

Report to	Licensing sub committee 12 July 2021	Item
Report of	Environmental Health & Public Protection Manager	3
Subject	Application for the Grant of a Premises Licence – Lords Restaurant, 82 Upper St Giles Street Norwich NR2 1LT	

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a premises licence in respect of Lords Restaurant, 82 Upper St Giles Street Norwich NR2 1LT following the receipt of relevant representations.

Recommendation

That Members determine the application to grant the premises licence 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 priorities of inclusive economy and people living well.

Financial implications

None.

Ward/s: Mancroft

Cabinet member: Councillor Jones – Safer, stronger neighbourhoods

Contact officers

Maxine Fuller – Public Protection Licensing Advisor 01603 989400

Background documents

None

Report

The application

1. The applicant is Mediterranean Fine Dining Ltd.
2. The proposed DPS is Mr Klodjan Xhaferrllari.
3. The application seeks to allow the licensable activities, times and opening hours as 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).

Attached at appendix B is confirmation of the revised hours that are now being applied for (please see appendix)

The premises did have a premises licence however, a review application was submitted by Richard Divey, Public Protection Officer for Norwich City Council. A review hearing was arranged for 13 January 2021 and the committee revoked the licence.

Relevant representations

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

Police – representation received (copy attached at appendix C)

Public Protection – representation received (copy attached at appendix C)

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

Representations objecting to the application have been received from 20 local residents including 1 councillor (copies attached at appendix D).

Attached at appendix E is a location map.

Attached at appendix F is a further proposal submitted by the agent on the licensable hours that will now be applied for.

Norwich City Council Statement of Licensing Policy

5. Attached at appendix G 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)

6. Attached at appendix H are the elements of the national guidance issued by the Secretary of State that are considered to have a bearing upon the application.

Summary

7. 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.
8. 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
9. 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.
10. 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.
11. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.

APPENDIX G

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.

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.

Norwich City Council



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Mediterranean Fine Dining Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Lords Restaurant 82 Upper St Giles Street			
Post town	Norwich	Postcode	NR2 1LT
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£18,500	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|--------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | X | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth:		I am 18 years old or over		Please tick yes	
Nationality:					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					

E-mail address (optional)	
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(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Mediterranean Fine Dining Ltd
Address 77 Long John Hill, Norwich, NR1 2LX
Registered number (where applicable) 13398429
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	5	062021

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Established restaurant consisting of two rooms on the ground floor with the kitchen in the middle. It has approx. 85 covers. The premises is situated on a main road in a mixed residential / commercial area on the outskirts of the city centre.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I)

X

Supply of alcohol (if ticking yes, fill in box J)

X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)			
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Thur						
Fri						
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Wed						
Thur						
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Fri						
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Restaurant timings for consumption 'ON' the premises Last food orders: 00.00 Last alcohol order: 00.30 All customers gone: 01.00 Takeaway and home delivery timings for consumption 'OFF' the premises Last food orders: 01.30 Last alcohol order: 01.30 Last delivery: 02.00		
Mon	23.00	01:30			
Tue	23.00	01.30			
Wed	23.00	01.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23.00	01.30			
Fri	23.00	01.30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23.00	01.30			
Sun	23.00	01.30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	X
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) Alcohol will only be sold ancillary with food orders Restaurant timings for consumption 'ON' the premises Last food orders: 00.00 Last alcohol order: 00.30 All customers gone: 01.00 Takeaway and home delivery timings for consumption 'OFF' the premises Last food orders: 01.30 Last alcohol order: 01.30 Last delivery: 02.00		
Mon	11.00	01.30			
Tue	11.00	01.30			
Wed	11.00	01.30			
Thur	11.00	01.30			
Fri	11.00	01.30	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11.00	01.30			
Sun	11.00	01.30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Mr Klodjan Xhaferrllari	
Date of birth:	
Address	
	m)

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)	
Day	Start	Finish		
Mon	09.00			
		02.00		
Tue	09.00			
		02.00		
Wed	09.00			
		02.00		
Thur	09.00			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
		02.00		
Fri	09.00			
		02.00		
Sat	09.00			
		02.00		
Sun	09.00			
		02.00		

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Following a risk assessment of the premises against the Licensing Objectives. We offer the following conditions that will support our application.

1. CCTV

- 1.1 The premises shall install and maintain a digital CCTV system
- 1.2 The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 28 days.
- 1.3 The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises at each exit and entrance point.
- 1.4 A CCTV log will be completed on a weekly basis to record all elements that the CCTV System shall be maintained in good working order and recordings date and time stamped.
- 1.5 Only nominated staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.
- 1.6 CCTV shall be continually record during licensable hours
- 1.7 In the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises log and immediate steps will be made to rectify the problem.

2: ALCOHOL

- 2.1: Alcohol will only be sold ancilliary with food orders whether for consumption on or off the premises or for home deliveries.
- 2.2: All alcohol will be stored on the premises in the fridge behind the counter and the store room.
- 2.3: No person under the age of 18 will be served alcohol for consumption on the premises

3. INCIDENT LOG

3.1 An incident log must be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to a Police Constable or an 'authorised person' (as defined by section 13 of the Licensing Act 2003) and shall record the following;

- (a) All crimes reported at the premises (where relevant to the licensing objectives)
- (b) Any other incidents of disorder witnessed during deliveries

b) The prevention of crime and disorder

4: REFUSALS

4.1 Refusals Book

The refusals book will be retained by the premises and will be used to record all refusals. The details to be recorded shall be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of i.d. offered (if shown)

4.2 The refusals book must be made available for inspection by a Police Constable or an authorised officer on request.

5. When the DPS is not on duty a contact telephone number will be available at all times.

6. The Driver will always carry with him/her the following Compliance log books:

- a) Incident log
- b) ID signature delivery and customer refusal log

7. Relevant staff will be given the appropriate training on the legislation relating to alcohol and diners under the age of 18.

c) Public safety

No risk has been assessed under the Licensing Act 2003

d) The prevention of public nuisance

8: NOISE /NUISANCE CONTROL

8.1 No refuse shall be disposed of or collected from the premises between the hours of 1900 and 07.00 on any day.

8.2 The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away and checked periodically throughout the opening times and at the end of each night.

8.3 The Manager and staff will carry out with regard to their own personal safety, their best endeavours to disperse any of their customers that appear to be loitering outside the immediate area of the restaurant.

