NORWICH
City Council

Committee Name: Licensing sub
Committee Date: 16/10/2023
Report Title: Application to Vary the Premises Licence for Olivers, 152A Unthank Road, Norwich, NR2 2RS

Portfolio:	Councillor Jones, Cabinet member for housing and community safety
Report from:	Head of planning and regulatory services
Wards:	Town Close

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application to vary the premises licence in respect of Olivers, 152A Unthank Road, Norwich, NR2 2RS following the receipt of a relevant representation.

Recommendation:

It is recommended that members determine the application to vary the premises Licence in accordance with the:

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

Policy Framework

This report meets the people live independently and well in a diverse and safe city corporate priority.

This report meets the city has an inclusive economy in which residents have equal opportunity to flourish corporate priority.

Report Details

The application

1. The applicant is Mark White.

2. The application seeks to vary the current premises licence to:

a) Increase the current customer capacity from 30 to 60.
b) Extend the supply of alcohol to include Off Sales.
c) Reduce the number of required staff required during opening hours from 3 to 1
d) Increase permitted opening hours on New Years Day to 2am and increase times for both Late Night Refreshment and Supply of Alcohol until 1:30am (again on New Years Day).

These variations are set out in the application form, which is attached at appendix A. This also includes the steps proposed to promote the licensing objectives (operating schedule).

Relevant representations

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

Police – no representations

Public 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

5 Local Residents – representation received (copies attached at appendix B)

Summary

4. 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.

5. 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;

- Refuse to accept the proposed DPS.

6. 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.

7. The representation received appears to relate to issues that fall under the licensing objectives.

Implications

Financial and Resources

Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan and Budget.

There are no proposals in this report that would reduce or increase resources.

Legal

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

Statutory Considerations

Consideration	Details of any implications and proposed measures to address:
Equality and Diversity	No implications, no proposed measures
Health, Social and Economic Impact	No implications, no proposed measures
Crime and Disorder	Norfolk Constabulary are a responsible authority under the legislation, no proposed measures
Children and Adults Safeguarding	Social Services and Children's Safeguarding Board are responsible authorities under the legislation, no proposed measures
Environmental Impact	No implications, no proposed measures

Risk Management

Risk	Consequence	Controls Required
Legal	Risk of challenge to incorrectly made decision	Consideration of legislation and application information. Legal advisor to support members in making their decision.
Reputational risk to the council	If problems arise following a decision to grant or if a decision is made incorrectly	Legal advisor to support members in making their decision

Reasons for the decision/recommendation

It is recommended that members determine the application to grant the premises Licence in accordance with the:

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

Background papers:

Licensing Act 2003 (legislation.gov.uk)

Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)

Licensing policy | Licensing policy | Norwich City Council

Appendices:

A – Application form
B – Local Resident Representation

Contact Officer: Public Protection Licensing Advisor

Name: Kyle Gregg

Telephone number: 01603 989400

Email address: licensing@norwich.gov.uk

APPENDIX A

NORWICH City Council

Norwich
Application to vary a premises licence
Licensing Act 2003

For help contact
licensingapplications@norwich.gov.uk
Telephone: 0344 980 3333

* required information

Section 1 of 18

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	TC/WHI414-2	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.

RECEIVED
24 AUG 2023
LICENSING OFFICE

Applicant Details

* First name	Mark
* Family name	White
* E-mail	
Main telephone number	Include country code.
Other telephone number	

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

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	08770895	
Business name	The Fat Cat Brewery Tap Limited	If your business is registered, use its registered name.
VAT number	GB 105426643	Put "none" if you are not registered for VAT.
Legal status	Private Limited Company	

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Your position in the business	Director
Home country	United Kingdom

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name	The Cottage
Street	87 Yarmouth Road
District	
City or town	Norwich
County or administrative area	Norfolk
Postcode	NR7 0HF
Country	United Kingdom

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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	23/01527/PREM

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	152A
Street	Unthank Road
District	
City or town	Norwich
County or administrative area	Norfolk
Postcode	NR2 2RS
Country	United Kingdom

Premises Contact Details

Telephone number	

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Non-domestic rateable value of premises (£): 16,250

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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.

