

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing sub-committee
30 March 2012

3

Report of Head of citywide services

Subject Licensing Act 2003:
Application for the Grant of a Premises Licence -
36 Exchange Street Norwich NR2 1AX

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 a Premises Licence in respect of 36 Exchange Street Norwich NR2 1AX following the receipt of Interested Party objections.

Recommendation

That members determine the application to grant a Premises Licence in respect of 36 Exchange Street Norwich NR2 1AX in accordance with the:

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

Financial Consequences

The financial consequences for this report are nil.

Corporate Objective/Service Plan Priority

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

Contact Officer

Ian Streeter

Phone No 212439

Background Documents

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

1.0 The Application

- 1.1 The applicant is W. Appleyard & Co of 18 The Crescent Norwich NR2 1SA.
- 1.2 The application premises are proposed to be a small food and wine bar and art gallery.
- 1.3 This grant application seeks to allow the provision of recorded music and supply of alcohol both on the premises.
- 1.4 The details of the Operating Schedule contained in the application are as follows:
- 1.4.1 The Licensable Activities are:
- Provision of recorded music
 - Supply of alcohol (for consumption on the premises)
- 1.4.2 The proposed standard days and hours for the licensable activities are:
- | | | |
|-------------------------------|---------------|-------------|
| • Provision of recorded music | 08:00 – 20:00 | Mon – Wed |
| | 08:00 – 23:00 | Thurs – Fri |
| | 10:00 – 23:00 | Saturday |
| • Supply of alcohol | 16:00 – 20:00 | Mon – Wed |
| | 16:00 – 23:00 | Thurs - Sat |
- 1.4.3 The opening hours requested are:
- | | |
|---------------|-------------|
| 08:00 – 20:00 | Mon – Wed |
| 08:00 – 23:00 | Thurs – Fri |
| 10:00 – 23:00 | Saturday |
- 1.4.4 The steps proposed by the applicant to support the Licensing Objectives, plans of the premises and supporting information are attached to the report as Appendix A.
- 1.4.5 Following discussions with Norfolk Constabulary the applicant has agreed to add the following conditions to the operating schedule:
- A record of staff training in relation to the sale of alcohol will be kept at the premises and available to Police or Licensing Authority on request.
 - An incident book will be kept on the premises to record significant incidents of crime, drunken or disorderly behaviour. This book will be kept on the premises and available to Police or Licensing Authority on request.
 - Patrons are prevented from leaving the premises in possession with drinking vessels.

2. Relevant Representations

2.1 The responses from the Responsible Authorities are as follows:

Police – Representations No representations.
Environmental Services – No representations.
Fire Officer – No representations.
Planning Officer – No representations.
Area Child Protection Committee – No representations.
Trading Standards – No representations.

2.2 Representations objecting to the application have been received from Interested Parties with concerns appearing to relate to all four of 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. Copies of these representations are attached to the report at Appendix B.

2.3 A site map of the area identifying the application premises in relation to the Interested Party addresses will be available at the meeting.

3.0 Norwich City Council Statement of Licensing Policy

3.1 Attached at Appendix C are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

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

4.1 Attached at Appendix D are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

5.0 Summary

5.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

the prevention of crime and disorder;
public safety;
the prevention of public nuisance;
the protection of children from harm.

5.2 In making its decision, the Sub-Committee is also obliged to have regard to guidance issued under Section 182 of the Licensing Act 2003 (National Guidance) and the Council's own local licensing policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.

- 5.3 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- Grant the application as asked;
 - Modify the conditions of the licence by altering or omitting or adding to them;
 - Reject the whole or part of the application
- 5.4 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.
- 5.5 The representations received from the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Sub-Committee is directed to paragraphs 20, 22, 24 and 26 of the local licensing policy at Appendix C which contain examples of factors that impact on the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
- 5.6 Insofar as the issue of licensing hours is concerned, the Sub-Committee is directed to paragraph 13.41 of the national guidance, which states that licensing hours should not inhibit the development of evening and night-time local economies, and that providing consumers with a greater choice and flexibility is an important consideration. However, this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet. The Sub-Committee is also directed to paragraph 30.7 of the local licensing policy, authorising the restriction of licensing hours, where the licensing authority believes, on the basis of representations, that to not do so would exacerbate public nuisance.
- The Committee must decide whether there is a strong enough case for the restriction of licensing hours, based on the representations made, to promote the licensing objectives.
- 5.7 The Sub-Committee is also reminded of the contents of appendices 2, 3 and 4 of the local licensing policy (not re-produced in this report) that contain pools of model conditions relating to the prevention of crime and disorder, public safety and the prevention of public nuisance.

Continued from previous page...

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

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

Section 21 of 22

LICENSING OBJECTIVES

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

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

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

All staff will be trained in the general intentions of the local licensing policy. They will be asked to be familiar with the general policy as well as supporting documentation such as the Portman Group Code of Practice. A general understanding of the policy will help all staff to appreciate the reasons behind the specific considerations for each of the four objectives, and therefore aid with their implementation. As a small establishment with a small number of employees, everyone will be expected to buy in to the ethos of the premises and take personal responsibility for the implementation of the objectives, as well as being encouraged to contribute to the assessment of the success of implementing the objectives in continual and regular meetings.

b) The prevention of crime and disorder

All staff will be required to be well versed in the guidelines of law that apply to the activities taking place on the premises. These include underage drinking, drunkenness, violence, disorder and antisocial behaviour; litter, theft, vandalism and any illegal drug taking or dealing. Staff will be trained in how to deal with this behaviour, and according to the particular situation, customers may be asked to leave, and if necessary the police may be called. Known offenders may be banned, and we will liaise with similar establishments in the area to share information.

Used and empty glasses and bottles will be continually collected, and either taken for re-use or appropriately disposed of according to our waste management programme. Customers will not be permitted to leave the premises with any glasses or glass bottles.

No alcoholic drinks will be sold for consumption off the premises.

There will be a sign displayed prominently on entry advising that appropriate identification may be required for the sale of alcohol. Staff will be trained to refrain from serving alcohol to persons deemed to have exceeded a safe level of alcohol consumption.

A clear sign stating the hours of opening and times of licensable activity will be displayed on the entrance door.