8.4 Notices will be displayed in a prominent position to remind customers to leave the area quickly and quietly and to respect local residents.

e) The protection of children from harm

5: TRAINING

9.1 A "Challenge 25" policy shall be operated at the premises at all times including home deliveries.

9.2 Prominent, clear and legible Challenge 25 signage shall also be displayed at both entrances and behind both bars advising the scheme being operated.

9.3 The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, or other photographic I.D. approved by the Home Office.

9.4 A documented training programme shall be introduced for all staff in a position to sell, serve alcohol. This training will include information on preventing the sale of alcohol to persons who appear to be drunk or underage or purchasing on behalf of another who appears to be drunk or underage at the point of sale.

9.5 Relevant staff shall be given appropriate training on the law relating to alcohol and those diners under 18 years of age.

9.6 The DPS or PLH shall conduct six monthly reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record shall be kept of the content of such

reviews.

9.7 The training records shall be made available for inspection at the request of a Police Constable or an authorised officer of the Licensing Authority. A written record shall be kept of the content of training.

9.8 All customers when ordering food with alcohol will be informed of the following at the time of the sale:

When placing an order customers will be informed that:

a: The business operates Challenge 25

b: it is unlawful to purchase alcohol for persons under the age of 18 years.

c: At the time of delivery the driver must be instructed that should they believe that any alcohol ordered will be consumed by a person under the age of 18 years, delivery will be refused.

d: All customers will be informed at the point of sale that all delivery drivers are unable to deliver any alcoholic items if they believe a customer is drunk or appears to be drunk or the alcohol could be intended for persons who appear to be underage and a full refund for the items will be made.

10. The log of all the individuals who are authorised to sell alcohol will be maintained in the staff training manual.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
 - I have enclosed the plan of the premises. X
 - I have sent copies of this application and the plan to responsible authorities and others where applicable. (electronic application) ☐
 - I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
 - I understand that I must now advertise my application. X
 - I understand that if I do not comply with the above requirements my application will be rejected. X
 - X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). X

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.

It is an offence under section 24b of the immigration act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the immigration, asylum and nationality act 2006 and pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

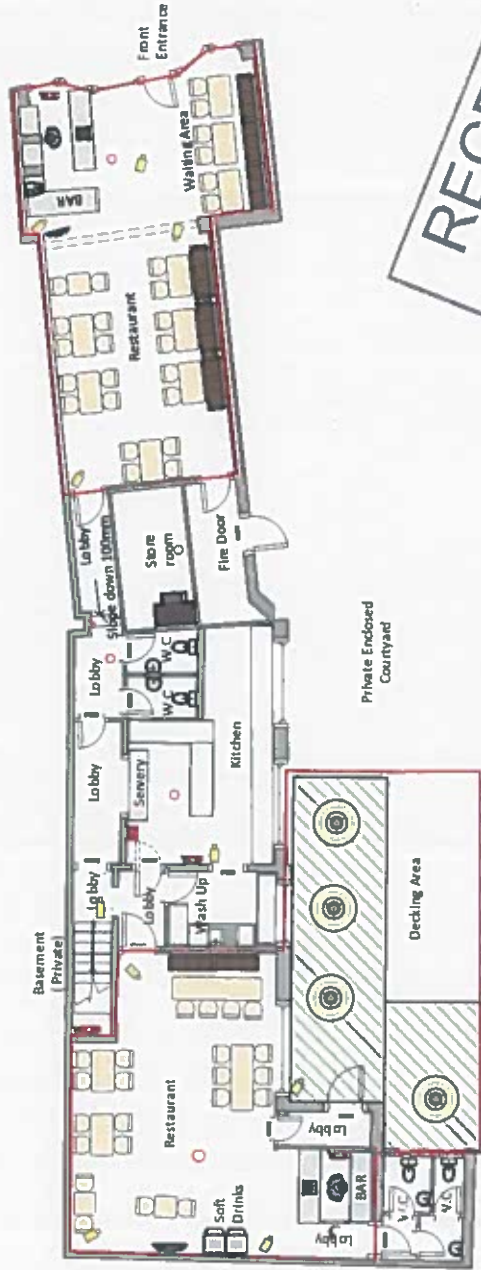
Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	17 th May 2021
Capacity	Agent on behalf of the applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Tony Clarke JMC Licensing 540 Antrim Road			
Post town	Belfast	Postcode	BT15 5GJ
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) 			

LEGEND	Smoke Detector	Fire Bell	Fire Exit	Camera	Fire Ext. Water	Monitor	Licensable Area (On)



RECEIVED
17 MAY 2021
LICENSING OFFICE

Drawing Purpose	PREMISES LICENCE APPLICATION		Name of Premises	Premises Address	SCALE
	<p>The purpose of this drawing is for the submission of a Premises Licence Application. All Measurements have been drawn in millimetres. This drawing is not to be used for the intention of any building, shop fitting or construction purposes.</p>		Lord's Restaurant	82 Upper Giles Street Norwich NR2 1LT	1-200 A4 1-100 A3

Fuller, Maxine

From: Tony Clarke <[REDACTED]>
Sent: 08 June 2021 12:49
To: Michelle; LICENSING;
Subject: Lords Restaurant, 82 Upper Giles Street, Norwich. Reduction of Hours

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Dear Michelle

Thankyou for your call today.

I can confirm after speaking with the Applicant, Klodjan Xhafferrllari he is happy to reduce the takeaway facility to run in line with the operating hours for 'ON' Sales of the restaurant.

So to confirm the hours applied for will now be

Restaurant timings for consumption 'ON' the premises

Last food orders: 00.00
Last alcohol order: 00.30
All customers gone: 01.00

Takeaway timings for consumption 'OFF' the premises

Last food orders: 00.30
Last alcohol order: 00.30
All customers gone: 01.00

Home delivery timings for consumption 'OFF' the premises

Last food orders: 01.30
Last alcohol order: 01.30
Last delivery: 02.00

If there are any questions please feel free to contact me.

Kind Regards

Tony Clarke

JMC Licensing
[REDACTED]



NORFOLK
CONSTABULARY
Our Priority is You

Licensing Department
 Norwich City Council
 St Peters Street
 Norwich
 NR2 1NN

Monday 14th June 2020

The Licensing Team

Bethel Street Police Station
 Norwich
 Norfolk
 NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Dear Sir/Madam

Norfolk Police have been in consulted in relation to the application for a new premises licence for Lords, 82 Upper St Giles Norwich.

