

<b>Report to</b>	Licensing sub committee 12 May 2015	<b>Item</b>
<b>Report of</b>	Head of citywide services	<b>3</b>
<b>Subject</b>	Licensing Act 2003: Application for variation of a Premises Licence – Coach & Horses 51 Bethel Street Norwich NR2 1NR	

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## **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a premises licence in respect of Coach & Horses 51 Bethel Street Norwich NR2 1NR following the receipt of relevant representations.

## **Recommendation**

That members determine the application for the variation of a premises licence in respect of Coach & Horses 51 Bethel Street Norwich NR2 1NR in accordance with the:

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

## **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

## **Financial implications**

None.

**Ward/s:** All wards

**Cabinet member:** Councillor Harris – customer services

## **Contact officers**

Ian Streeter, licensing manager

01603 212761

## **Background documents**

None

## **Report**

### **Variation application**

1. The applicant is Greene King Retailing Limited Abbot House Westgate Brewery Bury St Edmunds IP33 1QT.
2. The application seeks to create a bar servery in the area formerly used as a cellar/case store cellar at the rear of the premises to provide drinks to the external area. All operating times, licensable activities and conditions authorised by the premises licence are to remain unaltered.
3. A plan of the premises submitted with the application showing the proposed additional area for the sale of alcohol (hatched) is attached as appendix A to the report.

### **Operating schedule**

4. A copy of the existing licence and operating schedule is attached at appendix B to the report.

### **Relevant representations**

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

Police – representations received (attached at appendix C).

Environmental Protection – representations received (attached at appendix D).

Fire Officer – no relevant representations received.

Planning Officer – no relevant representations received.

Area Child Protection Committee – no relevant representations received.

Trading Standards – no relevant representations received.

Primary Care Trust – no relevant representations received.

6. Relevant representations have been received in respect of the application with concerns which appear primarily to relate to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Copies of the representations received are attached at appendix E to the report. A representation supporting the application has also been received and this is attached at appendix F to the report.
7. A site plan showing the location of the application premise and those local residents who have made representations will be available at your meeting.

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

8. 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)**

9. 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**

10. In determining the application with a view to promoting the licensing objectives the sub-committee must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
  - the representations (including supporting information) presented by all the parties;
  - the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and
  - the council's own statement of licensing policy.
11. The sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- Grant the application as asked;
  - Modify the conditions of the licence by altering or omitting or adding to them;
  - Reject the whole or part of the application
12. The sub-committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
13. The representations received appear primarily to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The sub-committee is directed to paragraphs 20 and 24 of the local licensing policy at appendix D that contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
14. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.





**NORWICH**  
City Council

**Schedule 12**

**Premises Licence**

**Regulation 33,34**

**Premises Licence Number**

**14/02294/PREMTR**

**Part 1 – Premises Details**

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

Coach & Horses  
51 Bethel Street  
Norwich  
Norfolk  
NR2 1NR

**Telephone number** 01603 766786

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

Not applicable

**Licensable activities authorised by the licence.**

Late Night Refreshment - Activity takes place indoors  
Sale by Retail of Alcohol - Activity takes place both indoors and outdoors  
Recorded Music - Activity takes place indoors

Private Entertainment as defined under section 2 of the Private Places of Entertainment (Licensing) Act 1967

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

Late Night Refreshment Every Day 23:00 - 02:00  
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Sale by Retail of Alcohol Every Day 11:00 - 01:30  
On New Years Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Recorded Music Every Day 11:00 - 02:00

**The opening hours of the premises**

Monday	11:00 - 02:00
Tuesday	11:00 - 02:00
Wednesday	11:00 - 02:00
Thursday	11:00 - 02:00
Friday	11:00 - 02:00
Saturday	11:00 - 02:00
Sunday	11:00 - 02:00

On New Years Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

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

Alcohol is supplied for consumption both on and off the Premise

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

Children must be accompanied by an adult, are only allowed in the dining area, and are not allowed on the premises after 19:00.

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Greene King Retailing Limited  
Abbot House  
Bury St. Edmunds  
Suffolk  
IP33 1QT

Telephone Number 01284 763222

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

Registered Business Number 5265451

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Lewis Belsey  
Coach And Horses  
51 Bethel Street  
Norwich  
NR2 1NR

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference: IPF/201113701-2

Licensing Authority: Ipswich Borough Council

## Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 (with effect from 1 October 2010)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7 (with effect from 1 October 2010)

The responsible person shall ensure that -

  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: half pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and



- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

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

Mandatory Licensing Condition

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

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

- a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- b) "permitted price" is the price found by applying the formula?

