

Report to	Licensing sub committee 16 October 2013	Item
Report of	Head of citywide services Licensing Act 2003:	4
Subject	Application for variation of a Premises Licence – 52 Prince of Wales Road Norwich NR1 1LL	

Purpose

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

Recommendation

That members determine the application for the variation of a Premises Licence in respect of 52 Prince of Wales Road Norwich NR1 1LL in accordance with the:

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

Corporate and service priorities

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

Financial implications

None.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment, development and transport

Contact officers

Ian Streeter, licensing manager

01603 212439

Background documents

None

Report

Background

1. The applicant is Henacraft Limited 6 Horner Close Norwich NR2 2LY.
2. The tables below show the licensable activities and timings permitted under the existing premises licence and the proposed amendments to the hours contained in the variation application:

Films	Hours permitted under existing premises licence	Hours proposed in variation application
Monday	10:00 – 02:00	10:00 – 03:45
Tuesday	10:00 – 02:00	10:00 – 03:45
Wednesday	10:00 – 02:00	10:00 – 03:45
Thursday	10:00 – 02:00	10:00 – 03:45
Friday	10:00 – 02:00	10:00 – 03:45
Saturday	10:00 – 02:00	10:00 – 03:45
Sunday	10:00 – 02:00	10:00 – 03:45

Live music	Hours permitted under existing premises licence	Hours proposed in variation application
Monday	10:00 – 02:00	10:00 – 03:45
Tuesday	10:00 – 02:00	10:00 – 03:45
Wednesday	10:00 – 02:00	10:00 – 03:45
Thursday	10:00 – 02:00	10:00 – 03:45
Friday	10:00 – 02:00	10:00 – 03:45
Saturday	10:00 – 02:00	10:00 – 03:45
Sunday	10:00 – 02:00	10:00 – 03:45

Recorded music	Hours permitted under existing premises licence	Hours proposed in variation application
Monday	10:00 – 02:00	10:00 – 03:45
Tuesday	10:00 – 02:00	10:00 – 03:45
Wednesday	10:00 – 02:00	10:00 – 03:45
Thursday	10:00 – 02:00	10:00 – 03:45
Friday	10:00 – 02:00	10:00 – 03:45
Saturday	10:00 – 02:00	10:00 – 03:45
Sunday	10:00 – 02:00	10:00 – 03:45

Performances of dance	Hours permitted under existing premises licence	Hours proposed in variation application
Monday	10:00 – 02:00	10:00 – 03:45
Tuesday	10:00 – 02:00	10:00 – 03:45
Wednesday	10:00 – 02:00	10:00 – 03:45
Thursday	10:00 – 02:00	10:00 – 03:45
Friday	10:00 – 02:00	10:00 – 03:45
Saturday	10:00 – 02:00	10:00 – 03:45
Sunday	10:00 – 02:00	10:00 – 03:45

Other entertainment	Hours permitted under existing premises licence	Hours proposed in variation application
Monday	10:00 – 02:00	10:00 – 03:45
Tuesday	10:00 – 02:00	10:00 – 03:45
Wednesday	10:00 – 02:00	10:00 – 03:45
Thursday	10:00 – 02:00	10:00 – 03:45
Friday	10:00 – 02:00	10:00 – 03:45

Saturday	10:00 – 02:00	10:00 – 03:45
Sunday	10:00 – 02:00	10:00 – 03:45

Late night refreshment – (activity takes place indoors)	Hours permitted under existing premises licence	Hours proposed in variation application
Monday	23:00 – 05:00	23:00 – 03:45
Tuesday	23:00 – 05:00	23:00 – 03:45
Wednesday	23:00 – 05:00	23:00 – 03:45
Thursday	23:00 – 05:00	23:00 – 03:45
Friday	23:00 – 05:00	23:00 – 03:45
Saturday	23:00 – 05:00	23:00 – 03:45
Sunday	23:00 – 05:00	23:00 – 03:45

Sale by retail of alcohol (for consumption on the premises)	Hours permitted under existing premises licence	Hours proposed in variation application
Monday	10:00 – 02:00	10:00 – 03:45
Tuesday	10:00 – 02:00	10:00 – 03:45
Wednesday	10:00 – 02:00	10:00 – 03:45
Thursday	10:00 – 02:00	10:00 – 03:45
Friday	10:00 – 02:00	10:00 – 03:45
Saturday	10:00 – 02:00	10:00 – 03:45
Sunday	10:00 – 02:00	10:00 – 03:45

Non standard / seasonal timings for all licensable activities: New Years Eve – 10:00 New Years Eve to 10:00 New Years Day.

3. The opening hours of the premises are:

Hours premises are open to the public	Hours permitted under existing premises licence	Hours proposed in variation application
Monday	10:00 – 04:00	10:00 – 04:00
Tuesday	10:00 – 04:00	10:00 – 04:00
Wednesday	10:00 – 04:00	10:00 – 04:00
Thursday	10:00 – 04:00	10:00 – 04:00
Friday	10:00 – 04:00	10:00 – 04:00
Saturday	10:00 – 04:00	10:00 – 04:00
Sunday	10:00 – 04:00	10:00 – 04:00

Non standard / seasonal timings: New Years Eve – 10:00 New Years Eve to 10:00 New Years Day.

4. A copy of the current premises licence is attached to the report at appendix A.

Variation application

5. The application is seeking to:

- extend the terminal hour for licensable activities from 02:00 to 03:45 hours;
- remove condition 2 of Annex 2 of the current premises licence (attached at appendix A), which reads “Sales of alcohol shall only be made to those people using the seated restaurant and function room, i.e. not those using only the takeaway facilities;
- amend the layout plan of the premises (attached at appendix B); and
- include the conditions in boxes b to e of section M of the operating schedule (attached at appendix C).