This application is requesting late night refreshment until 0130 hrs daily and sale of alcohol for consumption both on and off the premises until 0130 hrs daily with a 2am closing time.

The applicant of this licence is Mediterranean Fine Dining Ltd. The director of the company and proposed DPS of the premises is Mr Klodjan Xhaferllari.

This premises previously benefited from a premises licence until February 2021 operating under the name Diamonds. This licence was revoked by the Norwich City Council Licensing Committee due to breaches of Coronavirus restrictions regulations during lockdown. During this period, the DPS and manager for the premises was Mr Olgert Xhaferllari, the applicant's brother.

In terms of the hours requested, I had been contacted by local residents who were concerned with the prospect of a late-night takeaway within the quiet street of St Giles and felt the hours are not appropriate for this area and that it would increase noise and ASB. I did bring this to the attention of the applicant's agent and I understand they are reconsidering the hours to reflect this.

Police have concerns that this application is just an administrative change and a way to circumvent the decision made by the Licensing Committee. It is anticipated that the manager and owner of the premises will still remain as Mr Olgert Xhaferllari and this application will enable the premises to operate bypassing the licence review.

I believe that the operator/manager remains as Mr Olgert Xhaferllari for the following reasons:

- The lease of the premises remains in Olgert's name.
- A food registration form was submitted to Norwich City Council food team on behalf of Durres Foods on the 3rd May 2021, this is the original company who held the premises licence before it was revoked. The food team were later contacted on the 24th May 2021 after the licence application was submitted to advise of the new company Mediterranean Foods but no formal paperwork received.
- A Facebook post from Mr Olgert Xhaferllari on the 19th May shows him advertising for bar staff to work at the premises.
- A joint Police and Council visit to the premises took place on the 25th May 2021, Olgert Xhaferllari was in charge of the premises at the time.

When I visited on the 25th May 2021, Olgert Xhaferrllari was upfront that he had invested a great deal of money into the premises and was unable to come out of the lease agreement and therefore his family wanted to help him. The application offers a number of conditions to promote the licensing objectives such as CCTV, staff training and an offering to amend the hours.

The Notice of Determination for the licensing review in February 2021 stated that the reasons for the revocation were due to the fact Mr Olgert Xhaferralli failed to take his responsibilities seriously and there were concerns relating to further breaches of the coronavirus restrictions taking place.

With this, it is felt appropriate that this application is taken to the Licensing Committee for them to decide if the licence should be granted to Mr Klodjan Xhaferralli due to the family connection and to establish if the points from the notice of determination are still a concern.

Please accept this as a letter of representation to the application.

Yours faithfully,

Michelle Bartram
Licensing Officer

LICENSING & MARKETS

From: Divey, Richard
Sent: 19 May 2021 19:54
To: [REDACTED]
Cc: [REDACTED]
Subject: licence application 82 Upper st Giles

Dear sir madam

I have some concerns re the opening hours of the premises and wish to visit the premises to discuss measures to reduce noise late at night.

can you please contact me as below to make a convenient time to meet.

licensing please take this email as an objection to the licence application unless i confirm an agreement has been reached.

Yours sincerely

Richard Divey
Public Protection Officer
[REDACTED]

Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 02 June 2021 20:32
To: LICENSING
Subject: Licensing - Representation Form

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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	Jonathan Baker
Postal address	90 Upper St Giles Street, Norwich, NR2 1LT
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Lords Restaurant 82 Upper St Giles Street Norwich NR2 1LT

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	
Public safety	Extra traffic generated is of great concern.
To prevent public nuisance	Noise would be the principal objection: shouting and rowdy behaviour and the revving of car engines. Upper St Giles is a quiet residential area. Over the past couple of years there has been an increase in night time traffic due to the current occupants of these premises along with significant inconsiderate parking.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns	None
---	------

Full name:	Jonathan Baker	Date:	02/06/2021
------------	----------------	-------	------------

Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 11 June 2021 17:35
To: LICENSING
Subject: Licensing - Representation Form

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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	Jacqueline barnes
Postal address	76a Upper St Giles Street, Norwich, NR2 1LT
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	82 upper stgiles street

Your support or objection must relate to one of the four licensing objectives

Licensing objective		Please set out your support or objections below	
To prevent crime and disorder		The previous restaurant at that address had drug dealing going on and also opened in COVID age but shouldn't.	
Public safety		People in the street will feel vulnerable with people having excess alcohol and drugs	
To prevent public nuisance		On leaving the restaurant at such a late time will cause excessive noise to people who are asleep and need to get up early the next day for work	
To protect children from harm		The street will not feel safe	
Please suggest any conditions which would alleaviate your concerns		I suggest the licence should start at say 10am and cease at 11pm	
Full name:	Mrs Jacqueline Barnes	Date:	11/06/2021

Fuller, Maxine

From: Kylie Burford <
Sent: 14 June 2021 08:26
To: LICENSING
Subject: Application for Lords Restaurant 82 Upper St. Giles

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Dear Sir/Madam

I am writing to object strongly to the license application to sell food and alcohol from Lords Restaurant at 82 Upper St Giles. The request for operating hours to last from 9am to 2am. The proprietors request to operate a late night refreshment license, in other words for food orders to go until midnight each evening and alcohol to be sold till 12:30am. As well as asking for takeaways of both alcohol and food to go until 1:30am. Is wholly unacceptable for Upper St Giles Street. It is not part of the city's late night economy and will cause public nuisance for the many residents of Upper St Giles including myself.

I feel the timings of this application are wholly unreasonable and do not respect the nature of this part of Norwich, which is not part of the city's late night economy zone.

The prevention of crime and disorder

In regards to the above heading, I'm very concerned about the impact on residents including myself and my 10 year old son. The operating hours requested would mean there's bound to be drunkenness on the premises and as such we (the residents) would in turn be subjected to public drunkenness, disorderly and potentially violent behaviour on and outside

the premises, antisocial behaviour and disorder inside and outside the premises and litter.

Public nuisance

In regards to public nuisance, I have great concerns that the granting of such a licence to Lords, will subject the residents to excess issues such as noise pollution, excess litter and antisocial behaviour, these issues would severely impact on those living, working and engaged in normal activity in Upper St Giles.