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

where:

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

(a) 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part 1 of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991 (c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by

section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of and paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No. 2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

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

9 The following are not prohibited:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- c) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) The sale of alcohol to a trader or club for the purposes of the trade or club;
- e) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) The taking of alcohol from the premises by a person residing there; or
- g) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

## **Annex 2 – Conditions consistent with the Operating Schedule**

- 1     **General - all four licensing objectives**
- 2     The Portman Group scheme will be in operation re responsible drinking policies
- 3     **The Prevention of Crime and Disorder**
- 4     There will be a zero tolerance of drugs/drunkenness/abusive behaviour.
- 5     Staff will be thoroughly trained in promoting responsible retailing and consumption of alcohol.
- 6     An effective photographic proof of age scheme (including Portman Prove It) shall be operated.
- 7     There will be regular patrolling inside the bar, toilets, and exterior areas during trading hours
- 8     **Public Safety**
- 9     A strictly no smoking policy will be operated in the dining area.
- 10    The capacity of the premises will be limited to 100 people at any time.
- 11    Toughened glasses will be in use
- 12    **The Prevention of Public Nuisance**
- 13    The front and side of the premises will be clearly illuminated.
- 14    Litter will be collected each day.
- 15    **The Protection of Children From Harm**
- 16    Children will be allowed access to the dining area only, and must be accompanied by an adult.  
No children will be allowed on site after 19:00

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

- 1 The licence holder is to provide clear and legible notices displayed at exits and other circulatory areas, requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting and slamming car doors. The sounding of car horns must also be discouraged.
- 2 The type and positioning of external lighting, including security lighting, will be such as not to cause nuisance to local residents
- 3 There will be no deliveries or collections including trade waste between the hours of 19:00 and 07:00 Monday to Saturday  
There will be no deliveries or collections including trade waste on Sundays or Bank Holidays
- 4 There will be no admittance to the premises after 23:00 daily.

## Annex 4 – Plans







# NORFOLK

## CONSTABULARY

*Our Priority is You*

Mr Ian Streeter – Licensing Manager  
Licensing Team  
Norwich City Council  
St Peters Street  
Norwich

2<sup>nd</sup> April 2015

Dear Mr Streeter

The Licensing Team

Bethel Street Police Station  
Norwich  
Norfolk  
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: [licensingteam@norfolk.pnn.police.uk](mailto:licensingteam@norfolk.pnn.police.uk)

[www.norfolk.police.uk](http://www.norfolk.police.uk)

Non-Emergency Tel 0845 456 4567

### Application to vary the premises licence – Coach and Horses, Norwich

I can confirm that Police have received a copy of the application for a variation to the premises licence for Coach and Horses, Bethel Street Norwich.

The purpose of the application is for the sale of alcohol to be extended to the former cellar/case store and to the external area of the premises.

It is not anticipated that this request will cause a significant impact to crime and disorder however it is important that this area is closely monitored and observed by CCTV. The current management of the venue have a sufficient camera system which would assist in protecting the customers and staff and also act as a deterrent.

Therefore Police request that the following conditions are added to the Premises Licence:

- CCTV will be in operation at the premises when the venue is open to be public. CCTV cameras to cover the main public areas of the building including the external area to the rear and for CCTV footage to be available for up to 28 days and be available to Police or Licensing Authority on request.

In addition we also support the restrictions as proposed by NCC Licensing Enforcement Officer in order to reduce the potential impact of the area to neighbouring properties:

1. No sales of alcohol will take place from the newly licensed area subject of this application between 2100-1100 hours on any day.
2. The outside area marked on the attached plan shall not be in use by members of the public between 2100-1100 hours on any day.
3. No sales of alcohol will take place in any outside part of the licenced area between 2100-1100 hours on any day.
4. Any temporary bar placed in the outside area for the service of alcohol will be removed by 2100 hours on any day that it is in use and the structure and all stock returned to an internal storage area.