6. Attached at appendix C to the report are the additional steps proposed by the licence holder to promote the licensing objectives as a result of the proposed variation. In addition to these the applicant has agreed with city council’s environmental protection team to the following additional conditions:

1. The licence holder shall not display, or allow the display of any advertisement promoting any event or providing entertainment held at the premises, in particular, unless the license holder has complied with paragraph 1.2;

- 1.1 no display of advertisement(s) shall take place on any;
 - 1.1.1 structure placed on, over, in or adjacent to the highway,
 - 1.1.2 public or privately owned premises or land,
 - 1.1.3 street furniture including litterbins, seating etc
- 1.2 there shall be no display of advertisements unless the licence holder has first obtained written consent from;

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

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

1.2.3 the highways authority (if applicable),

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

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

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

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

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

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

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

1.3.3 provide the name of their business (if applicable),

1.3.4 provide their full business or residential postal address,

1.3.5 provide their contact telephone number,

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

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

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

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

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

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

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

Amendment to existing offered operating schedule-

Entry 1. in section d) The prevention of public nuisance of the variation operating schedule amended to read:-

Empty bottles and other waste must be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally the waste must be removed from the public area on a frequent basis and transferred to the skip. Transfer to an external skip or other waste receptacle will not be undertaken between the hours of 2100 and 0800 on any day.

Relevant representations

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

Police –representations received (attached at appendix D to the report).

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – representations received (attached at appendix E to the report).

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

8. Relevant representations have been received in respect of the application with concerns which appear to relate to all four of the licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm). Copies of the representations are attached as appendix F to the report
9. . A site map of the area identifying the application premises in relation to the relevant representation party address will be available at the meeting.

Norwich City Council Statement of Licensing Policy

10. 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)

11. 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

12. 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.
13. 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
14. 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.
15. The representations received appear to relate to issues that fall under all four of the licensing objectives: 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 G which contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs

also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.

16. 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.



Premises Licence Number

08/00801/PREM

Part 1 – Premises Details

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

Meze
52 Prince Of Wales Road
Norwich
NR1 1LL

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Other Entertainment falling within Act
Films
Late Night Refreshment
Live Music
Performances of Dance
Provision of Dance Facilities
Provision of Music Facilities
Provision of Entertainment Facilities
Sale by Retail of Alcohol
Recorded Music

The times the licence authorises the carrying out of licensable activities

Films	Every Day	10:00 - 02:00
Live Music	Every Day	10:00 - 02:00
Recorded Music	Every Day	10:00 - 02:00
Performances of Dance	Every Day	10:00 - 02:00
Other Entertainment falling within Act	Every Day	10:00 - 02:00
Provision of Music Facilities	Every Day	10:00 - 02:00
Provision of Dance Facilities	Every Day	10:00 - 02:00
Provision of Entertainment Facilities	Every Day	10:00 - 02:00
Late Night Refreshment	Every Day	23:00 - 05:00
Sale by Retail of Alcohol	Every Day	10:00 - 02:00

The opening hours of the premises

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

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

Alcohol is supplied for consumption on the Premise

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

Part 2

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

Henacraft Limited
First Floor
5-15 Cromer Street
London
WC1H 8LS

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

Registered Business Number 04401620

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

Gursel Uslu
6 Horner Close
Norwich
NR2 2LY

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: 08/00782/PERS

Licensing Authority: Norwich City 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 No moving picture shall be exhibited unless: -
 - (i) it has received a "U", "PG", "12A", "15" or "18" certificate of the British Board of Film Classification; or
 - (ii) it is a current newsreel which has not been submitted to the British Board of Film Classification; or
 - (iii) the permission of the Licensing Authority is first obtained and any conditions of such permission are complied with.
- 4 No person under the age of 18 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received an "18" certificate from the British Board of Film Classification.
- 5 No person under the age of 15 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "15" certificate from the British Board of Film Classification.
- 6 No person under the age of 12 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "12A" certificate from the British Board of Film Classification.

Annex 2 – Conditions consistent with the Operating Schedule

1 **General - all four licensing objectives**

- 2 Sales of alcohol shall only be made to those people using the seated restaurant and function room,
3 i.e. not those using only the takeaway facilities.
4 No alcoholic drink shall be sold or supplied for consumption off the premises.
5 Before the sale or purchase of alcohol to any persons who appears to be under the age of 18 years,
6 proof of age will be required.

7 **The Prevention of Crime and Disorder**

- 8 The licensee shall ensure that at all times when the premises are open for any licensable activity
9 there are sufficient competent staff on duty at the premises for the purposes of fulfilling the terms
10 and conditions of the licence and for preventing crime and disorder.
11 No persons carrying open or sealed glass bottles shall be admitted to the premises at any time the
12 premises are open for any licensable activity.
13 The licensee will be a member of the Norwich Licensing Forum and either he or a member of his
14 management team will attend at least three meetings per year.
15 CCTV cameras will be maintained and in operation inside the restaurant, throughout the building
16 including the downstairs function room area and outside the premises covering the entrance.