A clear sign advising customers to exercise care with their personal possessions to prevent theft or criminal activity will be displayed upon entrance, along with advice on how to act in the case that some criminal activity may occur.

c) Public safety

Notices detailing the course of action and the routes of escape in the case of a fire or other emergency will be prominently and appropriately displayed. All staff will be trained in this procedure, and a nominated person on each shift will be responsible for ensuring adherence to the procedure. The escape routes will be kept clear and unobstructed at all times, with particular care and attention given to the staircases used on the route. A mains fire alarm is installed in accordance

Continued from previous page...

with regulations which is regularly maintained by the company that installed it.

A member of staff will carry out daily safety checks, and these checks will be recorded in a log book.

All areas will be have adequate lighting, to be used in the absence of sufficient daylight.

At least one member of staff with suitable first aid training will be on duty at all times, and a first aid kit will be kept in an easily accessible location known to all members of staff.

All staff will be trained in the protocol of assisting customers in the case of an emergency.

While no specific capacity limit will be imposed, the occupancy of each floor will be monitored according to the nature of the activity taking place at any given time. Staff will be trained in appropriate levels of occupancy, and advised to ask customers to move from location to another if they feel a particular area is overcrowded.

d) The prevention of public nuisance

All windows and doors, with the exception of the entrance, will kept closed for the duration of licensable activities. Notices asking customers to respect the intended atmosphere of the establishment, and to have due consideration for the neighbours, during both their time on the premises, and when leaving, will be prominently displayed. The license holder or supervisor will monitor the activity of persons leaving and remind them of these responsibilities if necessary.

The playing of music will be limited to a reasonable volume, and not exceed any levels determined by the local authority environmental health officer.

Waste and refuse will be removed in a timely manner and stored appropriately at the rear of the building for removal in accordance with the terms of our waste removal contract. Empty bottles will be stored in a lidded skip in this area. This storage of waste will be kept to reasonable hours to minimise local disturbance.

Takeaway packaging will display the company logo, name and address.

e) The protection of children from harm

The premises will operate in accordance with the Portman Group Code of Practice.

Accredited proof of age will be required for the purchase of alcohol, with all staff instructed to ask for this proof of age before any sale. If staff have any suspicion regarding attempts to purchase alcohol either by an underage person, on behalf of a person under age, they will be asked to leave.

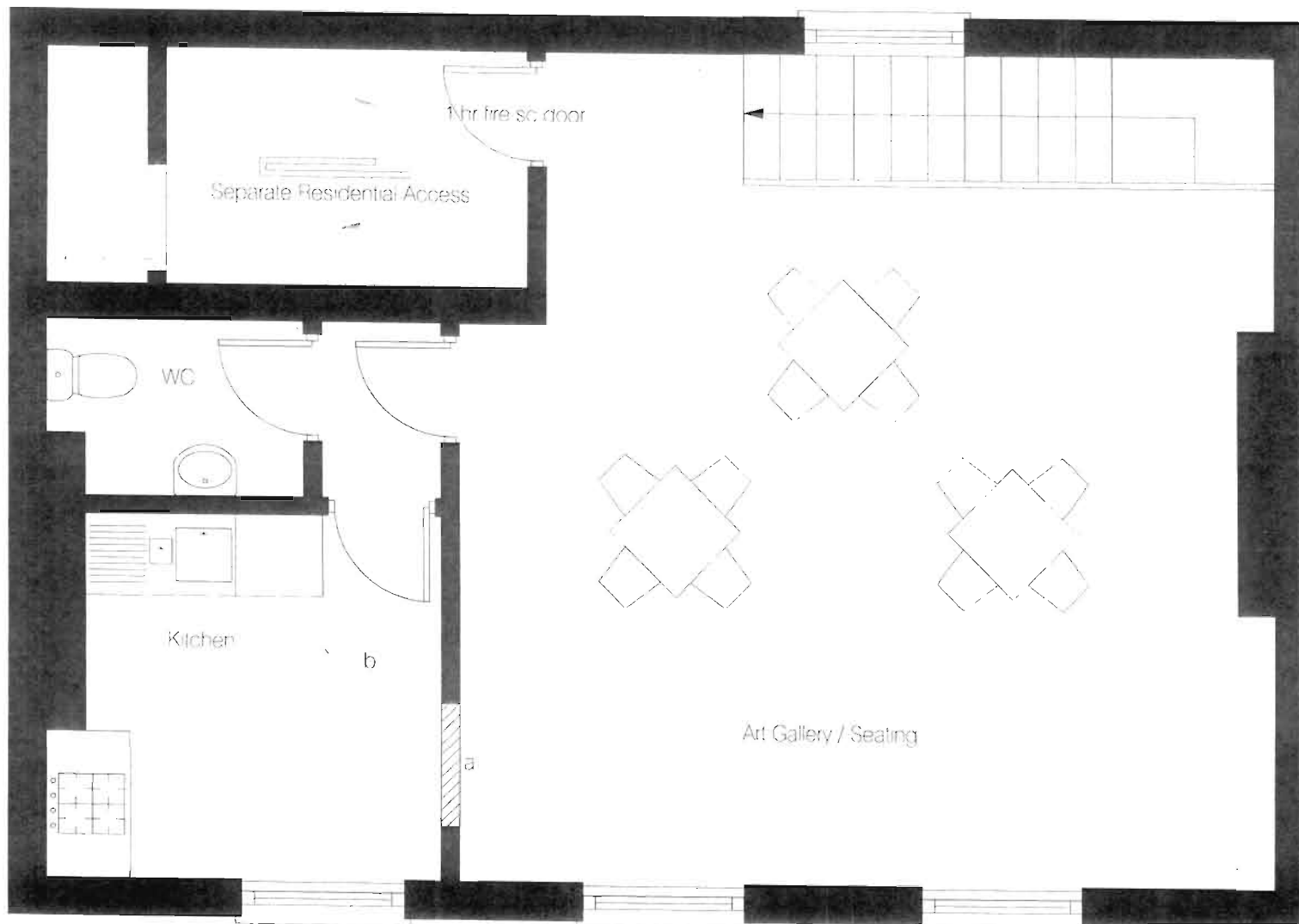
The ethos of the premises is for a relaxed, family-friendly atmosphere. Anyone deemed to be behaving in a manner inappropriate for this atmosphere will be reminded to respect this and may be asked to leave at the discretion of the staff. All staff will be trained to be vigilant, and if necessary deal with, any situations that may conflict with our ethos.

Section 22 of 22

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises.

