

Licensing sub committee

Date: Wednesday, 11 September 2019

Time: 10:15

Venue: Council chamber

City Hall, St Peters Street, Norwich, NR2 1NH

**Pre-meeting briefing for members of the committee only
15 minutes before the start of the meeting**

Committee members:

For further information please contact:

Councillors:

Stutely (Chair)

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www.norwich.gov.uk

Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website.

Agenda

1 Apologies

To receive apologies for absence

2 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

Exclusion of the public

Consideration of exclusion of the public.

3 Application for the Grant of a Premises Licence - 72 Prince of Wales Road Norwich NR1 1LT 5 - 84

Purpose: Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a premises licence in respect of the above premises, following the receipt of relevant representations.

4 Temporary event notice Roof Top Gardens, Union Building, 51 – 59 Rose Lane Norwich NR1 1BY 85 - 112

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 objection notices given by the Norfolk Constabulary and the Environmental Protection Team at Norwich City Council

Date of publication: **Tuesday, 03 September 2019**

Report to	Licensing sub committee 11 September 2019	Item
Report of	Head of citywide services Licensing Act 2003:	3
Subject	Application for the Grant of a Premises Licence – 72 Prince of Wales Road Norwich NR1 1LT	

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a premises licence in respect of the above premises, following the receipt of relevant representations.

Recommendation

That Members determine the application to grant the premises licence in accordance with the:

- Licensing Act 2003;
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy, including the cumulative impact policy.

Corporate priorities

The report helps to meet the corporate priorities of inclusive economy and great neighbourhoods, housing and environment.

Financial implications

None.

Ward/s: Thorpe Hamlet

Cabinet member: Councillor Maguire – Safe and Sustainable City Environment

Contact officers

Maxine Fuller, Licensing Assistant

01603 212761

Background documents

None

Report

The application

1. The applicant is D.A.V Property Limited, Cedar House, 41 Thorpe Road Norwich NR1 1ES.
2. The application seeks to allow the licensable activities, times and opening hours as set out in the application form, which is attached at appendix A. This also includes the steps proposed to promote the licensing objectives (operating schedule).

Relevant representations

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

Police – Representation received (copy attached at appendix B).

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

4. 2 objections to the application were received from local residents, copies attached at appendix B.

Norwich City Council Statement of Licensing Policy

5. Attached at appendix C are the elements of the city council's local licensing policy, which are considered to have a bearing upon the application, including the cumulative impact policy at paragraph 29.

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

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

Summary

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



Norwich
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

TC/DAV175-17

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Nicholas

* Family name

Gooch

* E-mail

Main telephone number

Other telephone number

Include country code.

☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

04168150

Business name

D.A.V. Property Limited

If the applicant's business is registered, use its registered name.

VAT number

-

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises are currently designated as a take away restaurant but are to be converted to and operated as a themed bar (subject to planning/building control). The aim of the applicant is to create an "upmarket" venue targeting an older clientele (over 25's). The premises consists of 4 stories. The basement and ground floor will be operated as a bar with facilities for entertainment including the provision of music. A function room and outside terrace will be located on the first floor which will be available for private hire and also for use by patrons when not on hire. The terrace will be subject to

Continued from previous page...

restricted operating hours. Administration and staff facilities will be located on the top floor. Food and hot drinks will be available. Toilets will be located throughout the premises. An off as well as an on license is sought to facilitate the supply of alcohol to patrons.

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The applicant may wish to show pre-recorded programmes including films and music video's to patrons subject to the availability of "The MusicLicence" from PPL PRS Ltd

State any seasonal variations for the exhibition of film

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

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

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

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Continued from previous page...

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

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WEDNESDAY

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THURSDAY

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FRIDAY

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End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

Live music will be provided at certain times including the provision of amplified music from various designated areas. Steps
will be taken to minimise the potential for noise disturbance.

Continued from previous page...

State any seasonal variations for the performance of live music

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

n/a

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

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

n/a

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

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Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 09:00

End 04:00

Start

End

SUNDAY

Start 09:00

End 04:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Background and recorded music will be provided at certain times including the provision of amplified music from various designated areas. Steps will be taken to minimise the potential for noise disturbance.

State any seasonal variations for playing recorded music

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

N/A

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

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

N/A

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 09:00

End 04:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="04:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

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THURSDAY

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Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

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Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="04:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="04:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of dance take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The applicant may wish on occasions to stage a performance of dance outside the time permitted by Live Music Act 2012

State any seasonal variations for the performance of dance

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

N/A

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

Continued from previous page...

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

N/A

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

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

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End

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

Start

End

Start

End

Give a description of the type of entertainment that will be provided

Continued from previous page...

Will this entertainment take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

n/a

State any seasonal variations for entertainment

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

n/a

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

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

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

WEDNESDAY

Start 23:00

End 04:00

Start

End

THURSDAY

Start 23:00

End 04:00

Start

End

FRIDAY

Start 23:00

End 04:00

Start

End

SATURDAY

Start 23:00

End 04:00

Start

End

SUNDAY

Start 23:00

End 04:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The applicant requires the facility to provide both hot food and drink to patrons after 11pm

State any seasonal variations

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

n/a

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

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

Continued from previous page...

n/a

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

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Start

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THURSDAY

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Start

End

FRIDAY

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End

SATURDAY

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End

SUNDAY

Start

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Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☐ Off the premises ☒ Both

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

Continued from previous page...

State any seasonal variations

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

n/a

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

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

n/a

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Richard

Family name

Bonner

Date of birth

dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Continued from previous page...

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

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Start

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THURSDAY

Start

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Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 09:00

End 04:30

Start

End

SUNDAY

Start 09:00

End 04:30

Start

End

State any seasonal variations

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

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

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

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LICENSING OBJECTIVES

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

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

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

See attached schedule

b) The prevention of crime and disorder

See attached schedule

c) Public safety

See attached schedule

Continued from previous page...

d) The prevention of public nuisance

See attached schedule

e) The protection of children from harm

See attached schedule

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/norwich/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

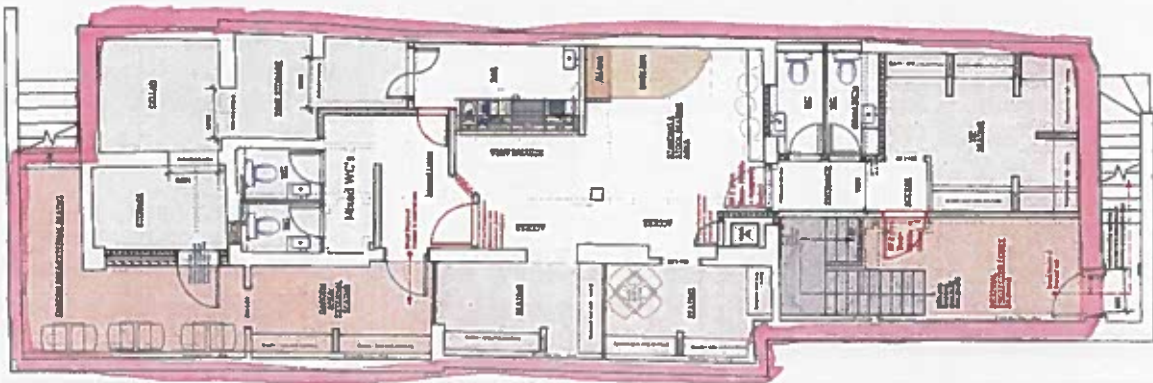
Applicant reference number	TC/DAV175-17
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >

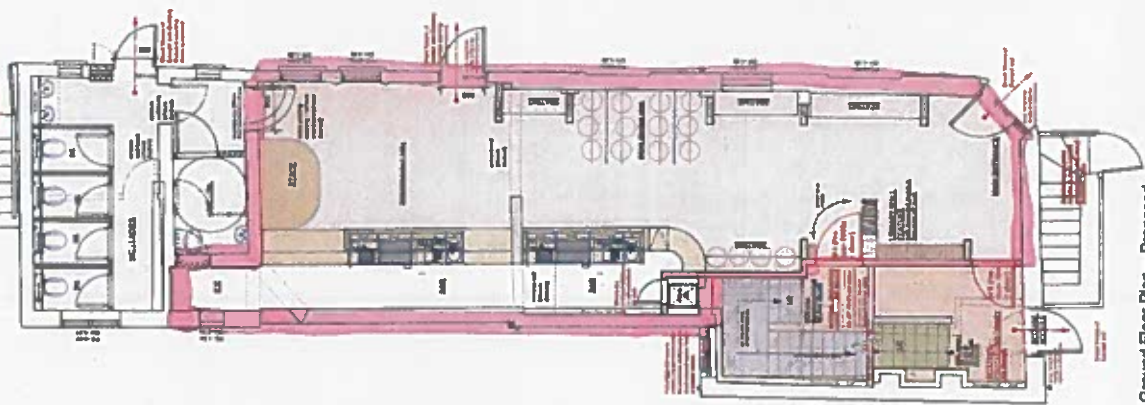
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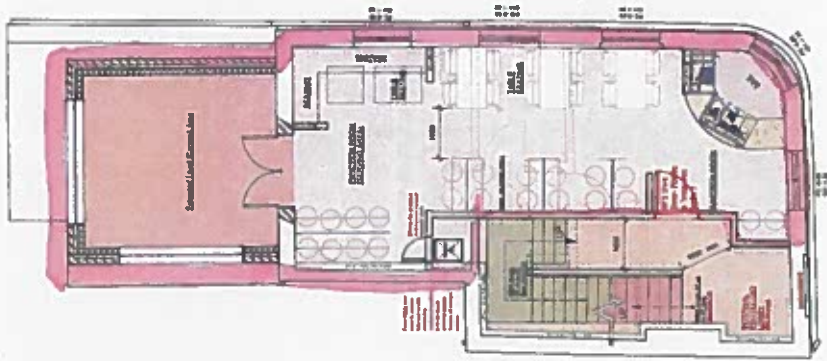
LICENSING OFFICE



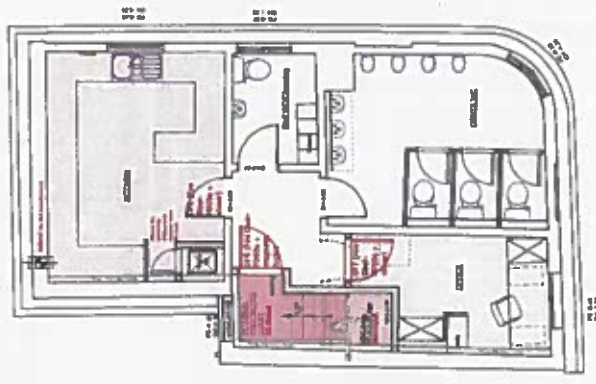
Basement Floor Plan ~ Proposed
- showing arrangement of spaces within
existing building's footprint
Scale 1:50



Ground Floor Plan ~ Proposed



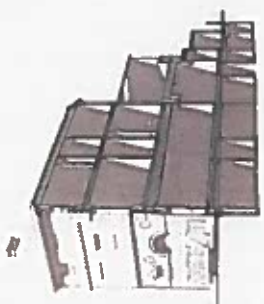
First Floor Plan ~ Proposed



Second Floor Plan ~ Proposed



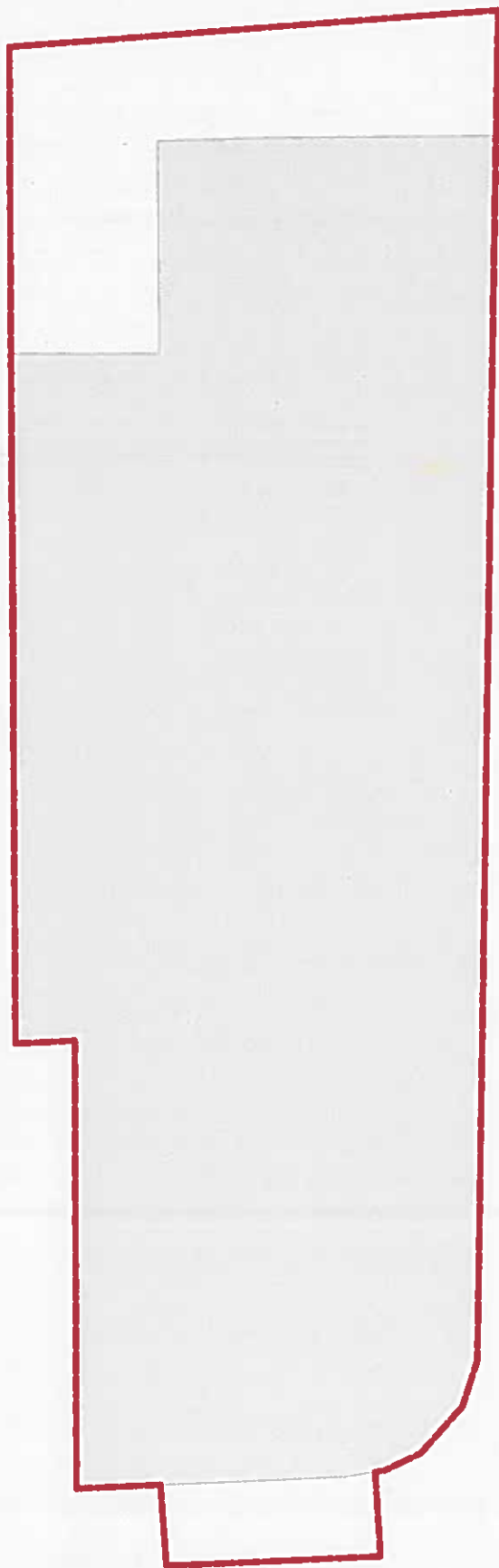
Section through building (showing extended FF level to rear - to replace existing mono-pitch roof)
Scale 1:100



Perspective - Section 'cut away'
Showing the building's profile in
contrast to remain unchanged (NTS)

AREA TO
BE LICENCED

CAM
ARCHITECTS
Client: M. Green
Project: Design
Description: Construction of existing premises for Public House - 110000
Project Address: 110000
Project Name: 110000
Project No: 110000
Drawing No: 110000
Drawing Date: 110000
Drawing Title: 110000
Drawing Scale: 1:100
Drawing Date: 110000
Drawing Title: 110000
Drawing Scale: 1:100



Site Plan ~ Highlighted (RED)
Scale - 1:100



Site Location Plan ~
Highlighted (RED)
Scale - 1:1250



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Studio: 10 Redgrave Road, 63-65 King Street, Norwich, NR1 1PW
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Client: N Gooch		
Project Details: Conversion of existing premises to Public House - "1920's"		
Project Address: 72 Prince of Wales Road, Norwich, Norfolk		
Drawing Title: Site Plan & Site Location Plan		
Job No: 1505	Drawing Number: 1505-APL06	
Date: 04-08-19	Scale: 1:100/ 1:250 @ A4	Revision: -
Drawn: KMI	Checked: CAM	CSO Date:

Operating Schedule
Premises Licence Application
72 Prince of Wales Road Norwich NR1 1LT

Licensable Activities

- Sale by retail of alcohol for consumption on and off the premises
- Provision of late night refreshment
- Provision of regulated entertainment to include
 - (i) An exhibition of a film
 - (ii) Performance of live music
 - (iii) Playing of recorded music
 - (iv) Performance of dance
 - (v) Entertainment of a similar description to a performance of live music, any playing of recorded music or performance of dance

Time of operation

The Activities will take place between 9am and 4am, seven days a week with permitted opening hours of 9am to 4.30am - 365 days per year.