17 **Public Safety**

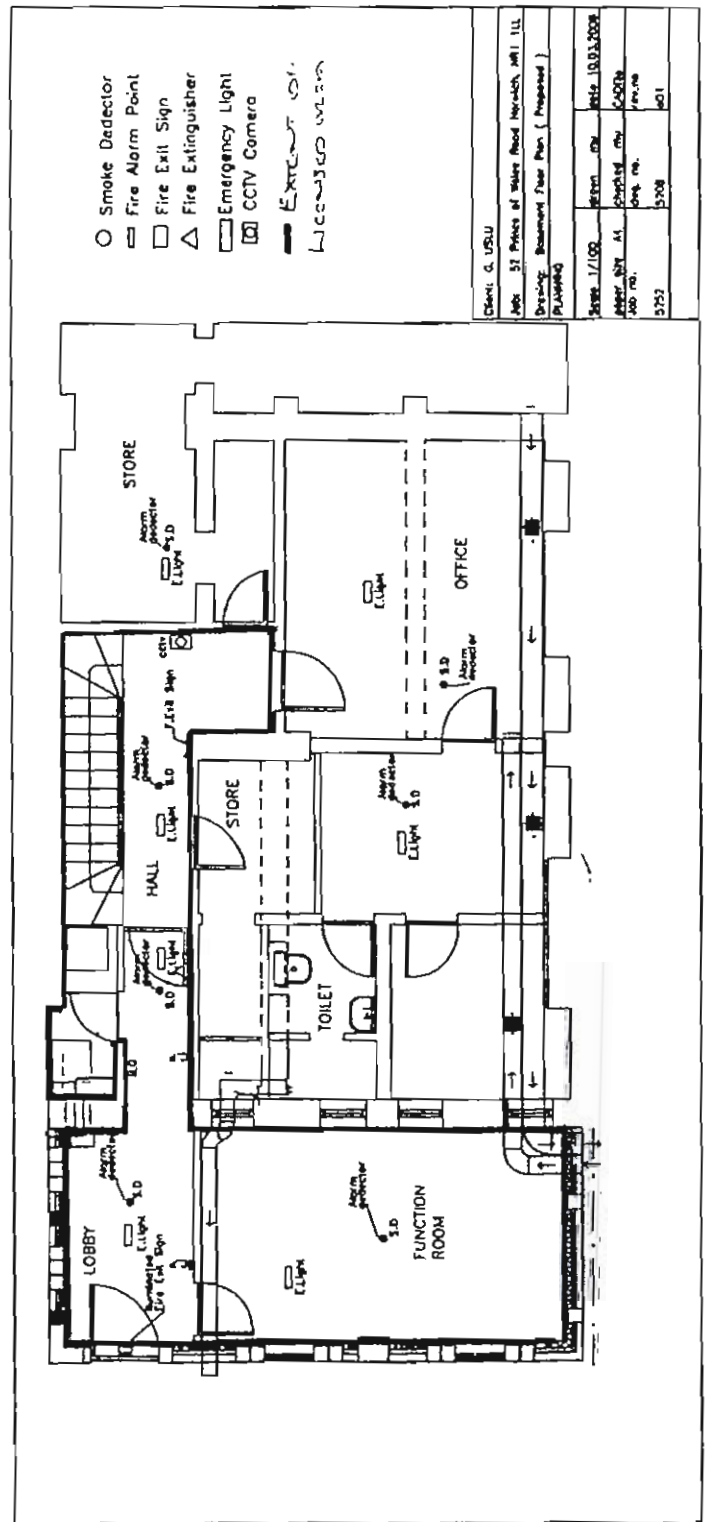
- 18 When disabled people are present adequate arrangements must exist to enable their safe
19 evacuation in the event of an emergency. Staff must be aware of disabilities and react according to
20 a pre determined plan.
21 All escape routes and exits must be kept unobstructed, in good order with non slippery and even
22 surfaces, free from trip hazards and clearly identified.
23 All exit doors whenever the premises are occupied must be able to be easily opened in the case of
24 an emergency without the use of a key, card, code or similar means.
25 Fire fighting equipment must be provided in the licensed premises as required by the fire authority.
26 In the absence of adequate daylight the lighting in any area accessible to the public, members or
27 guests must be fully in operation when they are present.

28 **The Prevention of Public Nuisance**

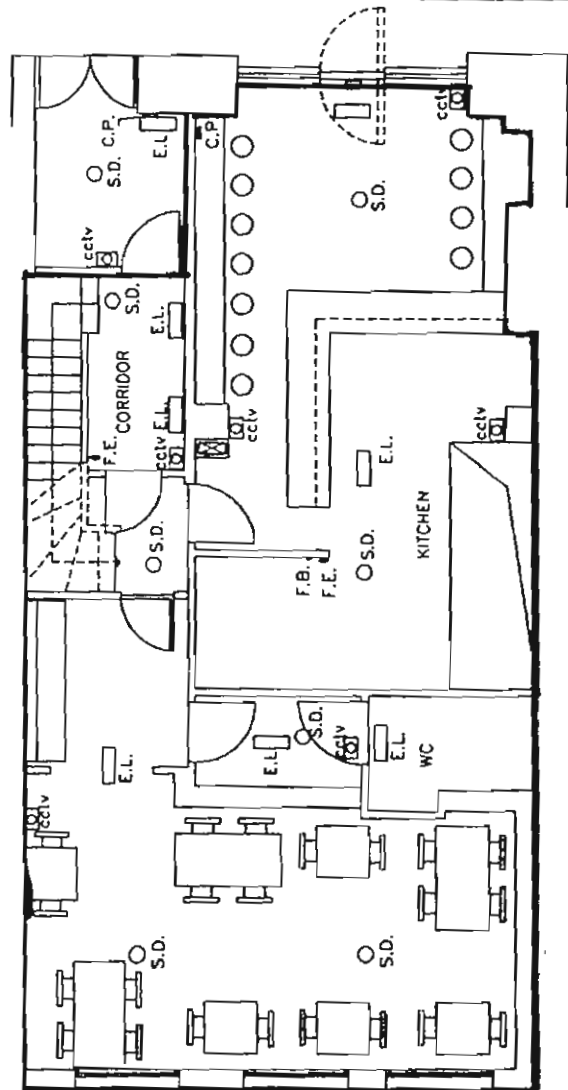
- 29 Litter and detritus resulting from the business which is dropped outside will be cleared up.
30 Internal and external lighting provided for the purpose of customer and staff safety and for the
31 security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining
32 properties.
33 Waste and refuse must be removed in a timely manner to a licensed waste disposal facility.
34 Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such
35 systems must be maintained on a regular basis.

36 **The Protection of Children From Harm**

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



LICENSING OFFICE

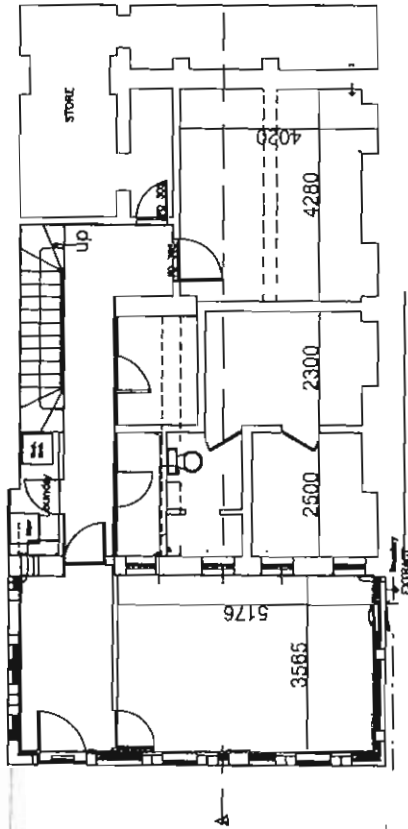


- Smoke Detector
- Fire Alarm Point
- Fire Exit Sign
- △ Fire Extinguisher
- Emergency Light
- CCTV Camera