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



Notes:

- a. new stud wall to match existing
- b. stud wall removed

- 5 JAN 2012

Revisions:

No.	Date	Notes

Project Details:
 Alterations to:
 36 Exchange Street
 Norwich
 Norfolk

Drawing Number:
 GA03

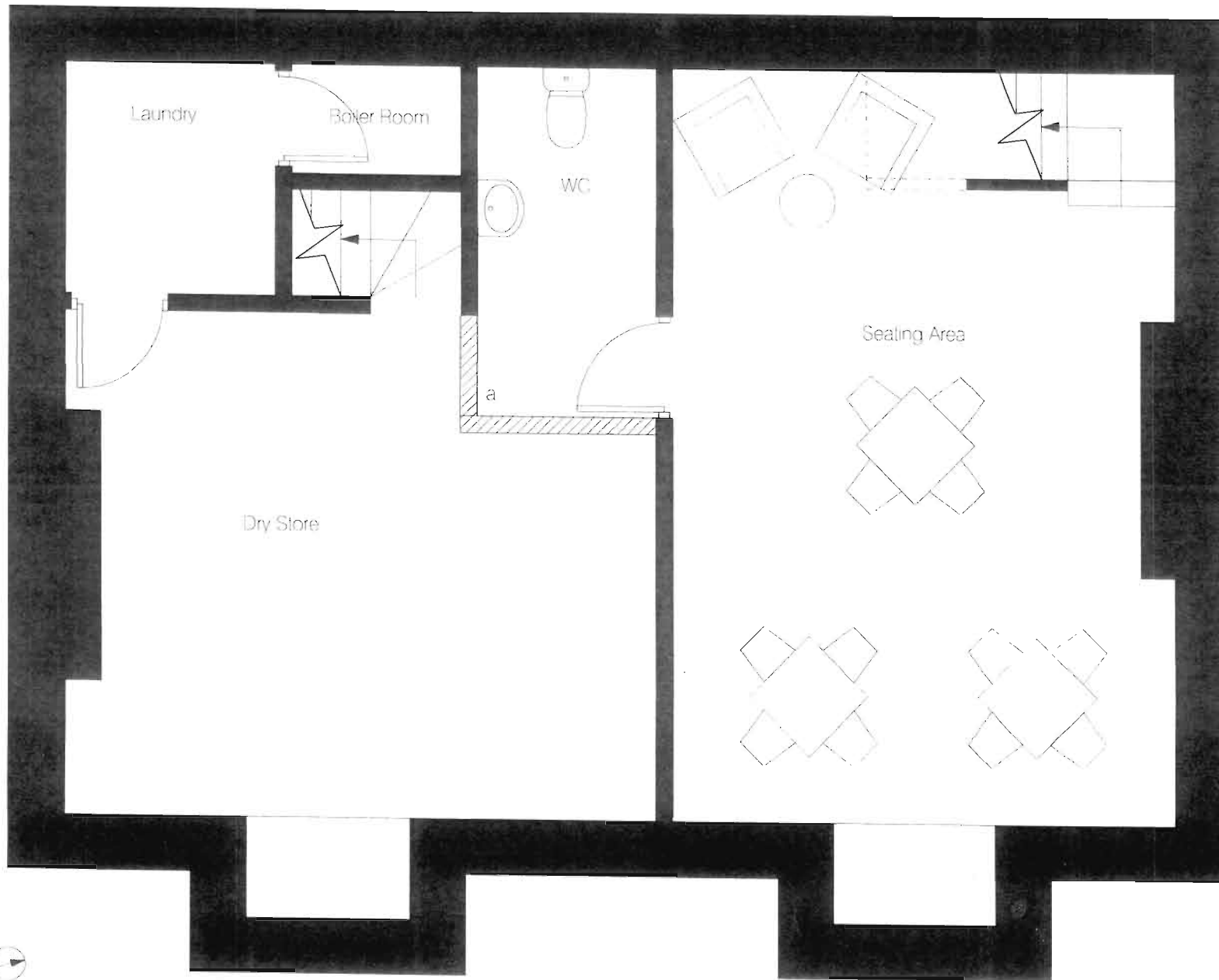
Drawing Name:
 Proposed First Floor Plan

Scale (on A4):
 1:50

Date:
 December 2011

urbanblu limited
 9 Princes Street
 Norwich
 NR3 1AZ

t: 01603 768044
 e: info@urbanblu.co.uk
 w: www.urbanblu.co.uk



Notes:

a new stud wall to match existing

Revisions:

No.	Date	Notes

Project Details:
Alterations to
36 Exchange Street
Norwich
Norfolk

Drawing Number:
GA01

Drawing Name:
Proposed Basement Floor Plan

Scale (on A4):
1:50

Date:
December 2011

urbanblu limited
9 Princes Street
Norwich
NR3 1AZ

t. 01603 768044
e. info@urbanblu.co.uk
w. www.urbanblu.co.uk

DESIGN STATEMENT

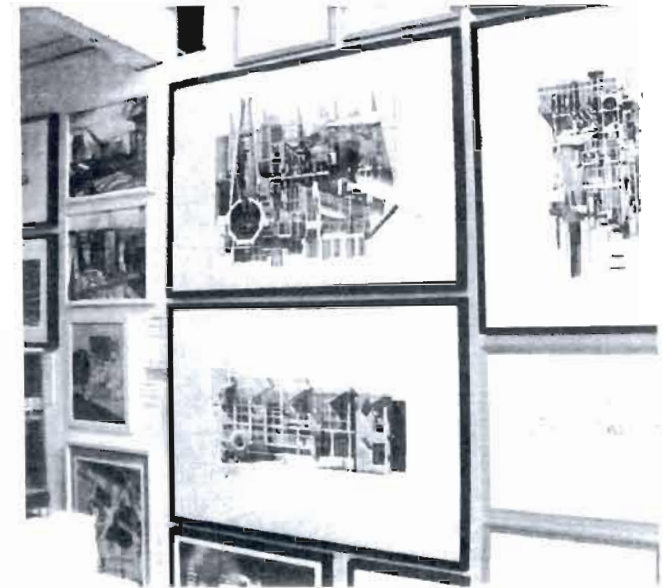
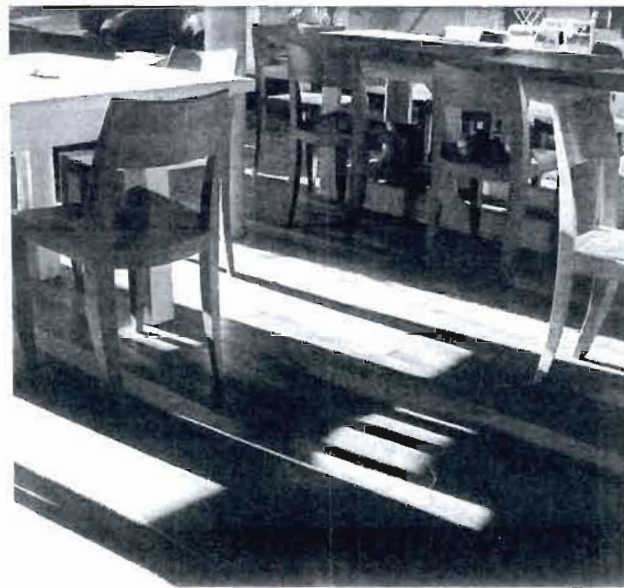