Conditions

The steps proposed by the applicant to meet the licensing objectives are as follows:-

- Security Industry Authority security door staff used every Friday and Saturday night
- Swann security system installed with up 16 cameras inside and street level. National Security Inspectorate approved. CCTV footage to be kept for a minim of 1 month
- Challenge 25 underage check to be used every night
- Log books to be kept and filled in every evening
- Radio contact by all door staff
- Strict no drugs policy
- Liaison with police
- Internal Staff training
- First Aid training by at least 2 members of staff
- Terraced area closed from 11pm every evening
- No Amplified music on the terraced area at anytime

Leathes Prior
Solicitors to the Applicant
June 9 2019

Acoustic Information
Premises Licence Application
72 Prince of Wales Road Norwich NR1 1LT

It is proposed to incorporate the following acoustic measures during the refurbishment/remodelling of the premises;

1. **Separating Wall adjoining neighbouring property** (No. 70 Prince of Wales Road) to be lined with;
 1. 70mm timber stud frame spaced at least 10mm from the surface of the existing wall to create a total cavity depth of min. 80mm
 2. min. 50mm mineral wool/or glass wool quilt (density 10-22kg/m³) between stud frame and existing wall
 3. Plasterboard/internal face to rooms along adjoining wall to receive 2x no. layers of 15mm SoundBloc or Fireline (or dense plasterboard as appropriate equivalent of = min. 25kg/m³) - NB: joints to be staggered, taped and filled
 4. Perimeter of plasterboard lining to be fully sealed with continuous bead of flexible caulk/mastic
2. **New stairwell walls**
 1. 70mm timber stud frame
 2. min. 50mm mineral wool/or glass wool quilt (density 10-22kg/m³) between stud frame
 3. Frame to be clad either side with 2x no. layers of 15mm SoundBloc or Fireline (or dense plasterboard as appropriate equivalent of = min. 25kg/m³) - NB: joints to be staggered, taped and filled
 4. Perimeter of plasterboard lining to be fully sealed with continuous bead of flexible caulk/mastic
3. **Doors to new stairwell (in addition to form fire protected enclosure/lobby = min. FR60mins)**
 1. To be solid-core doors min. 45mm thick (no gaps/hollows in core)
 2. Door leaves/mass per unit area min. 25kg/m²
 3. Vision panels if fitted, consist of min. 8mm glass, fully sealed with air-tight join between glass/frame-wood
 4. Doors to this area to be fitted with closers (to avoid slamming) and have sufficient 'close-fitting'/efficient compressible acoustic seals at heads/jambs (in accordance to manufacturers recommendations). NB: Doors NOT to be held open when venue is in use/by public opening hours

4. Floor levels between Stair/Levels AND between Basement level ~ GF level across floor area to form fire protected barrier = min. FR60mins between Basement and GF level/s)

1. Floor void/s to be packed with mineral/glass wool to a dist. of min. 600mm from separating wall
2. Fully closed off timber joists/noggins and 2x no. layers of 15mm SoundBloc or Fireline (or dense ceiling board as appropriate equivalent of = min. 25kg/m³) – NB: joints to be staggered, taped and filled

5. External windows and ventilation

1. Windows to be double glazed, comprising at least 4-12-4mm sealed units in hardwood frames
2. Windows to Cathedral Street; i) GF = to be closed during times during loud music/live performances, ii) acoustically-attenuated mechanical ventilation systems to be incorporated for GF and Basement levels

6. External Doors

1. To be solid-core doors min. 45mm thick (no gaps/hollows in core)
2. Door leaves/ mass per unit area min. 25kg/m²
3. Vision panels if fitted, consist of min. 8mm glass, fully sealed with air-tight joint between glass/frame-wood
4. Doors to this area to be fitted with closers (to avoid slamming) and have sufficient 'close-fitting' /efficient compressible acoustic seals at heads/jambs (in accordance to manufacturers recommendations). NB: Doors NOT to be held open when venue is in use/by public opening hours
5. External door to rear garden via Basement level to be lobbied to minimise short-term flux in noise levels between doors being opened for access

7. Live Music – automated level control device/s

1. Permanent noise warning devices within i) Basement level, ii) GF Level
2. Prior to opening, music noise monitoring devices to be commissioned, levels measured and recorded to ensure protection against exceeding highest noise levels permissible are met ~ in accordance with Sections 4.1 and 4.2 of (AJA) report; 11241

8. Additional Noise prevention measures ~ in accordance with (AJA) report; 11241

1. No additional music to be played from proposed FF extended level (to rear). Conversation noise levels only within this area

2. Restrictions recommended for use/music to be played within specific areas at restricted times please refer to (AJA) report; 11241
3. Existing building fabric to external walls to remain and considered substantial acoustic buffer prior to acoustic upgrades, as defined in more detail within (AJA) report; 11241
4. NB: New floor/s in accordance with S/E recommendation (following previous site inspection/visit), will require replacement floor levels to ensure structural integrity that will result in increased levels of acoustic buffering and performance as a consequence

A copy of the AJA (Adrian James Acoustics) report has been filed with the Licensing Team at Norwich City Council.

Leathes Prior
Solicitors for the applicant
July 9 2019

TECHNICAL REPORT

72 PRINCE OF WALES ROAD, NORWICH Music noise assessment

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Adrian James Acoustics Document Control Sheet

Report prepared for:	DAV Property Ltd 64 – 66 Westwick Street Norwich Norfolk NR2 4SZ
Filename:	12241 Report 1.docx

QA Control

Rev	Date	Author	Checked by	Approved by
-	5 June 2019	Ian Rees MIOA	Andy Thompson MIOA	Andy Thompson MIOA

Revision History

Rev	Details
Dr1	Draft for comment
-	First issue

Disclaimer

This report was completed by Adrian James Acoustics Ltd on the basis of a defined programme of work and terms and conditions agreed with the Client. The report has been prepared with all reasonable skill, care and diligence within the terms of the Contract with the Client and taking into account the project objectives, the agreed scope of works, prevailing site conditions and the degree of manpower and resources allocated to the project. Recommendations in this report are for acoustics purposes only, and it is the responsibility of the Project Manager or Architect to ensure that all other requirements are met including (but not limited to) structure, fire and Building Controls.

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1 INTRODUCTION

1.1 Background

We have been appointed to carry out a noise assessment for a proposed public house at 72 Prince of Wales Road, Norwich. This report is to accompany a planning application for change of use from a takeaway restaurant with flats above to a public house playing amplified music.

We understand that Norwich City Council's Environmental Protection Officer has requested that a noise assessment be submitted with the application for planning approval. This report assesses music noise from the proposed premises and conversational noise from outdoor seating areas to adjacent residential premises.

1.2 Structure of this report

This report sets out the results of our measurements and assessment of sound insulation of the building envelope. The structure of the report is as follows:

- Section 2 discusses criteria for the noise assessment;
- Section 3 describes the venue, nearest receptors, and proposed sound insulation measures;
- Section 4 sets out our assessment of music noise levels to the nearest receptors;
- Section 5 sets out our assessment of conversational noise from outdoor areas.