With these conditions added to the licence, there will be no Police objections

Yours faithfully,

Michelle Bartram  
Licensing Officer



**Fuller, Maxine**

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**From:** Shearman, Anthony  
**Sent:** 27 March 2015 15:47  
**To:** LICENSING  
**Subject:** FW: Coach and Horses - Premises Licence Variation Application  
**Attachments:** C&H Plan.pdf

**From:** Shearman, Anthony  
**Sent:** 27 March 2015 15:45  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Coach and Horses - Premises Licence Variation Application

Lewis,

Many thanks for taking the time to meet Michelle and I yesterday with regard to the premises licence variation application.

As discussed I have concerns regarding the newly proposed bar serving direct to the outside area and the proximity to the new flats currently being converted, immediately adjacent to this outside area. This is likely to cause an increase in the use of the outside area by customers using solely the new bar, and will also encourage those customers to stay outside for longer periods, as there will be no need for them to return into the main building, except for use of the toilets. Given that the current premises licence allows the premises to operate until 0200 hours, this could cause considerable disturbance to the future residents.

You also mentioned that you intended to occasionally set up a temporary bar in the outside area for special occasions and events. Again, as above, this is likely to increase the disturbance caused if operated permanently and for the full operating hours of the premises.

I feel that the following conditions could be applied to the licence to mitigate the above concerns, and although you felt these were agreeable in principle, it was noted that the applicant is Greene King, and therefore any agreement to formally update the application would need to come from them. Please could you forward this onto them so that if they are happy they can reply to me and I will inform the Licensing Office.

1. No sales of alcohol will take place from the newly licensed area subject of this application between 2100-1100 hours on any day.
2. The outside area marked on the attached plan shall not be in use by members of the public between 2100-1100 hours on any day.
3. No sales of alcohol will take place in any outside part of the licenced area between 2100-1100 hours on any day.
4. Any temporary bar placed in the outside area for the service of alcohol will be removed by 2100 hours on any day that it is in use and the structure and all stock returned to an internal storage area.

I hope this all makes sense, if you have any queries or wish to discuss the above suggestions further please feel free to let me know.

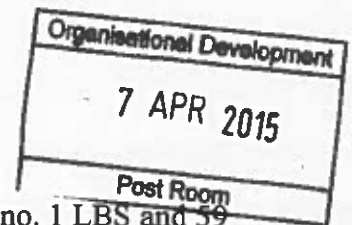
Regards .... Tony

Tony Shearman  
 Environmental protection officer - public protection  
 Norwich City Council  
 01603 212278



To Whom it may Concern

Re: Coach and Horses Bethel Street - Statement of Objection to Application



I live next door to the Coach and Horses on 2 Little Bethel St. My neighbours in no. 1 LBS and 59 Bethel St. also adjoin the pub with their bedrooms. Before the present tenant took over the pub last year, the weather was still good and there were 3 occasions where that owner allowed the drinking to go on in the outside 'beer garden' in the alley until 2-3 in the morning. When I objected on behalf of all tenants in Cotman Housing/LBS, that owner told me cynically that 'it was one way to make money in a failing area,' and continued to allow it, knowing he was about to leave.

All through the summer our windows are open and it is like having this in our own courtyard which is just behind the pub on the other. Indeed there is some sort of ventilation window from one of their downstairs rooms onto their back wall, ie our courtyard, which filters their noise out to us but is nothing like what comes from that beer garden or would come from any extension to it.

You will remember that when the new licensing law came in some years ago, several of us opposed that of the Alibi but not of the Horse and Coaches ONLY on the understanding that the then manager would lock the door at 11pm and the clientèle in those days were police, firemen and theatre people. That changed big time with the 2 owners previous to the present one who tried to make it into a disco and built the beer garden, and it was a disaster for us as well as other residents across the way.

We are hopefully, just about to get rid of some of our worst tenants - must we then be subjected to what will be constant noise from the pub? They should not have a licence until 2am anyway - and that beer garden should be cleared at 11 pm latest.

Our bedrooms actually share a wall with the pub, so you can imagine, especially for my other 2 neighbours, the sensitivity which needs to be shown from music/noise inside the pub (my bedroom is above their roof).

The Garage was only given permission for their activities if they agreed to 'music curfews/closed glazed windows' etc and have always been very responsive to our requests to turn it down/close the top studio windows. The pub, however, has not been responsive in this way.