Public Safety

Furthermore it seems the applicants have not demonstrated in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought. It seems the applicant has not considered the impact of such an application on residents or demonstrated how they would ensure public safety.

Any comments you make should highlight how this license would fail in any one or more of these points. As I said I will be objecting to this application on all three of these points, both as a local councillor and also a local resident. It is important to remember that the more people who object to this application the more chance there is of it being rejected.

Finally the: **The operating schedule must demonstrate how the premises will be 'good neighbours' both to residents and to other venues and businesses."**

I don't believe Lords have demonstrated that they will be good neighbours or have indeed met the criteria to operate such a licence

I do hope these concerns will be taken seriously and that the application will be denied.

My name is:

Kylie Burford

My address is:

Flat 8

92-94 Upper St Giles Street
Norwich NR2 1LT

I'm happy to be contacted should you require further information.

Yours sincerely
Kylie Burford

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To Norwich City Council Licensing Team

Re Late Night License application for 82 Upper St Giles Street.

We are writing to object to the application by Klodjan Xhaferrllari for a late night license at what has now been renamed "Lord's Restaurant" formally "Three Diamonds" restaurant at 82 Upper St Giles St.

As residents of Upper St Giles, where we also run a business, we have witnessed many legal breaches by Mr Xhaferrllari and his associates over the last two years, notably concerning (but not limited to) illegal parking, anti-social noise and disturbance, speeding and congregating en masse in disregard of covid guidelines. (As you may know, this last point was the reason for the original license being revoked in January)

By changing legal ownership, name and identity, Mr Xhaferrllari's family hope to regain their license, but we and many other residents, feel that this would be a disaster if successful, as the incidences of noise and anti-social behaviour would undoubtably increase. Additionally, the precious few parking spaces available to residents would be improperly occupied by visitors to the establishment, which is something we began to see two years back but is an ongoing and escalating problem.

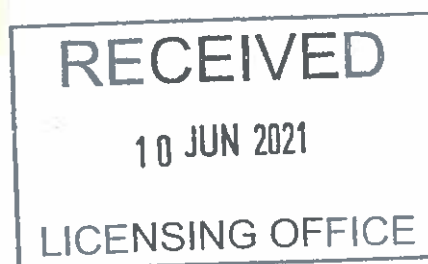
Upper St Giles is a quiet, historic, residential street and we feel it would be improper to allow a late license at this location. We therefore wish to add our names to the list of residents objecting to the application for a late license at 82 Upper St Giles.

Yours Sincerely,

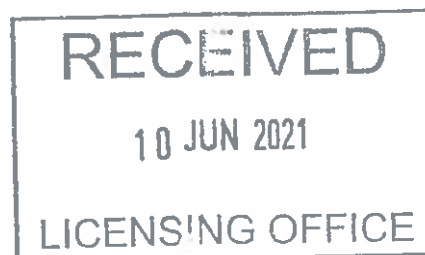
Michelle Clingan.

The Plant Den

91 Upper St Giles.



Norwich City Council
Licensing Team
City Hall
St Peters St
Norwich
NR2 1 NH



8th June 2021

David Cole
84 Upper St Giles St
Norwich
NR2 1LT

Application for Premises License by Mediterranean Fine Dining Ltd. 82 Upper St Giles Street.

I wish to strongly object to the late opening hours submitted by the above for both the sale of Alcohol and late night refreshments.

Upper St Giles is a quiet residential street and the two other shops which have a license^{both} to open must close by 11pm, which I believe is reasonable.

I have owned the house next door for over 25 years and this is the first time I have considered it necessary to object to any licence application.

I know that many other people in the street are very concerned about this matter.

Yours Sincerely

David Cole

*Please confirm receipt
my email*

Fuller, Maxine

From: Hannah Cott <[REDACTED]>
Sent: 01 June 2021 12:51
To: LICENSING
Subject: Objection to premises licence - 82 Upper St Giles Street

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To the Licensing Team

I would like to make an objection to the premises licence application submitted for Lords Restaurant, 82 Upper St Giles Street.

I live in on Upper St Giles Street and normally I support businesses opening and succeeding on this street. However, for this application, I regretfully object to the late opening hours.

I have read the application and understand the new management are taking measures to prevent crime and disorder and public nuisance, by serving alcohol ancillary with food orders, and installing notices to remind customers to leave the area quickly and quietly to respect local residents.

I am however still concerned about the increase in vehicle noise on a road which is effectively a cul-de-sac with limited parking, especially if take-away vehicles have engines idling, and the increase in public disturbance late at night. I understand the business is under new management within the same family as the previous management. I am not convinced that the new management will encourage customers to leave quietly and be respectful of neighbours as this has not happened previously and there has been an increase in noise on the street late at night over the past year. There is a certain level of disturbance we would expect on a city centre street, but I think a 2am closing time will only add to and increase disturbances.

Yours faithfully,
Hannah

Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 14 June 2021 16:35
To: LICENSING
Subject: Licensing - Representation Form

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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	Christopher Gooding
Postal address	77a Upper St Giles Street, Norwich, NR2 1AB
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Lords Restaurant 82 Upper St Giles Street

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	
Public safety	
To prevent public nuisance	The previous operator had a clientele that would cause public nuisance: talking very loudly on the street on mobile phones; racing large cars up and down the street; playing music in cars; parking in resident parking bays. The new operator is the brother of the previous operator and I imagine that the clientele will be similar. This is a mixed residential/ business street and the residents need to sleep. The opening hours need to reflect the nature of the street
To protect children from harm	

Please suggest any conditions which would alleviate your concerns	Reduce the licenced hours to 11pm		
Full name:	Christopher Gooding	Date:	14/06/2021

Fuller, Maxine

From: Lily Goulder - [REDACTED]
Sent: 11 June 2021 09:54
To: LICENSING
Subject: RE: 82 Upper St Giles Licence Application

Importance: High

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PS we already do not have enough parking spots for residents on Upper ST Giles, infact there are just 6 spaces so where are you proposing visitors of the new restaurant will park?

Regards

Lynn Goulder
Cow Hill

Sent from Mail for Windows 10

From: Lily Goulder
Sent: 11 June 2021 09:50
To: licensing@norwich.gov.uk
Subject: 82 Upper St Giles Licence Application
Importance: High

Morning

I have written to Cllr Martin Schmierer to raise my concerns regarding the above application.