Knowledge of technical acoustic terms is not needed to understand the conclusions of this report, but to understand how they are reached some understanding of acoustic terminology is helpful. Hence,

- Appendix A explains the technical terms used in this report.
- Appendix B details the noise survey conditions and measuring equipment used.

1.3 Information used in this report

This report is based on the following drawing by CAM Architects:

Drawing no.	Rev.	Title
1505-A-PL02	C	GA Floor Plans: As Proposed

2 LEGAL REQUIREMENTS AND NOISE CRITERIA

2.1 The Environmental Protection Act 1990

Irrespective of planning and licensing consents, the Environmental Protection Act 1990 places a duty on the local authority to investigate complaints of noise nuisance made by a person living within its area. Where the local authority is satisfied that a statutory nuisance exists or is likely to occur or recur it must serve an abatement notice requiring abatement of the nuisance.

The Act does not define nuisance. The law only requires the investigating officer to be of the opinion that the effect of the noise on the average reasonable person would cause a nuisance or be prejudicial to health, e.g. preventing restful sleep.

There is no set level above which an intrusive noise may be considered a statutory nuisance and each case must be considered on its merits. Matters to be considered include the level of the noise, its character, frequency of occurrence, time of occurrence and duration.

When considering if a noise constitutes nuisance, guidance may be taken from British Standard BS 4142, which is a method of rating industrial noise affecting mixed residential and industrial areas and which provides a method of assessing the likelihood of complaints resulting from a noise. Strictly speaking, BS 4142 applies only to noise of an industrial nature, but in the absence of any specific standard relating to noise from amplified music the underlying principle of BS 4142 is often referred to by local authorities.

BS 4142 is complicated, but essentially it sets out a method of assessing the impact of a noise, based on the difference between the "rating level" of the noise and the "background noise level" that would otherwise exist in the absence of the noise.

The "rating level" is derived by noise measurement at the assessment position and adding a correction of 5dB(A) if the noise has tonal elements or distinctive characteristics.

The standard suggests that the greater the difference by which the rating level exceeds the background noise the greater the likelihood of complaint. Where the noise exceeds the background by +5dB(A) it is considered to be of marginal significance, a difference of +10dB(A) gives an indication that complaints are likely and a difference of 10dB(A) below background is an indication that complaints are unlikely.

2.2 Audibility

Audibility or the ability to perceive a noise will vary from person to person and will be dependent on the masking effect of ambient noise which will vary from time to time. Inaudibility is a very stringent requirement, but local authorities sometimes impose such a criterion on the basis that any audible music noise inside a dwelling is likely to cause disturbance to the residents, especially at night. It is generally accepted that noise from music becomes inaudible when the average (L_{eq}) level from the music at a given frequency is at least 10 dB below the background (L_{90}) noise level at that frequency.

2.3 Proposed noise criteria

We have discussed the method of assessment and noise criteria with Richard Divey, Environmental Protection Officer at Norwich City Council. Mr Divey confirmed that our noise assessment should consider music noise transfer to adjacent residential flats at 70 Prince of Wales Road and conversational noise from outdoor seating areas.

The following objective noise criteria have been set:

2.3.1 Music noise

Night-time music noise levels in habitable residential rooms of 70 Prince of Wales Road, adjoining the public house, should not exceed the following octave-band values:

Octave band, Hz	63	125	250	500	1k	2k	4k	8k
Night-time internal music noise criterion, dB	37	30	31	24	20	17	14	13

Table 1 – Norwich City Council's night-time internal music noise criterion

In common with other music noise assessments undertaken in Norwich City, we have assumed that music levels are to be assessed in terms of octave-band $L_{eq,5minutes}$.

We understand that the basement and ground floor bar areas may host live music performances by small bands or solo performers in the evening until 23:00 hours. Prior to 23:00 hours, we propose a relaxation of the internal music noise criterion to NR20 in habitable residential rooms of 70 Prince of Wales Road. As the flats are in the late-night entertainment zone and are already subject to high night-time noise levels, these are unlikely to be occupied by families. As such, we would expect the likelihood of significant disturbance arising from low-level music being audible in habitable rooms during the evening to be relatively low.

The octave-band values for NR20 are as follows:

Octave band, Hz	63	125	250	500	1k	2k	4k	8k
Evening internal music noise criterion, dB	51	39	31	24	20	17	14	13

Table 2 – Proposed evening internal music noise criterion

2.3.2 Conversational noise from external areas

Noise from conversation can be highly variable and it is difficult to measure noise of this type in a reliable and repeatable manner. We have therefore based our assessment on standard sound pressure levels for raised voices set out in ANSI S3.5-1997. We have calculated conversational noise levels at the nearest residential windows of 70 Prince of Wales Road and compared these to measured night-time background noise levels.

3 PROPOSED VENUE

3.1 Proposed layouts and uses

We understand that the proposed venue will be a public house with bar areas at basement and ground-floor levels, and a function room at first-floor level. The second-floor level will house a small kitchen, office and WCs. The proposed floor plans of the entertainment areas are shown in Figure 1.

