We have serious concern about the safety of our members and for the general public.



<b>Please suggest any conditions which would alleviate your concerns.</b>	No to a lap dancing club, Rose lane and the area has many clubs and bars, why need more.
---	--

Signed:

Date:

**Please see notes below**

**Fuller, Maxine**

---

**From:** Tim Folger  
**Sent:** 29 January  
**To:** LICENSING  
**Subject:** Bar 52 Lap-Dancing Application

Regarding the above application I would like to object on the grounds of:

- 1) It will increase crime and disorder late at night.
- 2) It will add to what is already a problem with late night drinking and will be a public nuisance.
- 3) Will be another problem for the police to spend time with It will encourage a risk to public safety.

From

Tim and Liz Folger

Sent from my iPhone

**Fuller, Maxine**

---

**From:** Annie West  
**Sent:** 18 February  
**To:** LICENSING  
**Subject:** Bar 52

I think Norwich advertises itself as 'a fine city' but it is in danger of becoming a sleaze city. Lap dancing attracts and encourages all the things that are not fine, drugs, sexual exploitation and prostitution. Please do not give a licence to Bar 52 for lap dancing.

Annie West  
Sent from my iPhone

Norwich City Council Licensing Authority  
Licensing Act 2003

RECEIVED

22 FEB 2017

LICENSING OFFICE

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

Your name/organisation name/name of body you represent (see note 1)	
Postal address	Prince of Wales Road, Norwich, Norfolk, NR1
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Bar 52 Licence variation
Address of the premises you wish to support or object to.	52 Prince of Wales road, Norwich, Norfolk, NR1 1LL

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	<p>If bar 52 was made in to a strip club I believe this would increase crime and disorder. You would have rowdy men outside, most probably drunk, being loud and aggressive, this would lead to fights. If men were to get thrown out of the club then they could start fights with the Door-men.</p> <p>the increase in people outside would mean more people stood in our door way. In the past when I have tried to enter or leave my flat from the main door groups of people have been stood in the door way and I have politely asked them to excuse me and this has led to altercations. Or I have seen men urinating in the door way. I believe this would increase with a strip club</p> <p>the back of my building and if they strippers were to stand out the back smoking were my car is there cigarette butts could go on my car or the increase in people round the back where my car is park could lead to vandalisms.</p>
Public safety	<p>When I enter or leave my flat on a night time I feel intimidated with all the drunk people on Prince of Wales, having a strip club would only increase this. There would be groups of men right outside and as I said above sometimes they are stood in my door way making entering and leaving difficult. This would just be me, this would be the other tenants in the building.</p> <p>Other people's safety on prince of wales road would also be at risk too from violence.</p>
To prevent public nuisance	<p>Public nuisance would increase because the music would be on 7 days a week until 4am. This would be a massive Nuisance. The noise id bad enough without a strip club</p> <p>There are already two strip clubs on prince of Wales road, I don't think there should be a third.</p>

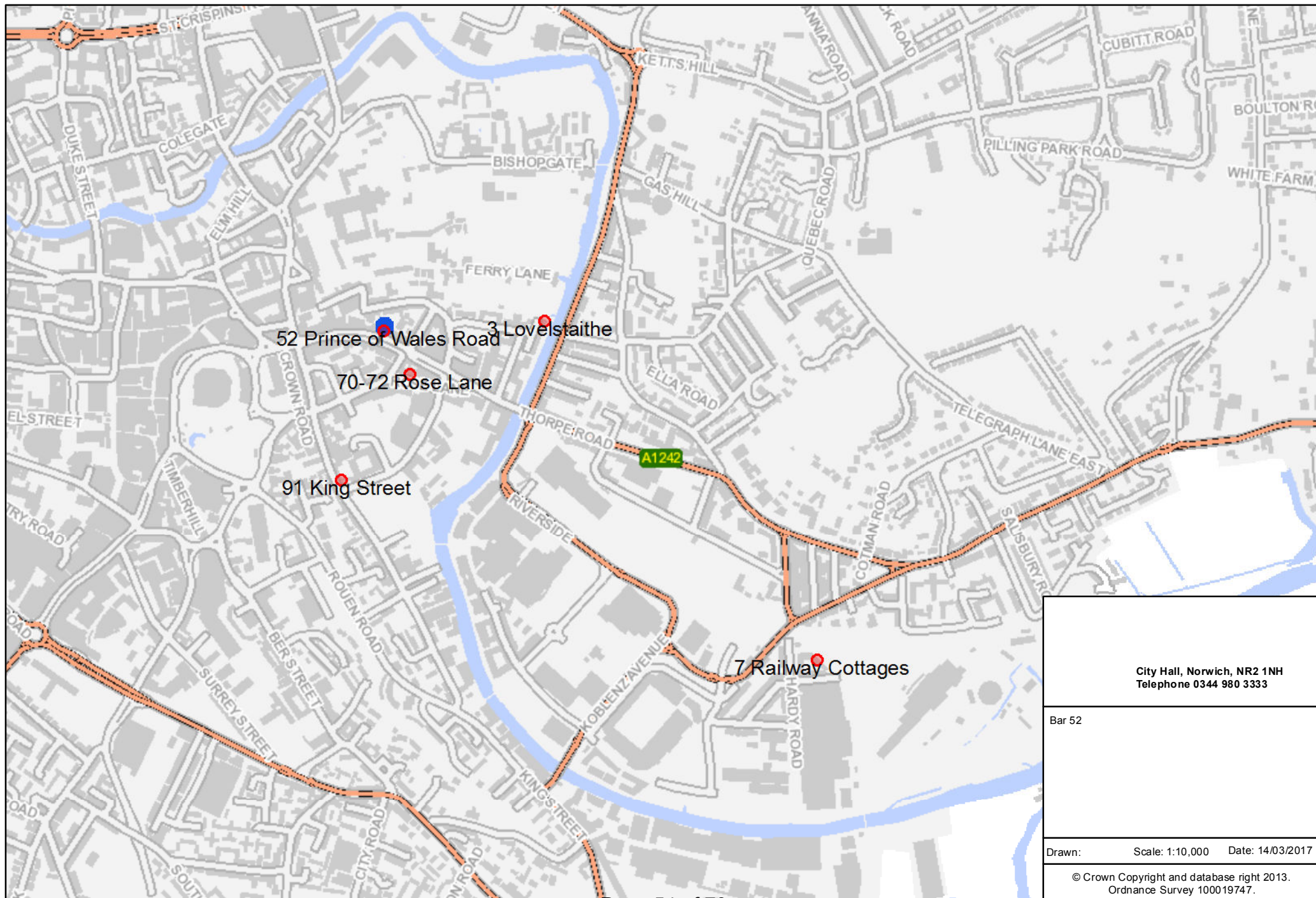
	Groups of people stood outside Bar52 at 4am would wake myself up as my bedroom faces prince of Wales Road.
To protect children from harm	