Are you aware that the applicant is the brother of the previous owner who lost his licence due to covid breaches during lockdown?

Are you seriously considering giving a new licence to effectively, the same family?

I object to the proposal of the late night licence as crime, disorder and litter will occur and drunken people in our residential area until 2am onwards will be a public nuisance and cause unneseaary noise.

The takeaway element of their application is a big problem as we already have drunks, drug deals and very loud noise in the churchyard of Upper St Giles church which is a natural place for takeaway people to gather. Ask the church how much litter is already left from these people.

The public bin outside the church is already overflowing on a daily basis with rubbish and litter all over the pavement. We do not need drunken people eating takeaways in the area.

This is a residential area and the application will disrupt residents.

I just dont see how you can issue a licence to a family who have blatantly broken all the rules during lockdown. Changing the name of the restaurant wont change anything and local residents do not want the noise, crime and disorder, public nuisance that will follow with this licence.

I'll look forward to hearing back from you before the deadline of 14th June.

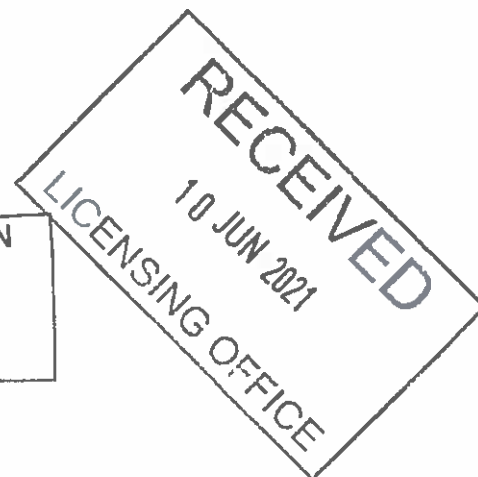
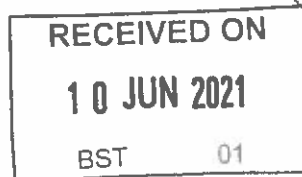
Regards

Lynn Goulder
Cow Hill

Sent from [Mail](#) for Windows 10

Flat Above Stiffkey Bathrooms
89, Upper St.Giles Street
Norwich
NR21AB

8th June 2021



Dear Licensing Team

With regret we, the undersigned, are objecting to a new license as applied for by 82 Upper St.Giles Street, for the following reasons;

Since the premises have been named Diamonds for about 2-3 years now, we have experienced continual anti-social and threatening behaviour in the street. The users of Diamonds have been parking across entrances, in permit spaces, double parking, on the pavement and double yellow lines, and at the turning point at the end of the street. Also racing cars and very loud motorbikes up and down the street on a Sunday, and generally driving way too fast and unsafely.

There has also been litter thrown out of car windows and a lot of spitting on the pavements and road, at a time when there is a contagious pandemic!. Not to mention indiscreet dealings from car windows.

We've heard that the former leaseholder has sold/given the lease to his brother in order to obtain a new license, as he broke lockdown rules at the time of the 2nd national lockdown. The premises are not and have never been open to the general public, and seems to be run as a private members club.

We believe the application to be open late at night will lead to more disturbances, noisy car engines sounds/loud mega bass car music, and shouting well after the proposed 1:30 and much later into the night.

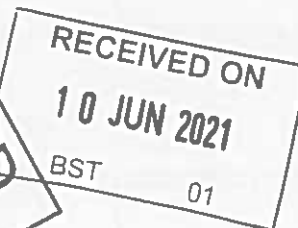
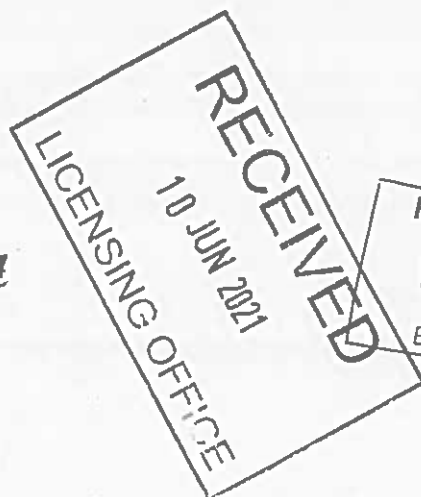
We have enjoyed living in the mostly residential Upper St.Giles Street for over 21 years, but we are now looking at other properties around the city, as the street no longer feels like a safe or pleasant place to be, especially during the night time.

Yours Sincerely,


Dan Hide/Marc Brown

Nicola Medlik ~~11/21~~
88a Upper St Giles Street
Norwich
NR2 1LT

ADA



Dear Sir, Madam

Thank you for allowing us to object to the late license on Upper St Giles Street.

I object because this is a residential area. Our residents have a hard time here already in terms of lack of parking spaces and noise at night. The premises in question has already been responsible for adding to the parking issue and holding social events which are followed by drunk driving and noise. Please do not

allow this. The prena's restaurant owners
and clientele were never a problem.

Many Thanks for your help.

88A Upper St Giles St

Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 10 June 2021 19:25
To: LICENSING
Subject: Licensing - Representation Form - Upper St Giles

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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	Mark Sanders
Postal address	Elwyn House 1, Cow Hill, Norwich, NR2 1EZ
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Elwyn House 1 Cow Hill UPPER ST GILES

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	<p>The restaurant is on a narrow dead end road in an area that is largely residential. No other establishment in the area or that it has a licence beyond 11. The area is often troubled by drunken and antisocial behaviour - groups gathering in the churchyard of St Giles etc.</p> <p>In my view, a late night establishment is likely to exacerbate this problem</p>
Public safety	Not able to comment on safety issues.
To prevent public nuisance	The area is a residential one and very quiet after 11pm. No local establishments are open after this time and the street effectively becomes residential. If this application were successful I would

	anticipate more noise and traffic in a quiet dead end street. Drunken and antisocial behaviour is likely to increase, and this can already be an issue sometimes.		
To protect children from harm			
Please suggest any conditions which would alleviate your concerns	Licencing in line with eg Roger Hickmans would seem appropriate and fair. Generally supportive of a restaurant in the property and it being used.		
Full name:	Mark Kevin Sanders	Date:	10/06/2021

Fuller, Maxine

From: jayne Saunders · [REDACTED]
Sent: 13 June 2021 23:30
To: LICENSING
Subject: Objection of Lords Restaurant 82 upper st. Giles street .