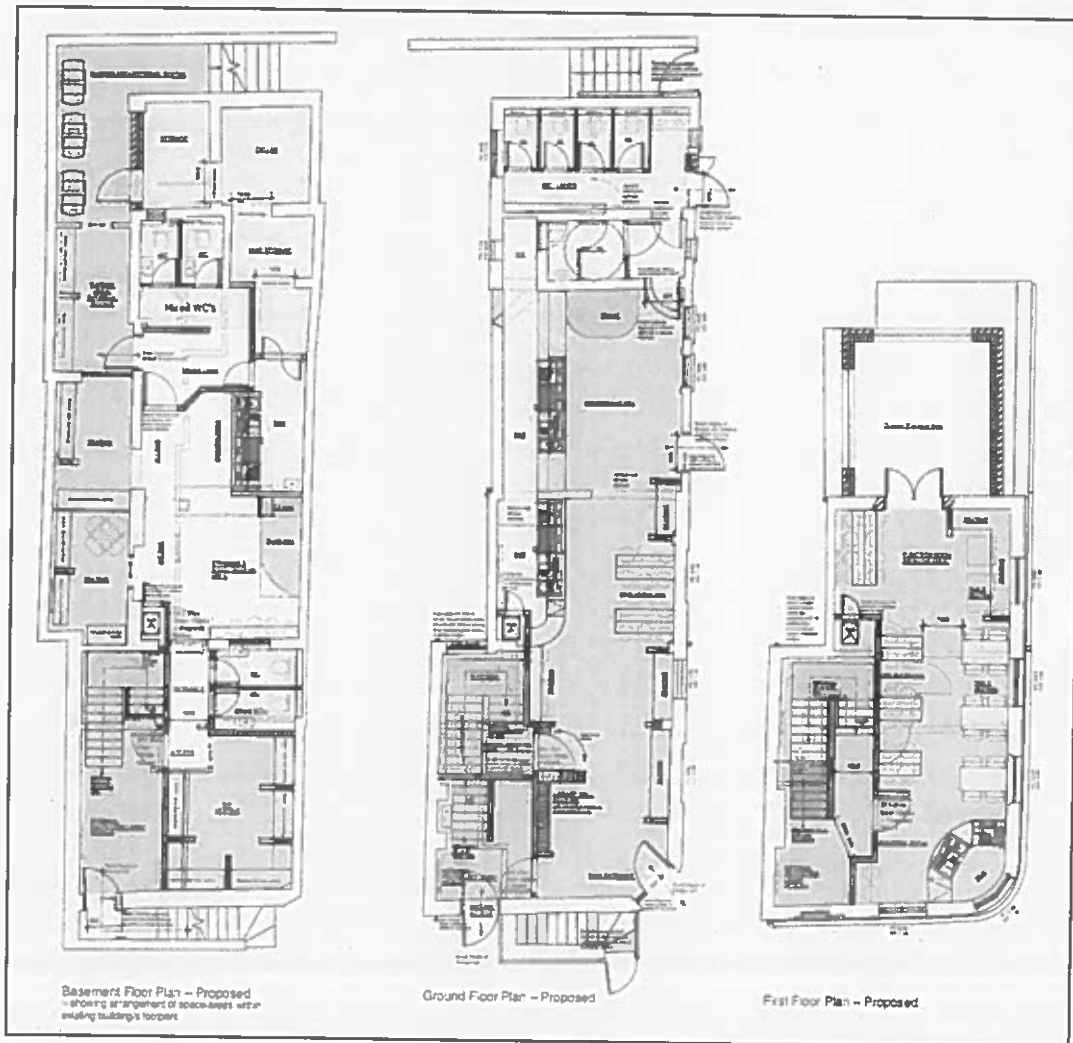


Figure 1 – Proposed floor plans of entertainment areas

We understand that the bar and function areas will primarily be served by distributed systems of small loudspeakers to provide background music at moderate levels. In addition, the basement and ground floor bars will each have a small stage (approximately 2-3m²) for live performances by small groups or solo performers. We understand that the public house is proposed to operate until 04:00 hours but live performances will only take place until 23:00 hours.

3.2 Outdoor areas

We understand that the public house will have two outdoor areas:

1. A rear garden / smoking area accessed via the basement bar
2. A first-floor terrace / canopy area accessed via the first-floor function room.

We understand that the basement garden area may potentially be used at any time while the public house is open. The first-floor terrace would only be available until 23:00 hours. No amplified music is to be played in either outdoor area.

The rear garden area is bordered by an existing masonry wall approximately 1.8 metres high which provides partial screening to the adjacent basement flat of 70 Prince of Wales Road. We recommend that this wall is extended a further 600mm with close-boarded timber fencing or a solid board material with a mass per unit area of at least 10kg/m^2 . There should be no gaps between boards or at the base or side of the fence where this meets the corner of the basement flat.

The first-floor outdoor area should have walls at least 2.4 metres high, which may be partially glazed. The outdoor area should have a solid roof or glazed canopy on the west side, covering approximately 50% of the floor area, as shown in Figure 2. The canopy should have a mass per unit area of at least 10kg/m^2 , with no gaps between the canopy and surrounding walls on the north, west and south sides.

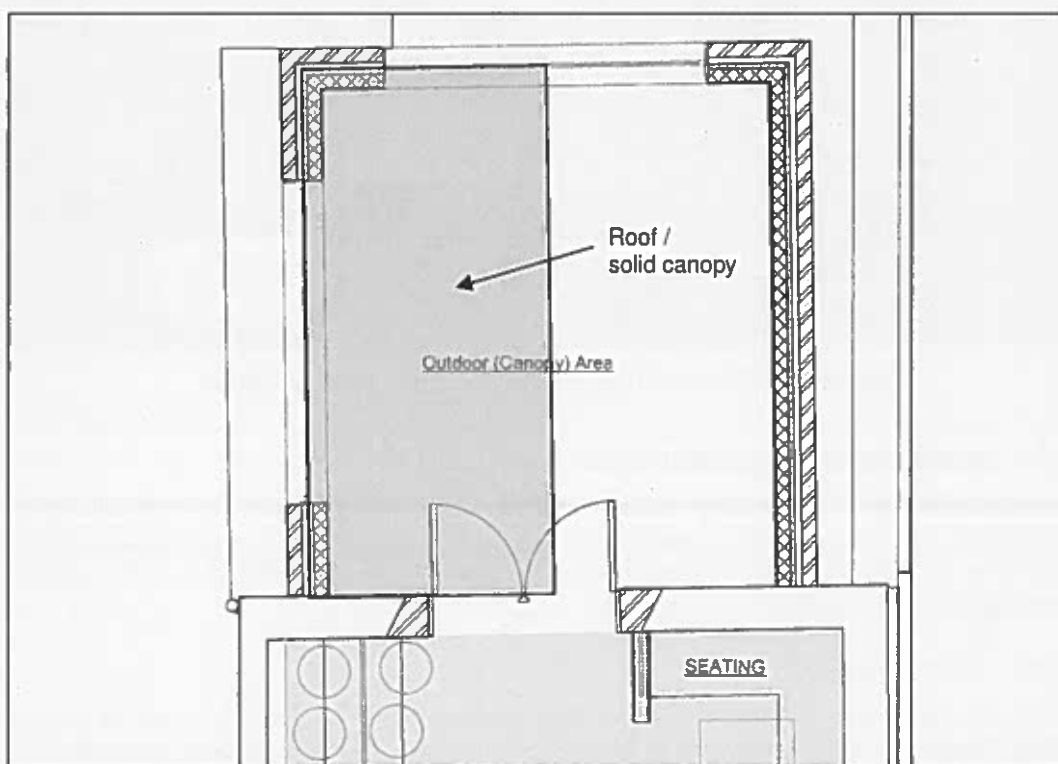


Figure 2 – Proposed first-floor outdoor canopy area

3.3 Nearest noise-sensitive receptor

We understand that the adjacent premises at 70 Prince of Wales Road comprises a commercial unit on the ground floor (taxi office), a residential flat in the basement and residential flats at first and second floor level. For the assessment of noise from outdoor areas, we understand the nearest windows to habitable rooms to be as shown in Figure 3.