The proposal is to convert the old Ritual Day Spa building at 36 Exchange Street into a Food & Wine Bar. We start with morning coffee, provide a range of home-made sandwiches and soups to take away at lunchtime, and in the evening, develop into a relaxed food and wine bar, offering an array of meat and cheese platters, to enjoy with a glass of selected wine or local ale.

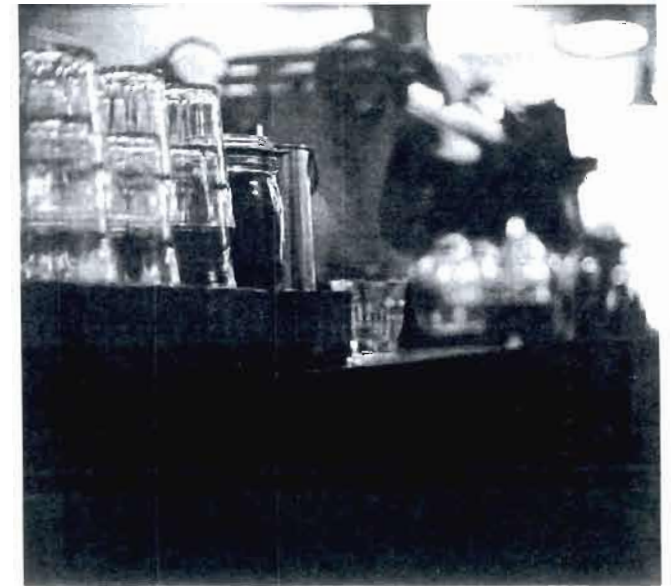
The ground floor houses the main cafe selling floor for take-away trade and coffee. Downstairs, we have a small seating area for people to enjoy a daily special accompanied by a selected glass of wine, or to share a platter of great charcuterie or cheese. The first floor space will be used as an art gallery, hosting private views and exhibitions, showcasing collections of local and national art and design.



urbanbluelimited



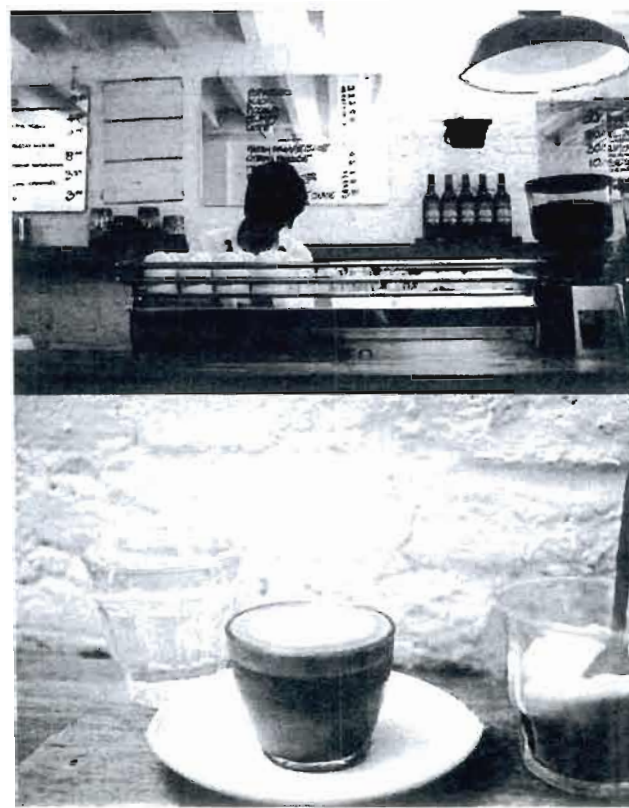
117-119 St. James Street, Norwich



The daily-changing menu will be small and select, limited to just a handful of different sandwiches; a choice between a meaty or vegetarian soup; a couple of labels of wine or casks of ale; and a daily special. This allows us to get the best of seasonal ingredients and make the most of local produce, ensuring the quality is always high, but great value for money.

The interior design will reflect the menu in its simplicity. A minimal, stripped-back aesthetic will allow the existing textures and character of the building come to the fore. This will be complimented with natural wooden furniture and simple fittings.

Through this combination of factors, we hope to provide Norwich with something a little bit different, that we feel could both compliment and benefit the area; promoting the early evening economy with an alternative to the norm.



23 JAN 2012

Norwich City Council Licensing Authority
Licensing Act 2003APPENDIX
BRECEIVED
23 JAN 2012Statement of ~~support~~ or objection to
an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	Mrs Mather 5 Runsey Wells Place St. Andrews Street.
Postal address	↑
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	36 Exchange Street
Address of the premises you wish to support or object to.	

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

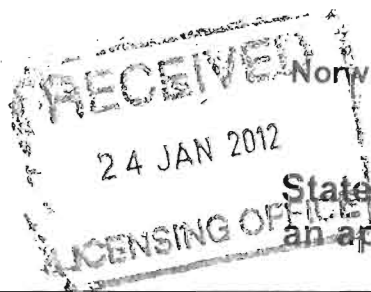
Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Exchange St. is a busy street with heavy traffic
Public safety	Licensed Premises could lead to drunks. Just like the Runseys Wells Pub.
To prevent public nuisance	Smokers will want to be outside on Exchange St. they could cause a public nuisance
To protect children from harm	Children are allowed in licensed Premises, front door opens onto busy road could be dangerous

Please suggest any conditions which would alleviate your concerns.	None.
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Signed:

Date: 19.01.2012

Please see notes on reverse



Norwich City Council Licensing Authority
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	Mr & Mrs Denis & Janice JACKSON
Postal address	12 Rumsey Wells Place St. Andrews Street NORWICH NR9 4AT.
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	
Address of the premises you wish to support or object to.	36, Exchange Street, NORWICH NR2 1AX

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	See "objections" on attached sheet.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	See "Alleviation" on attached sheet.
--	---

Signed:

Date: 22 January, 2012

Please see notes on reverse

2 Enclosures

✓



From: Mr and Mrs D. JACKSON

12 Rumsey Wells Place, St Andrews Street, Norwich NR2 4AT

Reference: 12/00045/PREM – 36 Exchange Street, Norwich NR2 1AX

OBJECTIONS.