There are over 20 flats next to this pub, with some working people, like the tenant in no. 59 Bethel St., having to go to bed early to go to work early - she has been driven mad by some of the noise from people outside her bedroom window next to the pub, as well as vibrating walls from inside, and as I said, last year by people in the beer garden.

I don't think you are looking objectively at where this pub is situated!

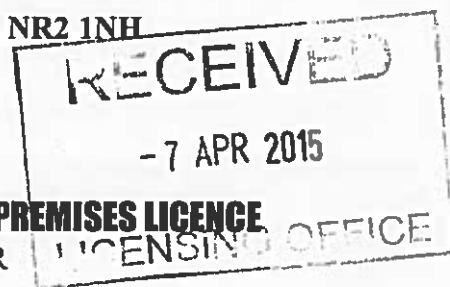
On behalf of my fellow Cotman tenants, I strongly object to the application.

Yours sincerely,  
Sue West

2 Little Bethel St. NR21 NU



30<sup>th</sup> March 2015



**STATEMENT OF SUPPORT OR OBJECTION TO AN APPLICATION FOR A PREMISES LICENCE**

Re: The Coach and Horses, 51 Bethel Street, Norwich, Norfolk, NR2 1NR

**TO PREVENT CRIME AND DISORDER**

(See Public Nuisance for key points) There is clearly the potential for a return to the levels of crime and disorder of the past. I am aware that the focus of night-time drinking is in the Prince of Wales area. However, this pub is on a route to that area and can easily become problematic. Removing the likelihood of having to return to police intervention in this street would be sensible.

**PUBLIC SAFETY**

(See Public Nuisance for key points)

**TO PREVENT PUBLIC NUISANCE**

There has been a long history of public nuisance outside the Coach and Horses, much of it related to periods of disorder at the 'Alibi nightclub' – 58 Bethel Street (currently not operating but being refitted for opening).

The current tenants of the Coach and Horses have at times ignored the 11am (lock-in/locked door) requirement of their licence, but are genuinely responsive to requests to move smokers, drinkers and stragglers away from our homes after 11pm.

Historically when the front door of the pub is locked, customers continue to access the bar from the door on the side of the premises. Whilst this is an inconsistency in the application of the 'lock-in' principle, it has generally been a non-intrusive way of operating the 2am licence.

This presumably will not be true when the adjoining residential properties (nearing completion) are occupied. Drinking and gathering outside beyond 11pm, will potentially become problematic in the outdoor area identified and on Bethel Street. This area is close, almost opposite to the former Alibi, and has the potential to be a disaster in the making.

**SUGGESTIONS WHICH WOULD ALLEVIATE YOUR CONCERNS**

Ideally I would welcome the removal of the 2am licence, it's historic purpose (serving the Theatre Royal is gone). However, whilst the ability to serve alcohol and operate into the early morning exists, it is vital that the sale of alcohol and the requirement to be indoors after 11pm cogs with the existing 11pm 'lock-in/closed door' condition.

The publican of the Coach and Horses informs me that he only wishes to use the outdoor area till '8pm' in the evenings. His reasons relate to the audience he seeks to attract and to be mindful of the residents that will live alongside this outdoor area. Consequentially, there appears to be no disagreement at an operational level. However, the Application as it stands would extend the indoor 2am licence that Greene King control beyond the tenancy held by Lewis.

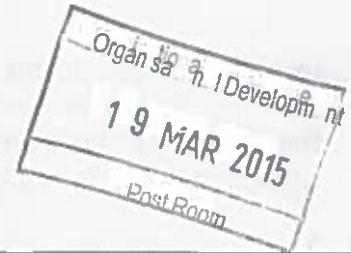
The Application as it stands would set up the same public nuisance and crime issues that necessitated the licence review of No. 58. Sadly that review did not have the ability to address the 2am permission granted to the Coach and Horses, but extending that operational option to an outdoor area, will clearly necessitate the need for a licence review.

Tigger

42-46 Bethel Street, Norwich Norfolk NR2 1NR

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)	Anthony Barnes
Postal address	1 Dixon's Court 52 Bethel St. Norwich NR2 1NR
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Coach and Horses
Address of the premises you wish to support or object to.	51 Bethel St. Norwich NR2 1NR

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	I support this application
To protect children from harm	



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

Signed:

Date: 22.3.15

Please see notes on reverse

# 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.

# **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.