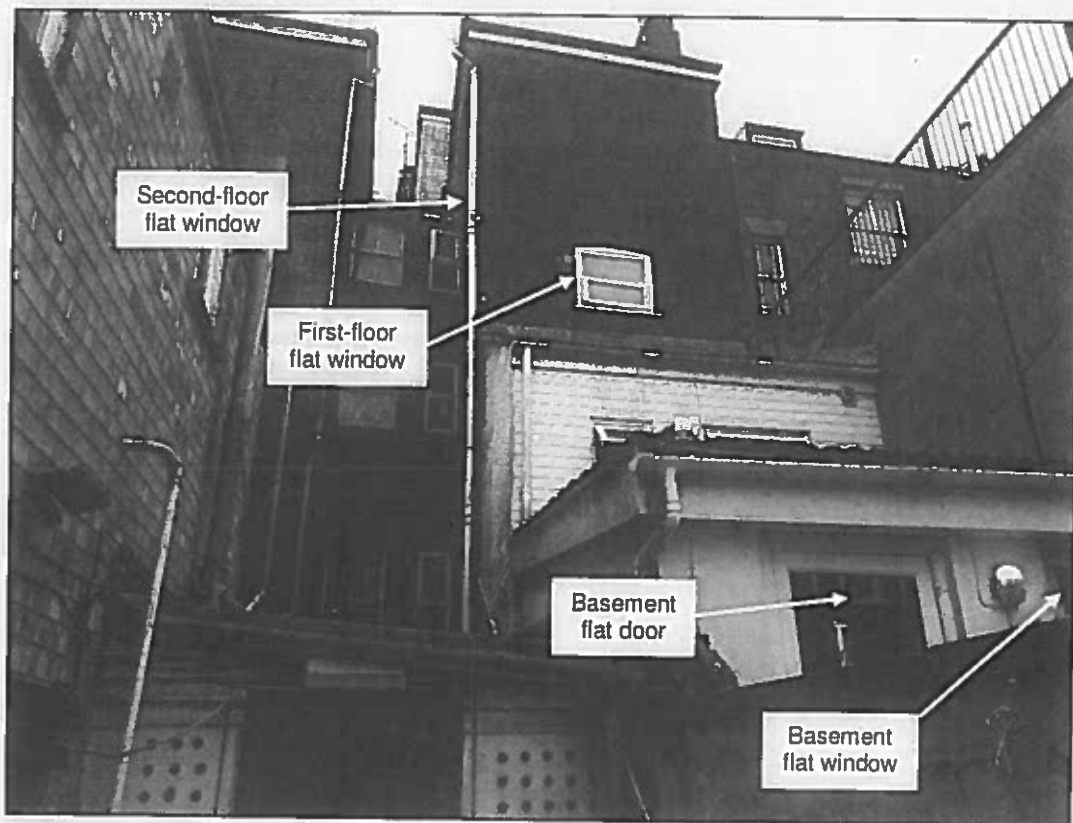


Figure 3 – Photo of rear of 72 & 70 Prince of Wales Road

3.4 Sound insulating constructions

Please note that the following recommendations do not guarantee that music noise from the public house will be inaudible in the adjacent flats at 70 Prince of Wales Road. The aim of the recommended treatments is solely to comply with the noise criteria discussed in Section 2.3.1 of this report.

3.4.1 Separating wall

We understand that the existing separating wall between 70 and 72 Prince of Wales Road comprises solid brickwork at least 215mm thick. The condition of the brickwork should be checked thoroughly, and any gaps should be blocked up with brick or dense blockwork to the same laid weight as the surrounding masonry. Any exposed brickwork should be plastered with at least 12mm dense plaster or render and any other cracks or gaps in the existing plaster should be fully filled and sealed. The separating wall should be lined with an independent lining comprising the following:

- 70mm timber stud frame spaced at least 10mm from the surface of the existing wall to create a total cavity depth of at least 80mm. The stud frame should be

supported at the head, base and flanking walls only and should not be fixed back to the separating wall.

- At least 50mm mineral wool or glass wool quilt (typical density 10 – 22kg/m³) between studs. The mineral should not be compressed between the stud frame and existing wall.
- Two layers of 15mm SoundBloc, Fireline or equivalent dense plasterboard with a total mass per unit area of at least 25kg/m². Joints should be staggered, taped and filled.
- The perimeter of the plasterboard lining should be fully sealed with a continuous bead of flexible caulk or mastic.

We understand that a new protected stairwell is to be formed in the south-west corner of the building adjacent to the separating wall with No.70 and existing floors in this area are to be upgraded with new ceilings comprising two layers of 12.5mm Fireline or equivalent dense plasterboard. At junctions with the separating wall, the floor void should be packed with mineral wool or glass wool to a depth of at least 600mm from the separating wall. This detail is shown in Figure 4.

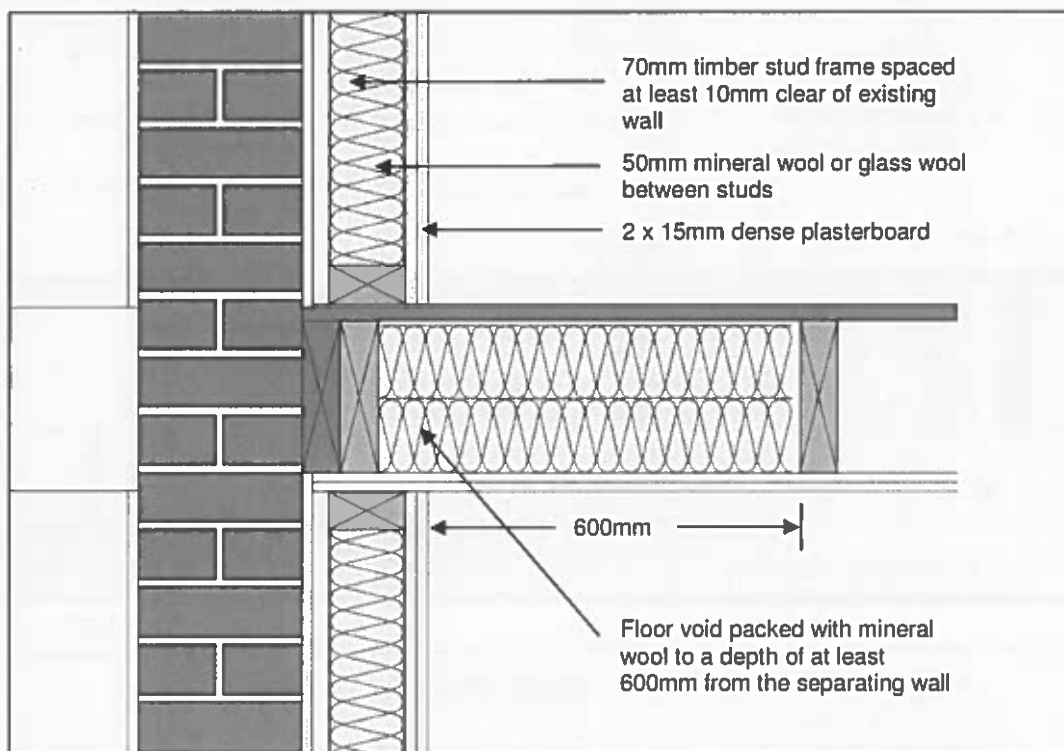


Figure 4 – Junction between separating wall lining and stairwell floor (Section)

3.4.2 Stairwell walls

We understand that new dry-lined walls will be constructed to form the new stairwell. These should comprise the following:

- 70mm timber stud frame
- At least 50mm mineral wool or glass wool quilt (typical density 10 – 22kg/m³) between studs
- Frame clad on each side with two layers of 15mm SoundBloc, Fireline or equivalent dense plasterboard with a total mass per unit area of at least 25kg/m². Joints should be staggered, taped and filled.
- The plasterboard linings should be fully sealed at the perimeter with a continuous bead of flexible caulk or mastic.

The floor void beneath the line of the stairwell wall should be closed off with timber joists or noggin and packed on each side with mineral wool or glass wool to a depth of at least 600mm from the separating wall. This detail is shown in Figure 5.

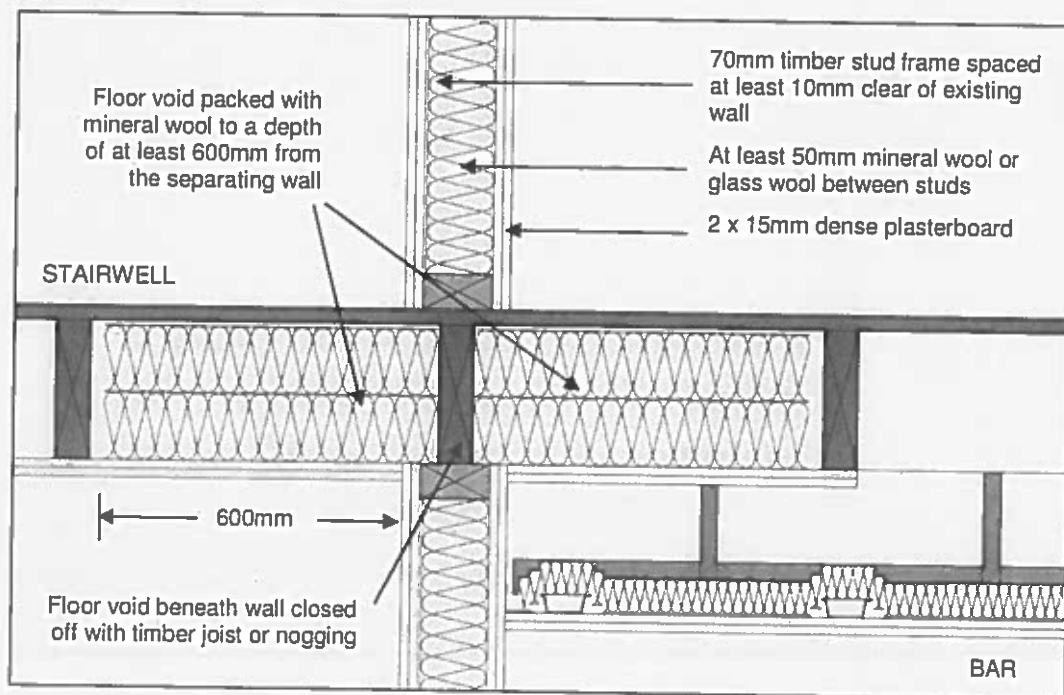


Figure 5 – Junction between stairwell wall and internal floor (Section)