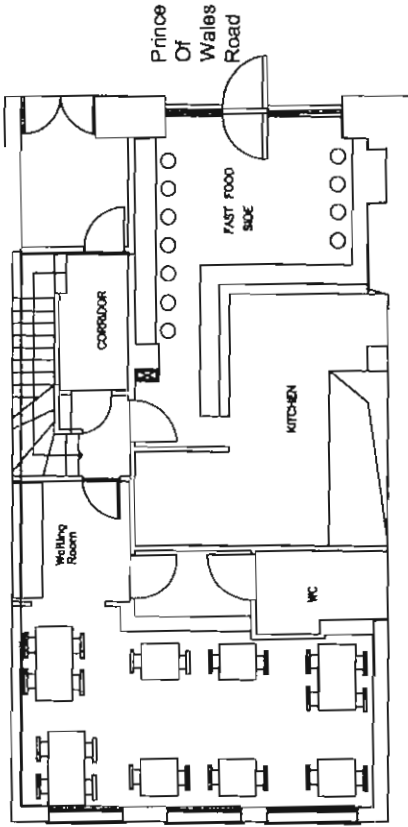
— Direction of
LICENSING OFFICE

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Job: 52 Pieces of Smoke Alarm Installation	Project: 2173 24	Contract: 001	Client: G. VRLU
Drawing: Prepared Ground Floor Plan	Job no.	Sheet no.	Page no.
PLANNING	5272	001	001

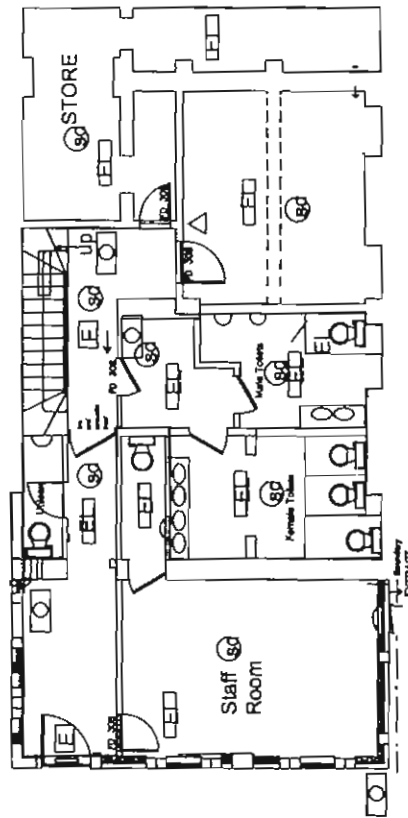
Survey by others



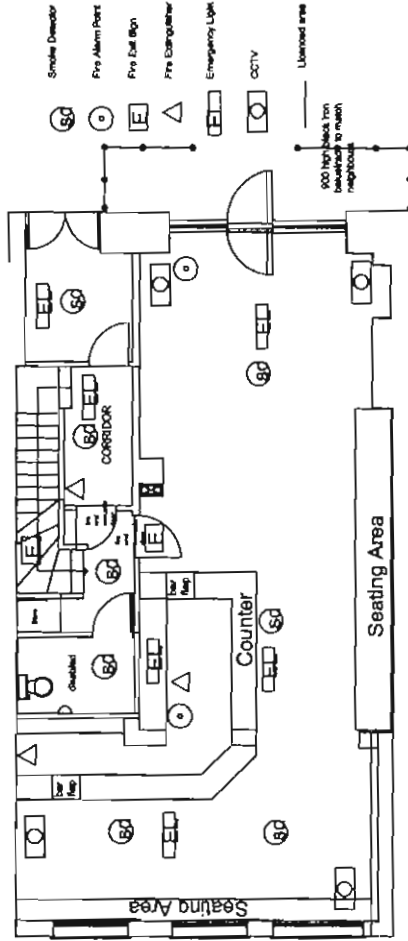
Exist Basement Floor Plan 1:100



Exist Ground Floor Plan 1:100



Proposed Basement Floor Plan 1:100



Proposed Ground Floor Plan 1:100

Stephen Moore MB Eng, MRICS
Architectural Services, Building Engineer, Chartered Surveyor
3 Sunny Grove, Colchester, Norfolk, NR3 0EU
Tel/Fax: 01203 449882 Mob: 0774082008
e-mail: stephen@sm-ee.co.uk www.sm-ee.co.uk

Client:	Mr G Uslu	Drawing:	Planning 1A
Site:	52 Prince of Wales, Norwich Change of use	Rev:	1
Address:	52 Prince of Wales, Norwich Change of use	Scale:	As Noted @ A3
Title:	Exist and Proposed, Basement and Ground Floors	Date:	June 2013
Scale:	As Noted @ A3	Drawn By:	SMM

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The following new steps have been identified by risk assessment in relation to the four licensing objectives except as listed below.

We have considered the terms of your local licensing policy in preparing this application.