We object to the above proposal on the following grounds:

Rumsey Wells Place contains a block of 12 Flats forming a residential area. Ownership of these flats is restricted to individuals above the age of 55. The age of most of the Residents is well above this limit. One person is 91 and we will both be in our 80s when this is decided and there are others who are also in their 80s.

We have had more than three years experience of the effects of a public house situated in very close proximity to the flats in the west of the development – it has not been pleasant. The pub was here before the flats were built so it can claim priority. For the first few months it gave no problem, then it changed hands and, we have been told, is now known in the trade as a 'noisy pub'.

The back of 36 Exchange Street is directly across an alley from our living and bedrooms at a distance which is a tiny fraction less than 3 yards.

When the flats were built they were not intended to be restricted to the over 55s. We assume that the Norwich City Council Planning authority agreed to this change and since living here we have thought this to be an odd decision because there are a number of things beside the public house which are not suitable for accommodation intended for elderly people. We neither of us enjoy good health but we are ratepayers and not yet a burden on the community and we hope the City Council will protect us from further disturbance by refusing this application.



From: Mr and Mrs D. JACKSON

12 Rumsey Wells Place, St Andrews Street, Norwich NR2 4AT
Email:

Reference: 12/00045/PREM – 36 Exchange Street, Norwich NR2 1AX

ALLEVIATION

We sincerely hope that you will not grant this application, but if you do we ask that to reduce the risk of annoyance you forbid the proprietors to allow their customers or themselves and their staff to use the alley as a smoking area. Also we ask you to forbid the proprietors or their staff to set up any tables or allow their customers to bring food or drink into the alley.

You should be aware that Norwich City Council has declared that it does not own the alley although it has a right of way. It has steadfastly refused to do anything to help to keep the alley hygienic. The Council has 36 Exchange Street on a long lease from the Church Authorities, a council official stated in a letter that he felt the alley had been left off the lease by an oversight. We can tell you with some confidence, but without proof, that the alley is owned by the church.

Norwich City Council Licensing Authority
Licensing Act 2003



27 JAN 2012

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

Your name/organisation name/name of body you represent (see note 1)	MRS M.V. PARSONS
Postal address	3 RUMSEY WELLS PLACE, ST. ANDREWS ST. NORWICH NORFOLK NR2 4AT.
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	?
Address of the premises you wish to support or object to.	36 EXCHANGE ST., NORWICH NR2 1AX

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	This residential area already suffers from crime & disorder. This could get worse if a license is granted
Public safety	Already underpinned late night and early morning
To prevent public nuisance	I am 91 and object to use of the area under my bedroom window being used for drinking, sex, vomiting etc. etc.
To protect children from harm	THIS AREA IS FREQUENTED BY FAMILIES SOME WITH YOUNG CHILDREN

Please suggest any conditions which would alleviate your concerns.	CLOSING SAME TIME AS MON - WED IE 20:00. I BELIEVE THE PREMISES ARE UNSUITABLE FOR PROPOSED LATE NIGHT
--	--

Signed:

Date:

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003

RECEIVED

27 JAN 2012

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

Your name/organisation name/name of body you represent (see note 1)	MRS. RUTH SEWELL MR. FREDERICK SEWELL
Postal address	11 RUMSEY WELLS PLACE ST ANDREWS STREET NORWICH NR2 4AT
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	36 EXCHANGE STREET NORWICH NR2 1AX
Address of the premises you wish to support or object to.	

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	FALL OUT IE BREAK-INS TRESPASS BROKEN GLASS SHOP WINDOWS BEER MUGS UP UNPLEASANT LITTER VOMIT URINE FACES
Public safety	WE HAVE AT LEAST ONE NOTICED VOMIT ALLEY IN THE CITY (PRINCE OF WALES ROAD) PLEASE DONT CONDEMN THIS AREA TO BECOMING ANOTHER.
To prevent public nuisance	WE UNDERSTAND THE PROPOSED NEW LICENCE HAS ALREADY RAISED THE POSSIBILITY OF REMOVING THE GATE BETWEEN THE BACK OF PREMISES OF RUMSEY WELLS PLACE WHICH WAS PUT THERE ON ACCOUNT OF REMOVING IE SEX DRUGS AN TOILET FACILITY RUBBISH DUMP
To protect children from harm	FALL OUT FROM THESE PREMISES ROWDY BEHAVIOUR BROKEN SHOP WINDOWS THESE PROPOSED PREMISES COULD MEAN THAT CHILDREN WOULD BE ALLOWED IN THERE THEM

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

Signed:

Date: 26/1/2012

Please see notes on reverse

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

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

27 JAN 2012

Your name/organisation name/name of body you represent (see note 1)	Mrs. Shirley Tomlin. I live at:-
Postal address	7 Rumsey Wells Place St. Andrews Street NORWICH NR2 4AT.
Email address	_____
Contact telephone number	_____

Name of the premises you wish to support or object to	36 Exchange St NORWICH NR2 1AX
Address of the premises you wish to support or object to .	" " " "

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

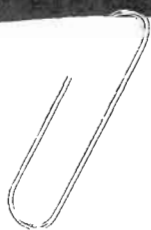
Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and <u>disorder</u>	✓
Public safety	
To prevent public nuisance	✓
To protect children from harm	

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

Signed:

Date: 26-01-12

Please see notes on reverse



7, Rumsey Wells Place,
St. Andrews Street
Norwich
NR2 4AT

26-01-12

Re:- 36, Exchange Street.

Premises Licence - New. 27 JAN 2012

Dear Su/Adam

I very strongly object
to the proposed "licensable activities", plus
live entertainment at 36, Exchange Street
on the grounds that this address,
backs onto my home,

My home (flat) is in a
small development for the elderly &
retired people.

The clientele of this
property, will be able to access the rear
for smoking & drinking, which of course
will be under my bedroom, part of my
kitchen & living room.