To increase the permitted customer occupant capacity from 30 to 60
To extend the supply of alcohol to include consumption off premises
To reduce the required number of staff to be present during opening hours from 3 to 1
To increase the permitted opening hours on New Years Day (as part of New Years Eve Celebrations) to 2am with late night refreshment and the supply of alcohol permitted until 1.30am

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful? ( ) Yes (•) No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful? ( ) Yes (•) No

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PROVISION OF INDOOR SPORTING EVENTS

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See guidance on regulated entertainment

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

○ Yes ◉ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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

○ Yes ◉ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

○ Yes ◉ No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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

○ Yes ◉ No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

○ Yes ◉ No

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

See guidance on regulated entertainment

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

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PROVISION OF Llate NIGHT REFRESHMENT

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

(•) Yes ( ) No

Standard Days And Timings

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.

MONDAY

Start 23:00 End 23:30

Start End

TUESDAY

Start 23:00 End 23:30

Start End

WEDNESDAY

Start 23:00 End 23:30

Start End

THURSDAY

Start 23:00 End 23:30

Start End

FRIDAY

Start 23:00 End 00:00

Start End

SATURDAY

Start 23:00 End 00:00

Start End

SUNDAY

Start End

Start End

Will the provision of late night refreshment 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.

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State any seasonal variations.

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

Non standard timings. Where the premises will be used for the provision of late night refreshment 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 Years day morning - provision of late night refreshment until 1.30am

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SUPPLY OF ALCOHOL

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

(•) Yes ( ) No

Standard Days And Timings

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.

MONDAY	Start	12:00	End	23:30
	Start		End	
TUESDAY	Start	12:00	End	23:30
	Start		End	
WEDNESDAY	Start	12:00	End	23:30
	Start		End	
THURSDAY	Start	12:00	End	23:30
	Start		End	
FRIDAY	Start	12:00	End	00:00
	Start		End	

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SATURDAY

Start 12:00 End 00:00

Start End

SUNDAY

Start 12:00 End 23:00

Start End

Will the sale of alcohol be for consumption?

○ On the premises ○ Off the premises ◉ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

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

Non-standard timings. Where the premises will be used for the supply of alcohol 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 Years day morning - supply of alcohol until 1.30am

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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.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

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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.

MONDAY	Start	12:00	End	00:00
	Start		End	
TUESDAY	Start	12:00	End	00:00
	Start		End	
WEDNESDAY	Start	12:00	End	00:00
	Start		End	
THURSDAY	Start	12:00	End	00:00
	Start		End	
FRIDAY	Start	12:00	End	01:00
	Start		End	
SATURDAY	Start	12:00	End	01:00
	Start		End	
SUNDAY	Start	12:00	End	23:30
	Start		End	

State any seasonal variations.

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

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 Years day - Proposed closing time 2am

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

(1) Raise the maximum permitted customer capacity at the premises to to 60 (Annex Condition 14)

(2) No of staff members required to be present at all times to be produced to be reduced from 3 to 1 (Annex 2 Condition25)

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

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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.

The licence is currently subject to a comprehensive operating schedule - see Annex 1(Mandatory conditions) and Annex 2 (Conditions consistent with the Operating Schedule)

b) The prevention of crime and disorder

See above

c) Public safety

See above

d) The prevention of public nuisance

See above

e) The protection of children from harm

See above

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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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

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 your 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 (£)	190.00

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

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* 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	Mark White
* Capacity	Director
* Date	24 / 08 / 2023 (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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	TC/WHI414-2
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	☐

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Fuller, Maxine

From: PLANNING
Sent: 31 August 2023 12:11
To: LICENSING
Subject: FW: Ref planning application 23/00926/F

Please see below representation for a planning application that includes a late licence - if there is no late licence application associated with this site address, please ignore this email.

Kind Regards

Planning and Regulatory Services Technical Team Development and City Services Norwich City Council

-----Original Message-----
From: Jack dodwell-pace
Sent: Tuesday, August 22, 2023 7:49 AM
To: PLANNING <planning@norwich.gov.uk>
Subject: Ref planning application 23/00926/F

To whom it may concern,

I would like to object to a late licence for this premises. While I look forward to it reopening and wish is success there is no reason to have a late licence.

The noise of people loitering and chatting outside was already unenjoyable. This would be far worst with late licence especially in summer when local residents have windows open.

Unthank road already has a lot of pubs and drinking spots but it is a residential area not a mini prince of wales road dedicated to drinking.

Jack

Sent from my iPhone