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I do object to this premises opening at all , let alone the opening hours .. there's no consideration what so ever for the residents having to put up with the noise , several parties have already happened and that was bad enough .

Sent from my iPhone

Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 13 June 2021 15:08
To: LICENSING
Subject: Licensing - Representation Form

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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	Karen Schaller
Postal address	Flat 3, 92 - 94, Upper St Giles Street, Norwich, NR2 1LT
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	82 Upper St Giles

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	Object to application as it will create public drunkenness, disorderly and potentially violent behaviour on or outside premise and anti social behaviour and disorder inside and outside premise and litter as well as illegal parking in already congested area. No mitigating plans have been identified to public in the application .
Public safety	Drunkenness, increase of disorderly people and especially men to outside premises will create intimidating and unsafe atmosphere for women, children and elderly people living in area. Likely to increase vehicle traffic at high speeds.
To prevent public nuisance	Will cause noise, litter, ck Greg action, late night drunken was and antisocial behaviour in primarily residential area.
To protect children from harm	

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

Full name:	Karen Ann Schaller	Date:	13/06/2021
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Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 14 June 2021 22:28
To: LICENSING
Subject: Licensing - Representation Form

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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	Martin Schmierer
Postal address	8 Damocles Court, Norwich, NR2 1HN
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Lords Restaurant, 82 Upper St Giles

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	Speaking both as a local resident and as a councillor for this area, the St Giles area of the city is already blighted by crime and anti-social behaviour. Everything from drug dealing to loud noise (more than you would reasonably expect in a city centre). The opening times, especially the permission to sell alcohol (albeit with food) is a worrying development that could and probably would exacerbate existing problems in the city. Residents regularly complain about people shouting on the street past midnight, keeping them awake and disturbing their basic amenity. Having a takeaway operating in this area until 2am would make residents feel less secure and could make these problems worse.
Public safety	There are potential issues regarding the management of this company, especially given previous failings with regards to Covid-19 laws, which the owners seemed to flout: https://www.edp24.co.uk/news/three-diamonds-restaurant-could-lose-licence-6885590

<p>To prevent public nuisance</p>	<p>It is important to remember that public nuisance is to 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."</p> <p>Having a takeaway that would stay open till as late as 2am in a residential area, which includes a few shops and eateries (none of which open past midnight as far as I am aware), with lots of residents living in flats nearby (often above the shops themselves), would cause considerable disturbance to residents there: everything from noise from patrons eating or drinking there, the noise and lights from delivery vehicles or people picking up food. Basically this is a wholly inappropriate application for this type of venue. It is not the late night economy zone. This is a residential area and the many local neighbours who I have spoken to are rightly worried and dismayed at the prospect of this going ahead. It should not!</p>		
<p>To protect children from harm</p>			
<p>Please suggest any conditions which would alleviate your concerns</p>	<p>At the very minimum the takeaway option should not be allowed after the restaurant closes and the restaurant should only be able to serve food and alcohol till 11pm and close no later than midnight.</p>		
<p>Full name:</p>	<p>Martin Schmierer</p>	<p>Date:</p>	<p>14/06/2021</p>

Fuller, Maxine

From: Kennedy Simpson <[REDACTED]>
Sent: 19 May 2021 11:07
To: LICENSING
Subject: Lords Restaurant - 17 May 2021

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To whom it may concern,

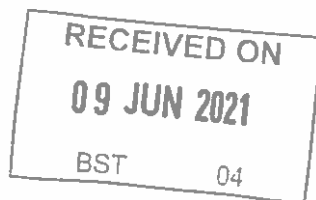
I'm writing regarding the Premises licence application for *Lords Restaurant* (82 Upper St Giles Street).

There are concerns that this entity has been created to get around Three Diamonds losing their license. The family name on the application matches that of the director of Durres Foods Ltd. This, coupled with the fact that the venue is anti-social, has never opened to the public (ever) and operated throughout all lockdowns to their select club, is a clear reason not to approve their license application.

<https://www.edp24.co.uk/news/three-diamonds-restaurant-could-lose-licence-6885590>

Yours sincerely,

Kenny Simpson



Lorraine Tweedy

Flat 5

92-94 Upper St Giles St

NR2 1LT

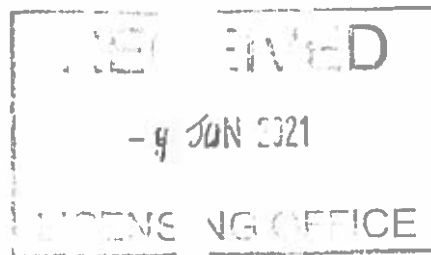
Norwich City Council

Licensing Team

City Hall

St Peters St

NR2 1NH



7th June 2021

Application for Premises Licence. Lords Restaurant, 82 Upper St Giles St NR2 1LT

I would like to register my objection to the above application. The reasons for this are:

1. Increased noise levels at night and during the day disturbing local residents.
2. Parking, the street is already congested and parking is difficult especially in the evenings and weekends. I also note planning application to remove some of the pay and display bays in Cleveland road, this will add to the situation of parking.
3. Increased unsocial behaviour.
4. Increased Litter.

As the council is aware, the company was closed last year for breaking covid rules. The restaurant which has had extensive refurbishment several times over the last 3 years but has never actually opened, although there always appears to be people sitting at the back of the premises drinking and lots of people visiting.

Since the property has been taken over under the guise of opening as a restaurant there has been lots of unsocial behaviour by people visiting, they park in permit holders spaces and have little regard when you ask them to move, they empty rubbish out of their cars onto the St, and on many occasions especially in the evening or when they can't park they park in the turning area. There has also been loud

music blaring out of cars late at night. Also the drivers of these cars drive at speed along the road and no regard for pedestrians

I strongly oppose this application, I think Upper St Giles St already have enough eateries and I do think another one is required in the area.

Yours sincerely



Lorraine Tweedy

Fuller, Maxine

From: Glenn Walker <
Sent: 10 June 2021 20:15
To: LICENSING
Subject: Licence Application - 82 Upper St. Giles

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As per my email to Cllr Martin Chmierer:

As I live on 2 Cow Hill, just down from Upper St. Giles, I often walk past the "old" restaurant when recycling; despite the fact they were closed down previously as Diamonds due to licensing breaches due to Covid, on a regular basis there are a number of people to be seen at the back of the restaurant (down the back alley way), often drinking and smoking in large groups.