b) The prevention of crime and disorder

- 1- Management will operate a Challenge 25 policy as a minimum in order to ensure that liquor is sold only persons of lawful age (being that, should a person not look the age of 25 than he/she would need to prove they are in fact of lawful age 18 or over)
- 2- All staff undergoes training concerning knowledge of licencing Laws together with the social impact of the sale of alcohol.
- 3- The licensee will be a member of Norwich Licensing Forum and either he or a member of his management would attend at least three meeting per year.
- 4- No alcoholic drink shall be sold for consumption off the premises.
- 5- The Licensee shall ensure all times when the premises are open for any licensable activity there are management staff on duty at the premises for the purposes of fulfilling the terms of objectives of the licence and for preventing crime and disorder.
- 6- CCTV will be installed and be fully operational and recording 24 hours every day.
- 7- Where the recording is on a removable medium (ie videotape, compact disc flash card etc) a written record will be kept every time images are recorded by CCTV and will include details of the recording , medium used, the time and date recording commenced and finished.. This will identify the person responsible for the recording and will be signed by him or her. A secure storage system to store those recording mediums will be provided.
- 8- All image will be kept for a period of 29 days and will be produced to the police trading standards or local authority officers relation to investigation of crime and/or upon request or within 24 hours of such request
- 9- Notice will be displayed throughout the premises stating that CCTV is in operation.
- 10- The CCTV system clock will be correctly set and maintained and take into account GMT
- 11- There will be a member of staff available at all times who is fully trained and capable of operating the
- 12- CCTV system and downloading footage required by the police, local authority officers or trading standard officers.
- 13- Daily checks to be made to check the operation of the CCTV system and confirm it is working correctly and such checks to be recorded in a register which is to be endorsed by the person conducting the check and to contain the name of the person conducting the check.
- 14- The CCTV system can be periodically inspected by the Police Licensing Officer to ensure that the system continues to function to their approval and access must be granted to the PLO upon request to facilitate such an inspection.
- 15- The CCTV system will be fully maintained in accordance with the manufacturers/ installers instructions and a record kept of the maintenance undertaken
- 16- CCTV will be installed and operative to the approval of the Police Licensing officer and cover all public areas inside and also any are where smokers will be allowed to congregate and immediately outside the entrance/exit to the premises. The CCTV unit will be positioned in a secure part of the licensed premises and not within any private are of the location. Access to the system will be allowed immediately to the police trading standards of the location. Access to the system will be allowed immediately to the police trading standards or local authority officers investigating crime and or disorder issues, upon request.
- 17- The Licensee shall not sell or supply alcoholic drinks at prices less than the "agreed minimum prices". "Agreed minimum prices" are the prices for a variety of specified products or types of drinks, agreed from time to time by all participating members of the "pubwatch scheme", in conjunction with the Council and Norfolk Police.

- 18- No persons carrying open bottles shall be admitted to the premises at any time
19- To be an active member of local pub watch initiative.

c) Public safety

- 1- When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre-determined plan.
- 2- All exit doors will be easily operable.
- 3- Means of escape will be maintained unobstructed and clearly identifiable with emergency lighting and illuminated exit signs.
- 4- All recommendations of the Norwich Fire and Rescue Service will be promptly acted upon.
- 5- All gas and electrical appliances on the premises will have current safety certificates
- 6- The premises are well ventilated by the use of intake and extractor fans
- 7- A log will be maintained of all incidents/accidents which may occur on the premises.
- 8- An adequate and appropriate supply of first aid equipment will be available on the premises

d) The prevention of public nuisance

- 1- Empty bottles must be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally bottles must be removed from the public area on a frequent basis and transferred to the skip. It is recommended that transfer to an external skip must not be undertaken after 11.00pm to minimise noise disturbance to adjoining properties.
- 2- To secure a reduction in the level of noise emanating from the premises, such that noise levels from the application premises shall not exceed 45db at 63Hz C.B.F., 40db at 125Hz C.B.F. and NR30 over the frequency range from 250Hz to 8KHz as measured at position 1 meter outside any noise sensitive premises and shall not exceed 37db at 63Hz C.B.F., 30db at 125Hz C.B.F. and NR 20 over the frequency range from 250Hz to 8KHz as measured inside any adjoining noise sensitive premises
- 3- Bar managers to establish a closing time management policy designed to reduce rowdy behavior on exit at closing time, involving the use of ' notices' requesting that patrons leave and disperse quietly, plus announcements made over the address system
- 4- Regular checks by staff of the immediate outside area and to encourage patrons to use litter bins to dispose of rubbish.

e) The protection of children from harm

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

Checklist:

Please tick to indicate agreement

- | | |
|---|---|
| • I have made or enclosed payment of the fee. | X |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable. | X |
| • I understand that I must now advertise my application. | X |
| • I have enclosed the premises licence or relevant part of it or explanation. | X |
| • I understand that if I do not comply with the above requirements my application will be rejected. | X |



NORFOLK
CONSTABULARY
Our Priority is You

Mr Ian Streeter
Licensing Manager
Norwich City Council
City Hall
St Peters Street
Norwich

Date: 9th September 2013
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

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Re: Application to vary the premises licence – 52 Prince of Wales Road

I can confirm that Police have received a copy of the application to vary the premises licence for 52 Prince of Wales Road, Norwich to allow for an extension of licensable activities and to remove the current condition on the licence which restricts the providing of alcohol allowing for the venue to operate as a bar.

I have met with the applicant and I have been advised that the intention is for the premises to be turned into a champagne bar for the older clientele. There is an argument that if this is the intention, then the venue does not require a late licence and that a 0200 hrs finish for licensable activity should be sufficient.

There are concerns that an additional late night licensed premises within this area would have a detrimental impact to crime and disorder at and within the vicinity of the premises.

Due to no current cumulative impact Policy for Police to object to another late night venue in this area, Police are unable to object to the application completely but there is evidence to suggest that the availability of alcohol contributes to crime and disorder and request that the Licensing Committee consider that the venue is given a licence for licensable activities to cease at 0200 hrs with a 30 minutes closing period.

By granting a licence with an earlier cease time, this would give the management the opportunity to prove that they have the ability to operate the premises responsibly and successfully without causing a significant impact to crime and disorder. Once this has been proved, then a variation to extend with the agreement of Police could be sought.

It is acknowledged that the applicant has also applied for an extension of licensable hours and opening to reflect those within the proposed Early Morning Restriction Order however the report submitted to support the EMRO is based on the number of premises already and not for additional venues. By allowing additional venues to operate until this time could have a detrimental effect to the area.

The Police request that further measures are in place and request the following conditions are added to the premises licence:

- A record of staff training in relation to the sale of alcohol will be kept on the premises and available to Police or Licensing Authority on request.
- CCTV camera will cover entrances, all bars, dance areas and any external smoking

area and will be maintained in good working order. (duplicate)

- No patrons shall be allowed to leave the premises whilst in possession of any drinking vessel or open glass bottle.
- There will be a minimum of 2 SIA door supervisors on the entrance to the premises and 1 SIA door supervisor inside to patrol inside the venue from 2200 hrs until close on Thursday, Friday and Saturday nights and Sundays before Bank Holidays. There will be a minimum of 2 SIA door supervisors employed from 2200 hrs until close on all other nights.
- The door supervisors will monitor the capacity using clickers.
- There will be a door supervisor signing in/off book which will include date, full SIA badge number, tour of duty and times worked. This book will be kept on the premises and available for inspection by Police or Licensing Authority on request.
- Toughened Glass will be used in place of regular glass.
- A search Policy will be in place and documents relating to this will be available for inspection on the premises.
- Door Supervisors situated on the front door to wear hi-visibility and bright fluorescent coloured out clothing to be visible.
- There will be no entry/re-entry to the premises 1 hour before the end of licensable activity of the sale of alcohol except for those using the designated smoking area.
- A refusal book will be kept behind the bar to record all refused entries due to underage or intoxicated. This book will be kept on the premises and available to Police on request.
- An incident book will be provided and available for inspection by Police or Licensing Authority on request.
- An "Alert" radio system will be operated by the premises under Project 150 Scheme and subscription charges will be payable for the duration of the Project 150 Scheme, This condition is only enforceable whilst the reduced cost structure of Project 150 continues.