My concern is to deny this
proposed licence, as it is in a residential area.

yours faithfully

(^{two.}
S. Tomlin)

Norwich City Council Licensing Authority
Licensing Act 2003

27 JAN 2012

Organisational Development
27 JAN 2012
Post Room

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

Your name/organisation name/name of body you represent (see note 1)	CAROL AND ERIC NICOLLE
Postal address	9, RUMSEY WELLS PLACE, ST. ANDREWS STREET, NORWICH. NR2 4AT.
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	THE FORMER 'RITUAL SPA.'
Address of the premises you wish to support or object to.	36, EXCHANGE STREET, NORWICH. NR2 1AX.

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder ✓	SEE SEPARATE SHEET. (ATTACHED)
Public safety ✓	SEE SEPARATE SHEET (ATTACHED)
To prevent public nuisance ✓	SEE SEPARATE SHEET. (ATTACHED)
To protect children from harm ✓	SEE SEPARATE SHEET (ATTACHED)

Please suggest any conditions which would alleviate your concerns. NONE.	SEE SEPARATE SHEET (ATTACHED)
---	----------------------------------

Signed:

Date: 26.1.2012.

Please see notes on reverse

1. CRIME AND DISORDER:

We have at least one notorious 'vomit alley' in the City (Prince of Wales Road.) The area around here is in very real danger of becoming another. This is a very serious threat to what has now become a residential area, made even more acute by the very limited availability of Police particularly at times when they are most needed. This Historic and Culturally-rich area is by now, well-endowed with licenced premises and the proposed development would only add to the already considerable fall-out from them. i.e. Rowdy behaviour, accompanied by obscene and offensive language, violence (fights,) break-ins, trespass, broken glass, vandalism, unpleasant litter, vomit, urine, faeces in short, all the very unpleasant downside that more often than not accompany premises of this nature.

2. PUBLIC SAFETY.

There are at least four valuable cultural venues in this area, i.e. The Maddermarket Theatre, The Playhouse, St. Andrew's Hall and Cinema City. Patrons accessing and leaving these places are already having to negotiate some or all of the above conditions. To add to them would inevitably prove a disincentive to people who are also bringing in 'good' money and thus contributing to our City.

3. PUBLIC NUISANCE:

No 36, Exchange Street backs onto a development specifically designated for elderly people. The alleyway between them became a 'nightmare scenario' on account of the use to which it was being put, i.e. sex, drugs, a toilet facility, rubbish dump etc. The very fact that the clientele of 36, Exchange Street would be able to access the rear of the premises during opening hours for smoking and other activities, is in itself a good enough reason for turning down this application. The granting of such a licence could also seriously impact on the redevelopment of the Norfolk House site which is currently under review.

3 .PROTECTION OF CHILDREN.

There is a Family-type (Premier Inn) Hotel in the vicinity. Visiting families from there are obliged to pass through the area around here on 'the morning after the night before' to get to the main attractions, cultural and otherwise, of this historic City. In addition, the proposed opening hours and the fact that food is to be sold on these premises, means that children would be allowed into them.

5. ALLEVIATION:

The only possible way to alleviate our concerns is to deny this proposed licence - everything points to this being the least suitable future for these particular premises.

Norwich City Council Licensing Authority
Licensing Act 2003

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

30 JAN 2012

Organisational Development
30 JAN 2012

Post Room
LE:10501

Your name/organisation name/name of body you represent (see note 1)	SHEILA FLEMING
Postal address	4 RUMSEY WELLS PLACE ST ANDREWS CHURCH NORWICH NR2 4AT
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	NK
Address of the premises you wish to support or object to.	36 EXCHANGE ST NORWICH NR2 1AX

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	Please see att. sheet
To protect children from harm	

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

Signed:

23 1. 2012

Please use notes on reverse

From

Sheila Fleming
4 Rumsey Wells Place
St Andrews Street
Norwich
Norfolk
NR2 4AT

I feel I must object to the proposed
licence to premises at 36 Exchange Street
Norwich.

The block of Flats here is specifically for
retired residents.

My flat is under 11 feet from the back of
the stated ~~premises~~ premises. I am overlooked
by two windows.

I am worried about possible noise, cooking
smells, & smoking causing a nuisance.

The previous occupants of that building
smoked in the passageway so I was unable to
open my sitting room or bedroom windows.
(I suffer from COPD)

The residents here are already troubled by the
Rumsey Wells Tavern situated the other side of
the block. We suffer from noise & smells up to
midnight. We get vomit broken glass faces by
the front door & in gateway (not very pleasant
I can assure you)

I do hope you will deny the licence for
the premises concerned.

Yours sincerely

Norwich City Council Licensing Authority
Licensing Act 2003

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

30 JAN 2012

Your name/organisation name/name of body you represent (see note 1)	Rev. Dr Michael and Doreen Dunford
Postal address	Flat One, Rumsey Wall Place, St Andrew Street Norwich NR2 4AT
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Unknown
Address of the premises you wish to support or object to.	36, EXCHANGE STREET, Norwich NR2 1AX

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	Please see attached statement of objection.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	None
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Signed:

Date: 27/1/12

Please see notes on reverse



Norwich City Council

36, Exchange Street Norwich NR2 1AX
Reference: 12/00045/PREM

Application for a new Premises Licence

We strongly object to the granting of a license to this new food and entertainment outlet on the grounds that noise through open windows, food smells from the kitchen and use of the back of the property and the passage way for smoking and the deposit of rubbish would be extremely detrimental to our flats with windows and open terraces so close and open to the site.

Bearing in mind the amicable understanding we have with the Rumsey Wells pub next door, and the general environment of historic Exchange Street, our clear view is that the use of a license in this instance could lead to public nuisance and therefore should not be granted.

Rev Dr Michael and Mrs Doreen Dunford
Flat I, Rumsey Wells Place, Norwich NR2 4AT

1st Feb. 2012.

I've just returned from a long time away to find this 'threat' — & feel very upset —

Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development
- 2 FEB 2012
Post Room

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

Your name/organisation name/name of body you represent (see note 1)	MRS JUANITA COTES
Postal address	8 RUMSEY WELLS PLACE ST. ANDREWS ST. NORWICH, NR2 4AT
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	36 EXCHANGE ST. NORWICH NR2 1AX
Address of the premises you wish to support or object to.	" " " " " "

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	WE ENDURE ENOUGH CRIME/VIOLENCE without encouraging more in this region.
Public safety	Six of our flats are just an alley-way away — fire could easily reach us — plus vermin from waste food.
To prevent public nuisance	We came to Rumsey Wells for peace and relaxation, spending money on luxury flats — not to be bothered by people, flies, vermin, noise etc. etc.
To protect children from harm	We could no longer invite our grand children here — for noise etc. & smell of food in my living room.
Please suggest any conditions which would alleviate your concerns.	This building should be given to the local authority for use as an office, high class clothing shop or similar — becoming a liability to the rear of above premises.