Following the publication of this article on the Norwich Evening News (<https://www.eveningnews24.co.uk/news/new-restaurant-opening-in-upper-st-giles-norwich-8008408>) I fail to see how it is even possible that the younger brother of the previous owner would contemplate the opening of a new venue without any input from his brother/immediate family that surely would have been implicated in the previous closure.

This feels like a simple company name change to circumvent licensing issues; conveniently a business that has lost it's license can simply re-open under a new name with a "new" owner (with a specific family connection) and carry on business as normal.

Whilst I agree with your comments regards the licence application and the timings proposed; I also **disagree** that you would even support the application in the first point, as this is clearly an attempt to replace an existing business with a "new" business in all but name.

I await your comments with regards this matter,

Regards,

Glenn Walker

Sent from Mail for Windows 10

Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 10 June 2021 20:13
To: LICENSING
Subject: Licensing - Representation Form - 82 Upper St Giles

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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	Glenn Walker
Postal address	2 Cow Hill, Norwich, NR2 1EZ
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	82 Upper St. Giles, Norwich

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	Licencing application for a business that replace an existing business closed due to Covid breaches. Opening times until late night, including takeaway of alcohol until 1.30am.
Public safety	Potential for noise, anti-social behaviour and litter in the area until very late at night, in a predominantly residential area.
To prevent public nuisance	Potential for noise, anti-social behaviour and litter in the area until very late at night, in a predominantly residential area.
To protect children from harm	

<p>Please suggest any conditions which would alleviate your concerns</p>	<p>Following the publication of this article on the Norwich Evening News (https://www.eveningnews24.co.uk/news/new-restaurant-opening-in-upper-st-giles-norwich-8008408) I fail to see how it is even possible that the younger brother of the previous owner would contemplate the opening of a new venue without any input from his brother/immediate family that surely would have been implicated in the previous closure.</p> <p>This feels like a simple company name change to circumvent licensing issues; conveniently a business that has lost it's license can simply re-open under a new name with a "new" owner (with a specific family connection) and carry on business as normal.</p> <p>This is clearly an attempt to replace an existing business with a "new" business in all but name.</p>		
<p>Full name:</p>	<p>Glenn Walker</p>	<p>Date:</p>	<p>10/06/2021</p>

Fuller, Maxine

From: Barry Whelan <
Sent: 11 June 2021 12:20
To: LICENSING
Cc: Cllr Osborn, Jamie; Cllr Bogelein, Sandra
Subject: 82 Upper St Giles License Application

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As a Director of the Management Company for the premises situated at 92-94 Upper St. Giles Street , which houses 15 Flats , we would like to object to the extended hours license application sought by the above premises as feel that the operating hours of 9am to 2pm is excessive. We believe an extension beyond a closing time of 11pm would fail to meet the following licensing objectives;

i). Prevention of crime and disorder

This area has been plagued with anti social behaviour whereby drunken loud students are already heard late into the night as they make there way out of the City centre. Empty bottles and litter are regularly strewn around the neighbourhood as it is and together with a history of homeless sleeping next to the overpass as well as drug trafficking/dealing and graffiti spraying in this area, any further enticement to purchase drink beyond 11pm will encourage more of this behaviour beyond that in existence already (albeit recently at a lower level due to pandemic restrictions)

ii) Public nuisance

As mentioned above, our site houses 15 Flats and we are already subjected to loud shouting late in to the hours of the night. The Temple Bar public house across the road from us has been restricted in the hours of operating its new outdoor garden area to limit public nuisance, noise etc and we would see that similar operating hours for the above applicants takeaway business, drink license and any outdoor seated arrangements that they propose having should be in place (as noise reverberates widely around this area). The working residents onsite here are entitled to their rest and should not expect to find additional litter, bottles, takeaway boxes around from people on their way home whom are likely then to be encouraged to congregate further by virtue of the extended operating hours offered for drink and takeaway food.

iii) Public safety

The availability of extended licensing will fuel further drinking leading to public safety concerns to individuals. Concern also exists for the safety of residents vehicles parked on the street 'permit' areas and the discovery of drunken citizens seeking out driveways to urinate in (as residents could be drawn into engagement with reprimanding this anti social behaviour and thus further concern for public safety)