With the reduction of hours for licensable activities to cease at 0200 hrs and the requested conditions to be added to the premises licence, there will be no Police objections.

Yours faithfully,

Michelle Bartram
Licensing Officer

APPENDIX E

Fuller, Maxine

From: Parkinson, Rob
Sent: 13 September 2013 12:57
To: Fuller, Maxine
Cc: Dodden, Caroline; Shearman, Anthony; Streeter, Ian; Howe, Gary
Subject: RE: Response to application for premises licence extension - 52 Prince of Wales Road

Attachments: 4-2002-0086 decision notice May 2002.pdf



4-2002-0086
decision notice Ma...

Previous planning decision notice referred to, now attached.

-----Original Message-----

From: Parkinson, Rob
Sent: 13 September 2013 12:56
To: Fuller, Maxine
Cc: Dodden, Caroline; Shearman, Anthony; Streeter, Ian; Howe, Gary
Subject: Response to application for premises licence extension - 52 Prince of Wales Road

Date: 13th September 2013

Enquiry App No: 13/01344/I

Location: 52 Prince Of Wales Road Norwich NR1 1LL

Enquiry:

Application To Vary A Premises Licence - Proposal To Change The Use Of Existing Ground Floor Space From Restaurant/Bar (Class A3) To Champagne Bar (Class A4). To Increase Existing Licence Activity Finishing Time From 02:00 To 03:45. To Also Change The Name.

Dear Maxine

The above proposal to vary the existing premises license 08/00801/PREM to allow the premises to extend its existing license hours from 02:00 and be open / serve / play music to 03:45 / 04:00 hours would be contrary to existing planning restrictions and the planning authority objects to the extensions as the proposals are considered unacceptable whilst the site's future use is still under consideration.

The current lawful planning use as restaurant at ground floor was permitted in May 2002 by permission 4/2002/0086. A copy of the planning permission is attached. Condition 5 of the planning permission prevents opening beyond midnight as below:

"The restaurant the subject of this permission shall not be open between 00.01 and 07:30 hours on any day."

There is no planning history to suggest the permitted hours of operation have since been changed or extended.

There is currently a planning application pending consideration to change the use of the restaurant to a drinking establishment - planning application 13/01038/U refers: "Change of use of basement and ground floor from restaurant (Class A3) to drinking establishment (Class A4)." This has not yet been determined.

Although other such planning permissions granted in the Late Night Activity Zone are usually subject to planning conditions restricting their opening hours to 04:00am, in this instance the site has a number of residential and residential-character neighbours which may not enable such late hours of use.

Please note the LPA may consider it inappropriate to allow a bar use, let alone extended hours of operation, at this site, and I would recommend you request an update on the current planning application's status before progressing your application to

extend the licence hours.

* My colleague Caroline Dodden is the planning case officer for 13/01038/U and would be able to help if approached.

I would also suggest you advise the applicant to seek to regularise the permitted planning hours of operation if they wish to avoid the possibility of planning enforcement action in the future.

Kind regards

Rob Parkinson
Senior Planner (Major Developments)
Development management
Directorate of regeneration and development Norwich City Council City Hall, Norwich
Tel. 01603 21 2765
Email: RobParkinson@norwich.gov.uk



NORWICH City Council

PRIX EUROPEEN 1999
VILLE DURABLE



EUROPEAN SUSTAINABLE
CITY AWARD 1999

Application submitted by:

Jonathan Hall Associates
51 Cromer Road
Norwich
NR6 6LX

On Behalf of:

Mr Gursel Uslu
30 Riverside Road
Norwich
NR1 1SR

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application Number: 4/2002/0086/F

Valid date of application: 29/01/2002

Decision date: 08/05/2002

Location: 52-52a, Prince Of Wales Road, Norwich, NR1 1LL.

Proposal: Change of use from offices to Hotel (Class C1) and associated restaurant.

Conditions:

1. The development must be begun within five years of the date of this permission.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any statutory amendment thereof, the premises shall not be used for the sale of hot food consumption off the premises.
3. There shall be no amplified sound in the application premises before the Council as Local Planning Authority have determined the permitted maximum noise levels expressed in dB LAeq (5 minute) measured at a point 2 metres from any loudspeaker forming part of the amplification system and thereafter the permitted maximum noise level shall not be exceeded at any time.
4. Before the use commences, existing walls/floors which are or will become party walls/floors separating the hotel bedrooms from other adjoining users shall be treated in accordance with a scheme approved by the Council as Local Planning Authority so as to improve their resistance to the transmission of sound.
5. The restaurant the subject of this permission shall not be open between 00.01 and 07.30 hours on any day.
6. Before the premises is first used as a hotel and associated restaurant, level access shall be provided into the front of the property in accordance with a scheme to be approved by the Council as Local Planning Authority and shall thereafter be permanently retained.



7. The measures to provide toilet facilities for the disabled as shown on the agreed drawing No. 06A shall be installed prior to first use of the premises as a hotel and associated restaurant and shall thereafter be permanently retained.
8. Prior to the commencement of the use, refuse and bicycle storage shall be provided at the rear of the building in accordance with a scheme to be first approved by the Council as Local Planning Authority. These shall thereafter be permanently retained.
9. The installation of any plant or machinery on the premises shall be in accordance with a scheme approved by the Council as Local Planning Authority for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
10. Details of any extract ventilation or fume extraction system including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission shall be first approved by the Council as Local Planning Authority. It shall be installed before the use hereby permitted commences and thereafter retained in full accordance with the approved details.
11. Before any of the hotel bedrooms fronting Prince of Wales Road are first occupied in accordance with the permission, their windows shall be insulated in accordance with a scheme to be approved by the Council as Local Planning Authority.