Signed

Date: 1st February 2012.

Please see notes on reverse

I understood that legally, should premises have been used for hairdressing, office etc., they could not go down the scale to music/entertainment establishments? Please correct me if I'm wrong. 1st Feb 2012

APPENDIX C

Local Policy considerations

1.0 Introduction

1.4 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the four licensing objectives. These are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.5 The 2003 Act also requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

2.0 Consultation and Links to other Policies and Strategies

2.7 So far as possible, the Council will avoid duplication with other regulatory regimes, and will not to use its powers under the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation and other enforcement agencies. As an example, the council will not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.

3.0 Applications for Licences

3.2 Applicants must address the four licensing objectives in their operational plan. The operating plan must have regard to the nature of the area where the premises are situated, the type of premises, the licensable activities to be provided, operational procedures and the needs of the local community. The operating schedule must demonstrate how the premises will be "good neighbours" both to residents and to other venues and businesses.

3.3 Applicants must provide evidence that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style, location and characteristics of their premises and activities. They must also also indicate if additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is, for example, likely to attract larger audiences.

4.0 Representations

- 4.1 “Responsible Authorities” (see Appendix 7) will be asked to consider all applications and to make representations to the Council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.
- 4.2 The Council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation, will only be accepted by the Council if it is ‘relevant’, ie 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 necessary for the promotion of the licensing objectives.

8.0 The Impact of Licensed Premises

- 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
 - the proposed hours of operation;

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

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

13.0 Management of Licensed Premises

- 13.1 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a premises supervisor must be designated (designated premises supervisor) and such person must be in possession of a current personal licence. The licensing authority will normally expect the designated premises supervisor [DPS] to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the licensing authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
- 13.2 The act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times and have a duty to comply with the terms of the licensing act and any conditions, including the matters set out in the premises' operating schedule, in order to promote the licensing objectives. To that end, the licensing authority will be mindful of the guidance issued by the secretary of state, which recommends that a personal licence holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the act and the designated premises supervisor/personal licence holder remain ultimately responsible for ensuring compliance with the act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement.

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

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

20.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the City Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

20.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.

20.3 When addressing the issue of crime and disorder, the applicant should demonstrate that all those factors that impact on crime and disorder have been considered. These include:

Underage drinking

Drunkenness on premises

Public drunkenness

Keeping Illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.

Preventing disorderly and potentially violent behaviour on and outside the premises.

Reducing 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;

22. Objective – public safety

- 22.1 The safety of any person visiting or working in licensed premises must not be compromised. **Applicants are expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.**

- 22.2 Applicants must ensure that they carry out their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and liaise with the Norfolk Fire and Rescue Service where necessary. Further information is available from <http://www.norfolkfireservice.gov.uk/firesafetyinbusinesspremises.html>
- 22.3 Also when addressing the issue of public safety, an applicant must demonstrate that they have considered other public safety issues. These include:
- the age, design and layout of the premises
 - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
 - the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
 - customer profile (eg age, disability)
 - the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc
 - the safety of electrically powered equipment brought onto their premises
 - having public liability insurance.
- 22.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:
- suitable and sufficient risk assessments
 - effective and responsible management of premises
 - provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
 - effective management of number of patrons within different parts of the premises
 - determine sensible occupancy limits according to the nature of the premises and activities being carried out
 - impose occupancy limits rigorously, employing registered doorstaff as necessary. In order to manage occupancy effectively, consider automated systems like electronic door counters
 - appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
 - adoption of best practice guidance (eg Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (further advice can be obtained from the Norfolk
 - Fire Service on 01603 810351 www.norfolkfireservice.gov.uk The Event Safety Guide, Safety in Pubs published by the BBPA)
 - provision of effective CCTV in and around premises
 - provision of toughened or plastic drinking vessels
 - implementation of crowd management measures
 - the provision of suitable electrical cut outs for use with electrical appliances which are brought onto the premises (such as amplifiers, microphones etc). Such cut-outs should be of a residual current device

with a rated tripping current of 30ma in 30 milliseconds (applicants should have regard to HSE Publication INDG 24 7 Electrical safety for entertainers)

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

24.0 Objective - prevention of public nuisance

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

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

24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.

24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.

24.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.

24.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
- the hours of opening, particularly between 11pm and 7am
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport
- wind down period between the end of the licensable activities and closure of the premises
- last admission time
- preventing litter and refuse becoming an eyesore
- consideration of local residents that they are not upset by loud or persistent noise or by excessive light
- preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces
- avoid early morning or late night refuse collections
- avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning
- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

24.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, eg to ensure customers leave quietly.
- Fit prominent signs requesting that customers respect local residents and leave quietly.
- Control of operating hours for all or parts (eg garden areas) of premises, including such matters as deliveries ie not too early in the morning.
- Adoption of best practice guidance (eg Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- Liaison with public transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for collection and disposal of waste, empty bottles etc.
- Effective ventilation systems to prevent the emission of unwanted odours.
- Take away packaging to include the name and address of the premises on it.

- Capacity levels for fast food outlets.
- Introduce a chill out area with coffee and mellow music where customers can settle before leaving.
- Introduce a closed door policy, with attendance prohibited for new customers 2 to 3 hours before licensable activities finish.

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

26. Objective – protection of children from harm

26.1 The council will consult with the appropriate area child protection committee for consideration of all applications for licences.

26.2 With a view to the promotion of the licensing objective relating to the protection of children from harm the council will work closely with the police and trading standards authority to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol products to children (for Minor Sales Major Consequences information please contact trading standards on 0844 800 8013 trading.standards@norfolk.gov.uk).

26.3 Applicants should be aware that the protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.

26.4 There should be no presumption of giving children access nor any presumption of preventing their access to licensed premises. Where no licensing restriction is necessary, the admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.

26.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving eg topless female bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. The council has given particular consideration to the types of entertainment referred to above, and has included within this policy their expectations of applicants in section A, paragraph 17.

26.6 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 protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.