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

Date: 22.02.2017

Please see notes below



City Hall, Norwich, NR2 1NH  
Telephone 0344 980 3333

Bar 52

Drawn: Scale: 1:10,000 Date: 14/03/2017

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Ordnance Survey 100019747.

## 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’, 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.**

## 16. Nudity and striptease etc.

- 16.1 Where the activities specified in an operating schedule include striptease, or any other kind of nudity (e.g. lap dancing, table dancing, pole dancing or topless waitresses) the council will take into consideration any increased risk to the promotion of the licensing objectives. In particular, the council will expect the applicant to have given particular consideration to the promotion of the licensing objectives in relation to the protection of children and the prevention of crime and disorder.
- 16.2 Where applications for premises licences or club premises certificates include striptease or any other kind of nudity in the licensable activities, the council will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to attend.

- 16.3 In order to promote the licensing objectives, where the council is asked to grant premises licences which include striptease or any other kind of nudity in their licensable activities, applicants will be expected to give consideration to the following issues:
- the location within the premises where the activity takes place
  - the absence of advertising the activities outside the premises
  - the measures to ensure that no person under 18 years of age enters the premises
  - the measures to ensure that the activities inside the premises cannot be seen from outside the premises
  - the position of the performers' dressing rooms in relation to the area in which they perform
  - physical contact between performers and customers.

### **Sexual entertainment venues**

- 16.4 Section 27 of The Policing and Crime Act 2009 allows local authorities to regulate lap dancing clubs and similar venues defined as sexual entertainment venues under the 2009 act.
- 16.5 The act gives local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area. These powers are not mandatory and will only apply where they are adopted by local authorities. The council is currently following the statutory adoption procedures, and once adopted, these provisions will allow the council to refuse an application on potentially wider grounds than is permitted under the Licensing Act 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

### **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)

### Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

### Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

## **Crime and disorder**

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be 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.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

## **Public nuisance**

2.14 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.

2.15 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. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.16 Conditions relating to noise nuisance will usually 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 persons are not permitted in garden areas of the premises after a certain time.



More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation 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.

2.18 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.

2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is 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.

2.20 Beyond the immediate area surrounding the premises, these are matters for the 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, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

2.22 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;

2.23 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with

a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.24 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

## **Determining actions that are appropriate for the promotion of the licensing objectives**

9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

# **Conditions attached to premises licence**

## **General**

10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

## **Proposed conditions**

10.4 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.

10.5 It is 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.

## **Consistency with steps described in operating schedule**

10.6 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.

10.7 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**

10.8 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.

10.9 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**

10.10 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. 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.

## **Hours of trading**

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

## **The need for licensed premises**

13.19 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.

## Regulated entertainment

15.47 Dance that is sufficiently sexual in nature continues to be regulated. Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not deregulated, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

15.48 In almost all cases where a performance of dance is potentially licensable as both the provision of **relevant** entertainment (under the 1982 Act) and **regulated** entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act rather than the 1982 Act will continue to be required where:

- the premises are not licensed as a sex entertainment venue under the 1982 Act, and
- relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