Kind regards,

Finbarr Whelan – Director

RTM Upper St Giles Street
c/o
92-94 Upper St Giles Street
NR2 1LT

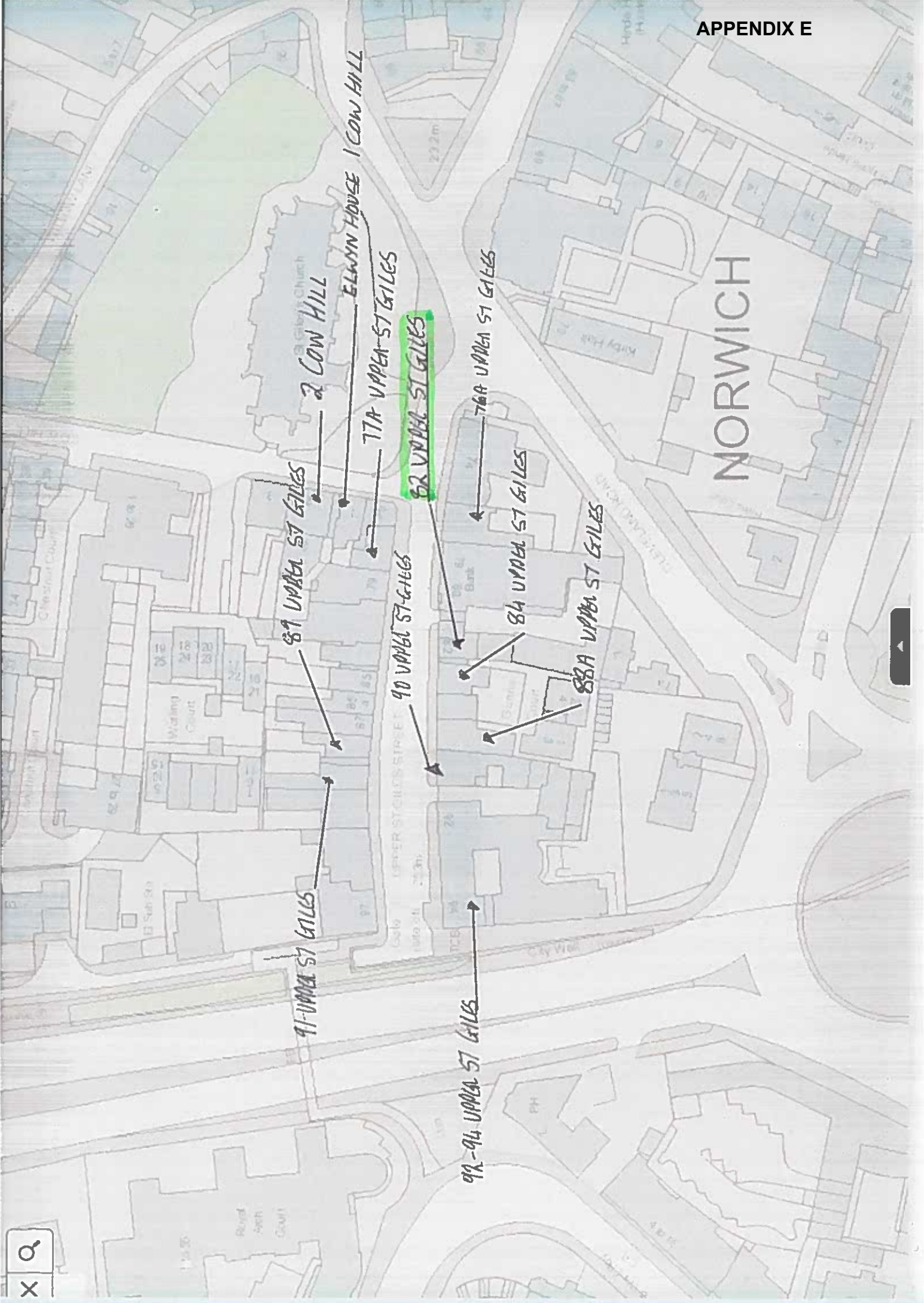
Fuller, Maxine

From: Peter Womack (LDC - Staff) - [REDACTED]
Sent: 14 June 2021 21:14
To: LICENSING
Subject: Licensing application for Lords Restaurant

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I hope I am not too late to register an objection to the application for a food and drink licence for this restaurant at 82 Upper St Giles. The place has already been a restaurant, and there is no objection to its continuing to be one, but the hours now being proposed would make it into a takeaway for both food and alcohol until two in the morning, seven days a week. In a residential area this is very likely to constitute a public nuisance in terms of noise, litter and antisocial behaviour. I strongly think that the business should have last orders and last delivery times that are more in line with the practice of existing bars and restaurants in the neighbourhood.

Peter Womack
15 Cow Hill



NORWICH

91-94 UPPER ST GILES

89 UPPER ST GILES

2 COW HILL

ELWYN HOUSE 1 COW HILL

77A UPPER ST GILES

90 UPPER ST GILES

82 UPPER ST GILES

93-94 UPPER ST GILES

84 UPPER ST GILES

88A UPPER ST GILES

76A UPPER ST GILES

Fuller, Maxine

From: Tony Clarke
Sent: 17 June 2021 12:39
To: Fuller, Maxine;
Subject: Re: Premises Licence Application - Lords Restaurant

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Hi Maxine,

Thankyou for the information.

I can confirm after speaking with the Applicant, Klodjan Xhafferrllari , he has asked us to let the Neighbours and councillors know that he understands and respects their wishes regarding doing everything he can to help reduce 'Night noise' as much as possible and he has asked me to offer the following proposal to put to the objectors by way of mitigation.

Therefore the Licensable hours applied for will now be:

Sunday - Thursday

Restaurant timings (Late night Refreshment) for consumption 'ON' the premises

Last food orders: 22.30
 Last alcohol order: 23.00

Takeaway timings for consumption 'OFF' the premises

Last food orders: 23.00
 Last alcohol order: 23.00

Home delivery timings for consumption 'OFF' the premises

Last food orders: 01.30
 Last alcohol order: 01.30
 Last delivery: 02.00

Friday, Saturday and New Years Eve

Restaurant timings (Late night Refreshment) for consumption 'ON' the premises

Last food orders: 00.00
Last alcohol order: 00.30

Takeaway timings for consumption 'OFF' the premises

Last food orders: 00.30
Last alcohol order: 00.30

Home delivery timings for consumption 'OFF' the premises

Last food orders: 01.30
Last alcohol order: 01.30
Last delivery: 02.00

Opening Hours

Sunday to Thursday

09.00 - 23.30

Friday, Saturday, and New Years Eve

09.00 - 01.00

In addition, and after reading through the objectors letters Klodjan has asked us to inform all of the interested parties of the following points to ensure that there is no misunderstanding :-

- 1. That the restaurant will be open to anyone in the future that wishes to dine and is not only open to a 'closed group' as some of the objectors appear to believe it will be.**
- 2. There will be provided at or near the exits, 1 waste bin to enable the disposal of waste food, food containers, wrappings etc. This will be emptied daily.**
- 3. Notices will be displayed in a prominent position to remind customers to leave the area quickly and quietly and to respect local residents. (There will be 'quiet notices' at each till point, and at both exits.)**

4. Alcohol will only be sold with food orders for consumption when sold off the premises and for home deliveries. A minimum total of £10.00 for each food order must be made before alcohol can be sold.

5. The Manager and staff will carry out with regard to their own personal safety, their best endeavours to disperse any persons that appear to be loitering outside the immediate area of the restaurant

In addition, and after reading through the concerns from Finbarr Whelan our client has decided to offer 1 more condition that he feels would help to further mitigate any concerns.

Condition 8.6

To ensure that the outdoor tables in the rear courtyard are closed at 21.00 every day.

I would appreciate it if you can let me know if you will be forwarding this information to any interested parties, and objectors.

We would hope that you could explain that, in these circumstances, if they are agreeable to the new hours and other proposals set out above then we would appreciate it if they could inform the licensing department of their wish to withdraw their objection.

If you or any of the objectors have any questions please feel free to contact me on the number below.

Kind Regards

Tony Clarke

JMC Licensing

APPENDIX H

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.

2.6 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.

2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

Public nuisance

2.18 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.

2.19 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.

2.20 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 more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 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.

2.22 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.

2.23 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.

2.24 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.

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

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