26.7 While children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. **When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on harm to children have been considered.** These include:

- where entertainment or services of an adult or sexual nature are commonly or regularly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- where there has been a known association with drug taking or dealing
- where there is a strong element of gambling on the premises
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

26.8 The council commends the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. **The council will expect all licensees to agree not to replenish their stocks following notification of a retailer alert bulletin by the Portman Group in relation to any product that is in breach of that code. Commitment to that code should be included in operating schedules.**

26.9 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- Adoption of best practice guidance (eg Minor Sales Major Consequences).
- Ensure that all drinks containers carry a price tag or other sticker that identifies your premises. This will be a useful tool for working with authorities to tackle underage drinking if problems arise.
- Limitations on the hours when children may be present, in all or parts of the premises.
- Limitations or exclusions by age when certain activities are taking place.
- Imposition of requirements for children to be accompanied by an adult.
- Train staff to deal with – and be vigilant about – potentially harmful situations, eg children in the presence of adults who are excessively drunk.
- Acceptance of accredited proof of age cards and/or new type driving licences with photographs, or passports.
- Measures to ensure children do not purchase, acquire or consume alcohol.
- Measures to ensure children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

26.10 In the case of film exhibitions, licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act should implement measures that restrict children from viewing restricted films classified according to the recommendations of the British Board of Film Classification or the council.

26.11 In premises where there may be children unaccompanied by adults any supervisors must have undergone appropriate checks through the Criminal Records Bureau.

SECTION E - Hours of Trading

30.7 Consideration will always be given to an applicant's individual case and if the matter of trading hours has been raised in a representation, the council will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises. It is however, unlikely that statements such as the premises being well-managed, or that the applicant is of good character or that the style of the premises is intended and likely to attract a discerning clientele, will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.

APPENDIX D

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

CRIME AND DISORDER

2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities may be carried on. Licensing authorities should therefore look to the police as the main source of advice on these matters.

2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave.

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

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

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

2.8 Text and radio pagers allow premises licence holders, designated premises supervisors and managers of premises and clubs to communicate instantly with the local police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The Secretary of State recommends that text or radio pagers should be considered appropriate necessary

conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.

2.9 Some conditions primarily focused on the prevention of crime and disorder will also promote other licensing objectives. For example, a condition requiring that all glasses used on the premises for the sale of alcoholic drinks should be made of plastic or toughened glass or not allowing bottles to pass across a bar may be necessary to prevent violence by denying assailants suitable weapons, but may also benefit public safety by minimising the injury done to victims when such assaults take place (for example, facial injuries resulting from broken glass).

2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only necessary but both practical and achievable.

PUBLIC SAFETY

2.19 Licensing authorities and responsible authorities should note that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. There will of course be occasions when a public safety condition could incidentally benefit health, but it should not be the purpose of the condition as this would be ultra vires the 2003 Act. Accordingly, conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.20 From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will have ceased to have effect. Licensing authorities should note that under article 43 of the Fire Safety Order any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect, without the need to vary the licence. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies.

2.22 The Fire Safety Order applies in England and Wales. It covers 'general fire precautions' and other fire safety duties which are needed to protect 'relevant persons' in case of fire in and around 'most premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.

2.23 Responsibility for complying with the Order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including, where necessary, capacity limits.

2.24 The local fire and rescue authority will enforce the Order in most premises and have the power to inspect the premises to check the responsible person is complying

with their duties under the Order. They will look for evidence that the responsible person has carried out a suitable fire risk assessment and acted upon the significant findings of that assessment. If the enforcing authority is dissatisfied with the outcome of a fire risk assessment or the action taken, they may issue an enforcement notice that requires the responsible person to make certain improvements or, in extreme cases, issue a prohibition notice that restricts the use of all or part of the premises until improvements are made.

PUBLIC NUISANCE

2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary 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 impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.33 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 interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.

2.34 Conditions relating to noise nuisance will normally concern steps necessary 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 in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary 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.

2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity 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 necessary.

2.36 Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from midevening 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 in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.

2.37 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered necessary 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.

2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.

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

PROTECTION OF CHILDREN FROM HARM

2.41 The protection of children from harm includes the protection of children from moral, psychological and physical harm, and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.

2.42 However, in the context of many licensed premises such as pubs, restaurants, café bars and hotels, it should be noted that the Secretary of State recommends that the development of family-friendly environments should not be frustrated by overly restrictive conditions in relation to children.

2.43 The Secretary of State intends that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions unless the 2003 Act itself imposes such a restriction or there are good reasons to restrict entry or to exclude children completely. Licensing authorities, the police and other authorised persons should focus on enforcing the law concerning the consumption of alcohol by minors.

2.44 Conditions relating to the access of children which are necessary to protect them from harm are self evidently of great importance. As mentioned in connection with statements of licensing policy in Chapter 13 of this Guidance, issues will arise about the access of children in connection with premises:

- where adult entertainment is provided;
- where a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider in the company of adults during a table meal);
- where it is known that unaccompanied children have been allowed access;
- where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not small numbers of cash prize machines);
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

2.46 Similarly, gambling may take place in part of a leisure centre but not in other parts of those premises. This means that the access of children will need to be carefully considered by applicants, licensing authorities and responsible authorities. In many respects, it should be possible to rely on the discretion and common sense of licence and certificate holders. However, licensing authorities and responsible authorities should still expect applicants when preparing an operating schedule or club operating schedule to state their intention to exercise discretion and where they are necessary, to set out the steps to be taken to protect children from harm when on the premises.

2.47 Conditions, where they are necessary, should reflect the licensable activities taking place on the premises and can include:

- where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made, to ensure that sales are not made to individuals under 18 years (whether the age limit is 18 or 16 as in the case of the consumption of beer, wine and cider in the company of adults during a table meal);
- restrictions on the hours when children may be present;
- restrictions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place

Proposed Conditions

10.7 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs 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 of opening.

10.8 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove necessary

Imposed Conditions

10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

10.12 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

Proportionality

10.13 The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues. For example, charities, community groups, voluntary groups, churches, schools and hospitals which host smaller events and festivals will not usually be pursuing these events commercially with a view to profit and will inevitably operate within limited resources.

Fundamental principles

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

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

13.18 "...licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises."

Standardised Conditions

13.20 "...statements of policy should make it clear that a key concept underscoring the 2003 Act is for conditions to be tailored to the specific premises concerned. This

effectively rules out standardised conditions...However, it is acceptable for licensing authorities to draw attention in their statements of policy to pools of conditions which applicants and others may draw on as appropriate.”

Licensing Hours

13.41 “...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies...providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.”