Reasons:

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990
2. The use of the premises as permitted by this order could be prejudicial to the amenity of nearby residents and customers in the hotel.
3. To prevent nuisance arising from noise
4. To prevent the transmission of noise between the hotel bedrooms and other uses.
5. To protect nearby residents and hotel customers from unacceptable late night disturbance.
6. To ensure provision for disabled persons and to comply with Policy B21 of the City of Norwich Local Plan
7. To ensure provision for disabled persons and to comply with Policy B21 of the City of Norwich Local Plan
8. To comply with the Council's car parking guidelines.
9. To prevent nuisance arising from noise
10. To protect the visual amenity of the area and prevent nuisance arising from the discharge of fumes.
11. To protect prospective hotel customers from traffic noise and late night noise associated with nearby leisure uses.



NORWICH City Council

PRIX EUROPEEN 1999
VILLE DURABLE



EUROPEAN SUSTAINABLE
CITY AWARD 1999

Note: This notice applies to the following drawings:

- 01 - Ground Floor Existing
- 02 - Lower Ground Existing
- 03 - First Floor Existing
- 04 - Second Floor Existing
- 05 - Third Floor Existing
- 06A - Ground Floor Proposed
- 07 - Lower Ground Proposed
- 08B - First Floor Proposed
- 09B - Second Floor Proposed
- 10B - Third Floor Proposed

Michael Loveday
Director of Spatial Planning with European & Economic Development
City Hall
Norwich NR2 1WP

Page 3 of 3

www.norwich.gov.uk

Norwich City Council Licensing Authority Licensing Act 2003



NORWICH
City Council

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

Your name/organisation name/name of body you represent (see note 1)	Patrick and Wilma Smith
Postal address	54 St. Faith's Lane, Norwich, NR1 1NN
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Bar 52, 52 Prince of Wales Road, Norwich, NR1 1LL



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

Licensing objective	Please set out your support or objections below. Please use separate sheets if necessary.
To prevent crime and disorder	The Prince of Wales Road (hereafter POWR) is an area notorious for alcohol related crime and disorder. Extending Bar 52 opening hours will aggravate this situation.
Public safety	Personal safety is compromised when returning home via POWR in the early hours of the morning, particularly at weekends. Extended hours would diminish public safety further.
To prevent public nuisance	We experience noisy "reveller over spill" from POWR. This results in disturbed sleep. Illegal drinkers gather outside Horsefair House, which is opposite us. Extending opening hours will, undoubtedly, increase this public nuisance.
To protect children from harm	The aforementioned Horsefair House is part of Norwich School. Drinkers leave behind unpleasant litter, broken bottles and worse. This is a hazard for schoolchildren
Please suggest any conditions which would alleviate your concerns	This is an increasingly (probably predominantly) residential area. There has to be an equitable balance between the needs of the residents and the night time economy. Extended opening upsets this balance.

Signed:

Date: 28/07/13

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



NORWICH
City Council

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

RECEIVED

23 JUL 2013

LICENSING OFFICE

name/name of body you represent (see note 1)	
Postal address	19 Waterman Road Norwich NR2 3UG
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	52 Prince Of Wales Road Norwich NR1 1LL

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

Licensing objective	Please set out your support or objections below. Please use separate sheets if necessary.
To prevent crime and disorder	<p>The Norfolk Police Constabulary presented extensive pages of data in relation to their recommendations for the introduction of an EMRO in Norwich. This data can be found on the Norwich City Council Website.</p> <p>http://www.norwich.gov.uk/CommitteeMeetings/Licensing/Document%20Library/29/REPLicensing05EarlyMorningRestrictionOrderProposal20130321.pdf One strongly identified trend showed that the rates of Crime and Disorder increases the later into the early hours of the morning alcohol is sold and consumed. If the Licensing Committee extends the existing licence of this venue, it is expected that Crime and Disorder will increase due to the increase in the overall capacity to consume alcohol within the Late Night Activity Zone. There is a direct correlation between increased consumption of alcohol and an increase in crime and disorder. If the licence of this venue to sell alcohol is extended then the probable result is an increase of the numbers of people out for longer who will have an increased likeliness in consuming more alcohol and in turn perpetrating an offence.</p>
Public safety	<p>The Norfolk Police Constabulary presented extensive pages of data in relation to their recommendations for the introduction of an EMRO in Norwich. This data can be found on the Norwich City Council Website.</p> <p>http://www.norwich.gov.uk/CommitteeMeetings/Licensing/Document%20Library/29/REPLicensing05EarlyMorningRestrictionOrderProposal20130321.pdf One strongly identified trend showed that the chances of being a victim of crime increases the later into the early hours of the morning alcohol is sold and consumed. If the Licensing Committee extends the existing licence of this venue, it is expected that public safety will diminish due to an expected increase in the numbers of people out for longer, later into the night.</p>
To prevent public nuisance	<p>The existing Licence is 2am. If the Licence is extended to 3.45am it will impact significantly on the large concentration of residents living on Rose Lane and Greyfriars Road from the noise from the venue itself and from patrons leaving the venue.</p>
To protect children from harm	
Please suggest any conditions which would alleviate your concerns	<p>No extension to the licence of the sale of alcohol to be consumed from these premises. All windows and doors locked on the back of the property. Fully air-conditioned interior for the benefit of the patrons and to help reduce the</p>

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)	KAPLAN FINANCIAL
Postal address	74 ST FAITHS LANE NORWICH NR1 1NE
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	BAR 52
Address of the premises you wish to support or object to.	52 PRINCE OF WALES ROAD NORWICH NR1 1LL

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	<div style="border: 2px solid black; padding: 10px; transform: rotate(-5deg); display: inline-block;"> <p style="margin: 0; font-weight: bold; font-size: 1.2em;">RECEIVED</p> <p style="margin: 5px 0 0 0;">- 5 SEP 2013</p> <p style="margin: 0; font-weight: bold;">LICENSING OFFICE</p> </div>
Public safety	
To prevent public nuisance	
To protect children from harm	

WE ARE CONCERNED ABOUT NOISE LEVELS DURING STANDARD WORKING HOURS. WE ARE A COLLEGE AND HIGH LEVELS OF MUSIC WOULD BE DIFFICULT FOR THE STUDENTS TO STUDY

Please suggest any conditions which would alleviate your concerns.	KEEP NOISE LEVELS DOWN
--	------------------------

Signed _____

Date: 2.9.2013

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)	Jutta Peryer Resident
Postal address	44 Saint Faiths Lane Norwich NR1 1NN
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	Bar 52
Address of the premises you wish to support or object to.	52 Prince of Wales Road Norwich NR1 1LL

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Prince of Wales Road (hereafter POWR) and Tombland are areas notorious for alcohol related crime and disorder. Evidence- see Police Report to Council 25-06-13, particularly Appendix A statistics Points 2 and 4 of the proposed variations to the present Premises Licence would further increase the risk of even more crime and disorder taking place in the vicinity.
Public safety	Personal safety is compromised when returning home via POWR, particularly later at night and at weekends. Evidence- see aforementioned Police Report Public safety would further diminish due to an expected increase in the numbers of people out for longer, later at night.
To prevent public nuisance	Noisy " reveller overspill " from POWR results in regularly disturbed sleep. Illegal drinkers gather outside Horsefair House and the car parks. Vandalism occurs regularly. The proposed variations (points 2 and 4) to the Premises Licence would extend the noise from the venue itself and from patrons leaving the venue.
To protect children from harm	The aforementioned Horsefair House is part of Norwich School. Drinkers leave behind unpleasant litter, broken bottles and much worse. This is a hazard for school children.

Please suggest any conditions which would alleviate your concerns.	No extension to the licence of the sale of alcohol to be consumed from these premises. No takeaway facility. All windows and doors on the back of the property locked. Fully air-conditioned interior for the benefit of the patrons.
--	--

Signed:

Date: 13/09/2013

Please see notes on reverse

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’, 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 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;

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

30.2 In determining its policy on the hours of trading, the council has given full consideration to those parts of the secretary of state's guidance to the act which relate to hours of trading.

"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."

"Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours".

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)

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 take place. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local Community Safety Partnership (CSP).

2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on and access to premises 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. Examples of measures which may encourage swift and effective dispersal from licensed premises include quietening down periods at the end of the night, security training in reminding patrons to leave quietly and signage on the premises reminding people of this.

2.5 Licence conditions should not replicate offences that are set out in the 2003 Act or other legislation. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour on the 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 (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.

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

2.8 Radio links and ring-round phone systems allow managers of premises and clubs to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The inclusion of

these systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.

2.9 However, while this may be appropriate and effective in certain parts of a licensing authority's area, it may be less effective or even inappropriate in others. Licensing authorities must remember that only appropriate conditions, which are within the control of the licence holder or club, may be imposed.

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 appropriate but both practical and achievable. Further guidance on determining whether a condition is appropriate is given in Chapter 10 of this guidance.

2.16 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will", is encouraged. Conditions on licences must:

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

PUBLIC SAFETY

2.17 As a part of their duties under the 2003 Act, licence holders have a responsibility to ensure the safety of those using their premises. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.18 A number of matters should be considered in relation to public safety. These may include:

- Fire safety (see paragraphs 2.20 – 2.23);
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.8 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);

- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11, 2.28 to 2.30, Chapter 10 and 10.41 and 10.42.
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.6 above, this may also assist with promoting the crime and disorder objective).

2.19 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.36 to 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

FIRE SAFETY – SPECIAL PROVISIONS IN RESPECT OF LICENSED PREMISES

2.20 The Regulatory Reform (Fire Safety) Order 2005 (the 2005 Order) came into force on 1 October 2006 and applies to practically all non-domestic premises. Under it, a ‘responsible person’ (usually the employer, owner or occupier) is required to carry out a fire risk assessment and put in place suitable and sufficient fire precautions to ensure that the risk to life in the event of a fire is minimised.

2.21 To help ‘responsible persons’ comply with the 2005 Order, the Department for Communities and Local Government (DCLG) makes available a range of technical guidance which explains the risk assessment process and offers detailed practical advice on the range of fire safety measures which will need to be considered to deliver compliance. This, along with information on the law, is available on the DCLG website at: www.communities.gov.uk/firesafety.

2.22 The 2005 Order contains special provisions for consultation between the enforcing authority and the licensing authority in respect of licensed premises. These require the licensing authority to give the enforcing authority the opportunity to make representations before issuing a licence. Once a licence is issued, the enforcing authority is required to notify the licensing authority of any enforcement action that it takes in relation to premises which have been licensed. These provisions do not apply in the limited circumstances (i.e. designated sports stands) where the licensing authority and the enforcing authority are the same.

2.23 A licence issued by the licensing authority cannot impose any term, condition or restriction relating to fire safety. Fire safety needs to be considered by the responsible person as part of the risk assessment process required by the 2005 Order and enforced by local fire and rescue authorities. In the case of licensed premises, and irrespective of the number of employees on it, the responsible person is required by the 2005 Order to keep a record of the significant findings of their fire safety risk assessment.

PUBLIC NUISANCE

2.33 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.

2.34 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.

2.35 Conditions relating to noise nuisance will normally 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.

2.36 As with all conditions, those relating to noise nuisance may not be appropriate 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 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.

2.37 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.

2.38 Measures to control light pollution will also require careful thought. Bright lighting outside premises 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.

2.39 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. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.

2.40 Beyond the immediate area surrounding 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. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

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

- adult entertainment is provided;
- 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 when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.43 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm.

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

2.45 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.46 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- 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

10.6 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.

10.7 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. Proper liaison may avoid the need for representations.

10.8 Conditions should be appropriate, proportionate and justifiable in meeting the licensing objectives. They should be written in a prescriptive format and be readily understood and enforceable.

10.9 It is also 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. Conditions should be appropriate for the promotion of the licensing objectives and easily enforceable.

CONSISTENCY WITH STEPS DESCRIBED IN OPERATING SCHEDULE

10.10 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.

10.11 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

10.12 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.

10.13 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

10.14 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.

10.15 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. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.

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.