3.4.3 Stairwell doors

Stairwell doors should be solid-core doors at least 45mm thick with no gaps or hollows in the core. The door leaves should have a mass per unit area of at least 25kg/m². Vision panels, if fitted, should consist of glass at least 8 mm thick and should be sealed into the door using non-hardening mastic under a hardwood bead to create an air-tight joint between glass and wood. Door should be close-fitting and fitted with efficient compressible acoustic seals at the head and jambs installed and adjusted in accordance with the manufacturer's recommendations to be compressed when the doors are closed. Stairwell doors should be fitted with closers (correctly adjusted to prevent slamming) and should not be held open when the venue is in use.

3.5 External windows and doors

3.5.1 External windows and ventilation

External windows should be double-glazed, comprising at least 4-12-4mm sealed units in hardwood frames. To minimise music noise break-out to residences on Cathedral Street, windows to the ground floor bar should not be opened when loud music is played. Alternative means of ventilation such as an acoustically-attenuated mechanical ventilation system are likely to be required to serve the ground floor and basement bar areas.

3.5.2 External doors

Timber external doors should generally be solid-core doors at least 45mm thick with no gaps or hollows in the core. Door leaves should have a mass per unit area of at least 25kg/m². Vision panels, if fitted, should consist of glass at least 8mm thick and should be sealed into the door using non-hardening mastic under a hardwood bead to create an air-tight joint between glass and wood. Door should be close-fitting and fitted with efficient compressible acoustic seals at the head and jambs installed and adjusted in accordance with the manufacturer's recommendations to be compressed when the doors are closed. External doors to outdoor areas should be fitted with closers, correctly adjusted to prevent slamming.

The external door to the rear garden area will be lobbied to minimise short-term increases in music noise when the external door is opened. The lobby door arrangement is shown in Figure 6. Both the inner and outer doors should meet the specification described above.

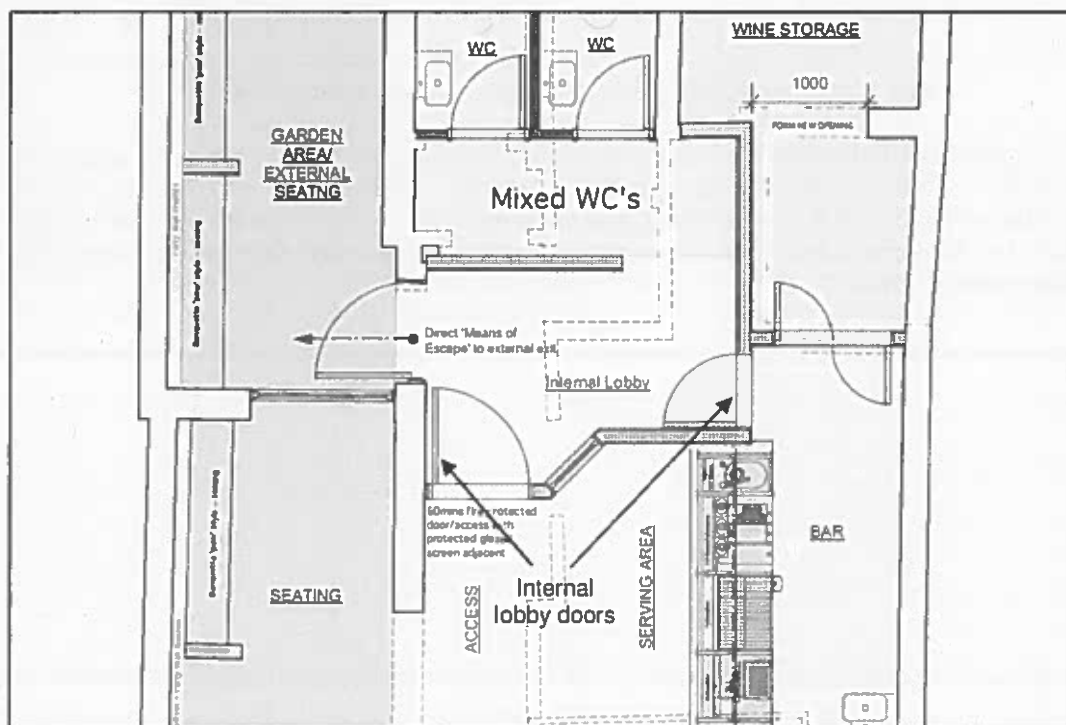


Figure 6 – Proposed door lobby arrangement to rear garden area

4 MUSIC NOISE ASSESSMENT

4.1 Calculation methodology

We have calculated internal music noise levels in adjoining habitable rooms of 70 Prince of Wales Road. We understand that only the basement flat would be directly adjacent to a bar area; first- and second-floor flats share a separating wall with the stairwell, which would act as a noise buffer. Our calculations therefore consider direct sound transmission through the basement separating wall and combined sound transmission from all bar areas via the stairwell. It is important to note that our noise transmission assessment is based on calculated sound insulation values for the proposed separating wall constructions. On-site performance may vary from calculations and we would recommend that these are verified with sound insulation measurements on site.

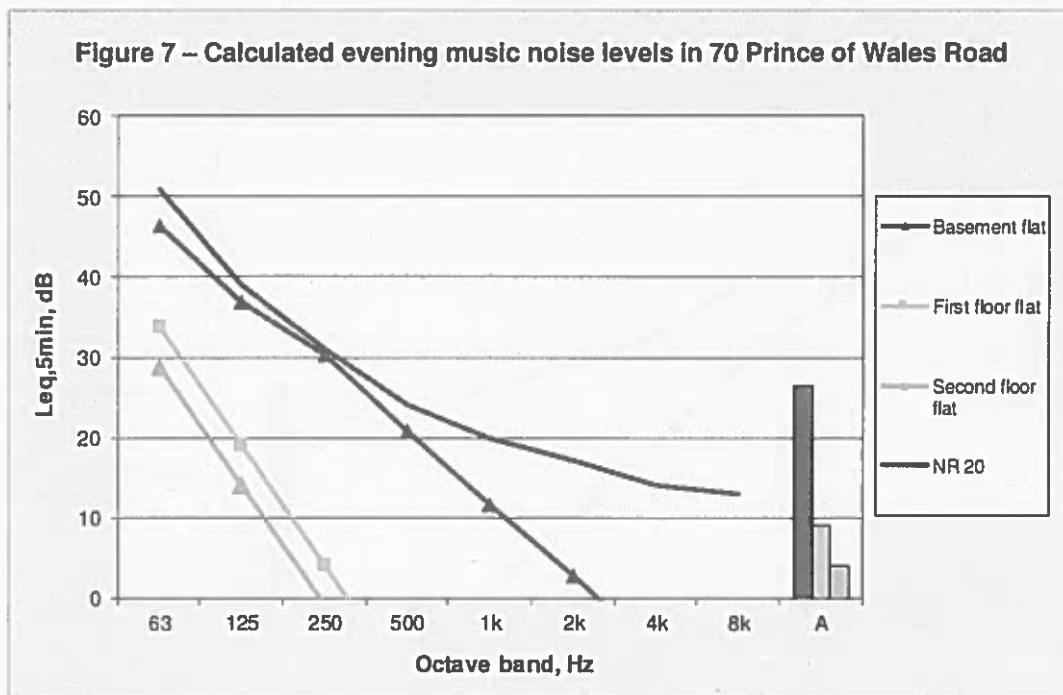
4.2 Music noise before 23:00 hours

We have assumed the following music levels in each bar area prior to 23:00 hours. The spectrum values are based on amplified music measurements taken in similar venues:

Average reverberant music level, LAeq,5min, dB	Octave band centre frequency, Hz								A
	63	125	250	500	1k	2k	4k	8k	
Basement bar and ground floor bar	86	90	87	86	84	80	78	71	89
First floor function room	66	80	76	74	78	71	62	58	80

Table 3 – Assumed music levels in public house before 23:00 hours

The calculated internal music noise levels in 70 Prince of Wales Road are shown in Figure 7. These meet the proposed NR20 criterion. Music noise levels are highest in the basement flat due to noise transmission through the area of separating wall shared with the basement bar. Music noise levels in the first- and second-floor flats are substantially lower.



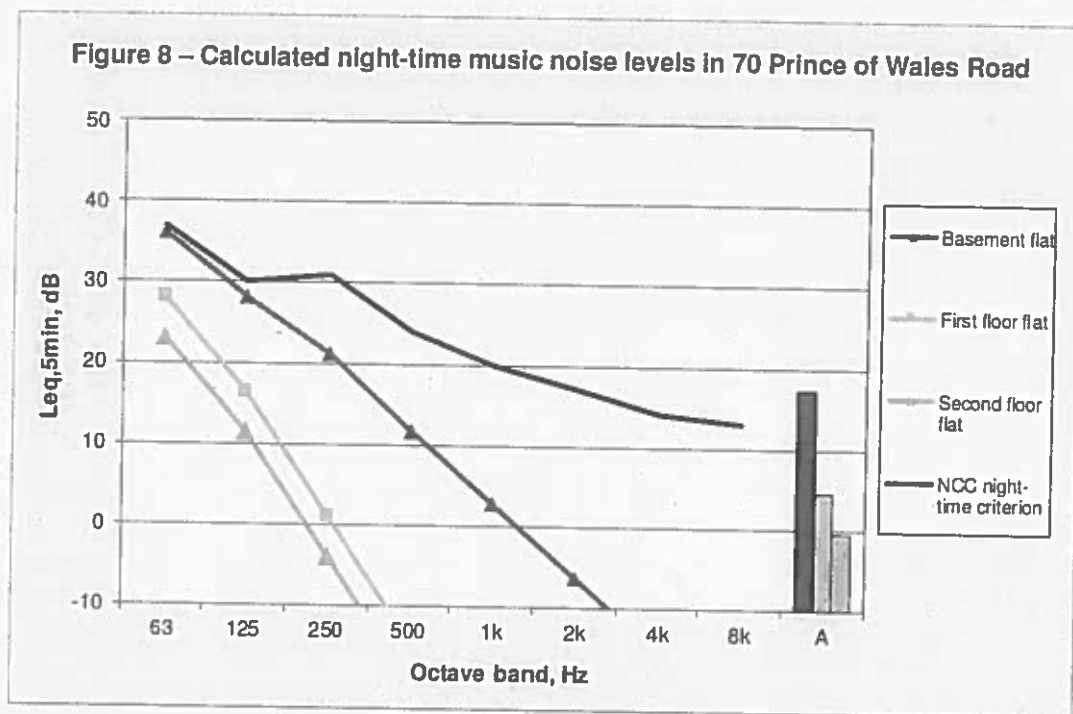
4.3 Music noise after 23:00 hours

We have assumed the following music levels in each bar area at night after 23:00 hours. The spectrum values are based on amplified music measurements taken in similar venues:

Average reverberant music level, $L_{Aeq,5min}$, dB	Octave band centre frequency, Hz								A
	63	125	250	500	1k	2k	4k	8k	
Basement bar	75	81	78	77	75	71	69	62	80
Ground floor bar	80	86	83	82	80	76	74	67	85
First floor function room	66	80	76	74	78	71	62	58	80

Table 4 – Assumed music levels in public house after 23:00 hours

The calculated internal music noise levels in 70 Prince of Wales Road are shown in Figure 8. These meet the Council's internal night-time music noise criterion. Music noise levels are again highest in the basement flat due to noise transmission through the area of separating wall shared with the basement bar.



4.4 Noise control recommendations

4.4.1 Permanently-installed sound systems

We recommend that background music in all bar areas should be provided through distributed systems of small loudspeakers. We suggest that small surface-mounted loudspeakers are used, with low-frequency drivers no larger than 6 to 8 inches, to avoid generative excessive bass levels. No loudspeakers should be mounted on the separating wall between the basement bar and adjacent flat to avoid significant structure-borne noise transmission. No floor-standing loudspeakers should be used in the basement bar to avoid potential structure-borne noise transmission through the floor structure.

Permanently-installed sound systems should have a tamper-proof line-driven music limiter device installed to automatically control music levels. This would monitor input signals to the amplifiers and automatically reduce the output level if a set threshold level is exceeded. The limiter should have tamper-proof controls and audio connections to prevent unauthorised adjustment or disconnection.

As discussed above, small loudspeakers should be used to limit the low-frequency music levels. The music limiter should therefore not require a specific low-frequency response and may use either an A-weighted, C-weighted or linear response. Suitable music limiting devices include:

- AVC2 by Formula Sound; www.formula-sound.com
- SPL-2 by Dateq; www.dateq.nl
- SP2120 or SL22 by Drawmer Electronics; www.drawmer.com

4.4.2 Live music

We assume that live music performances in the public house would either be acoustic or amplified through small PA systems brought by the performers. An automatic music level control device is therefore unlikely to be feasible for these performances. We therefore recommend the installation of permanent noise warning devices in the basement and ground floor bars. These would be installed in fixed positions close to the stage and dance floor areas and would provide a visual indication when a pre-set level is exceeded so that the appropriate action can be taken by management staff. These would also allow performers to monitor and adjust their own levels.

Examples of suitable devices include the following:

- Extech SL130
from Burn Technology Ltd
Tel 01305 852090
Fax 01929 463214
www.burntecshop.co.uk
- Bruel and Kjaer SoundEar
from Noisemeters Ltd
Tel 01438 739000
Fax 01438 739099
www.noisemeters.co.uk
- Castle NK023 Warning Sign
by Castle Group
Tel 01723 584250
Fax 01723 583728
www.castlegroup.co.uk
- Sentry MkII
by Formula Sound
Tel 020 8900 0947
www.formula-sound.com



Prior to the first opening of the venue, we recommend that any music noise monitoring devices should be commissioned, and measurements of internal music levels taken to confirm that these meet the highest permissible levels set out in Sections 4.1 and 4.2 of this report. The noise monitor settings should be saved or documented so that these can be reproduced for subsequent events.

5 NOISE FROM EXTERNAL AREAS

5.1 Background noise survey

We attended site on the evening of Monday 20 May 2019 to measure background noise levels at the rear of 72 Prince of Wales Road. We took measurements close to the rear gate, as shown in Figure 9, with the microphone at a height of 1.5 metres.

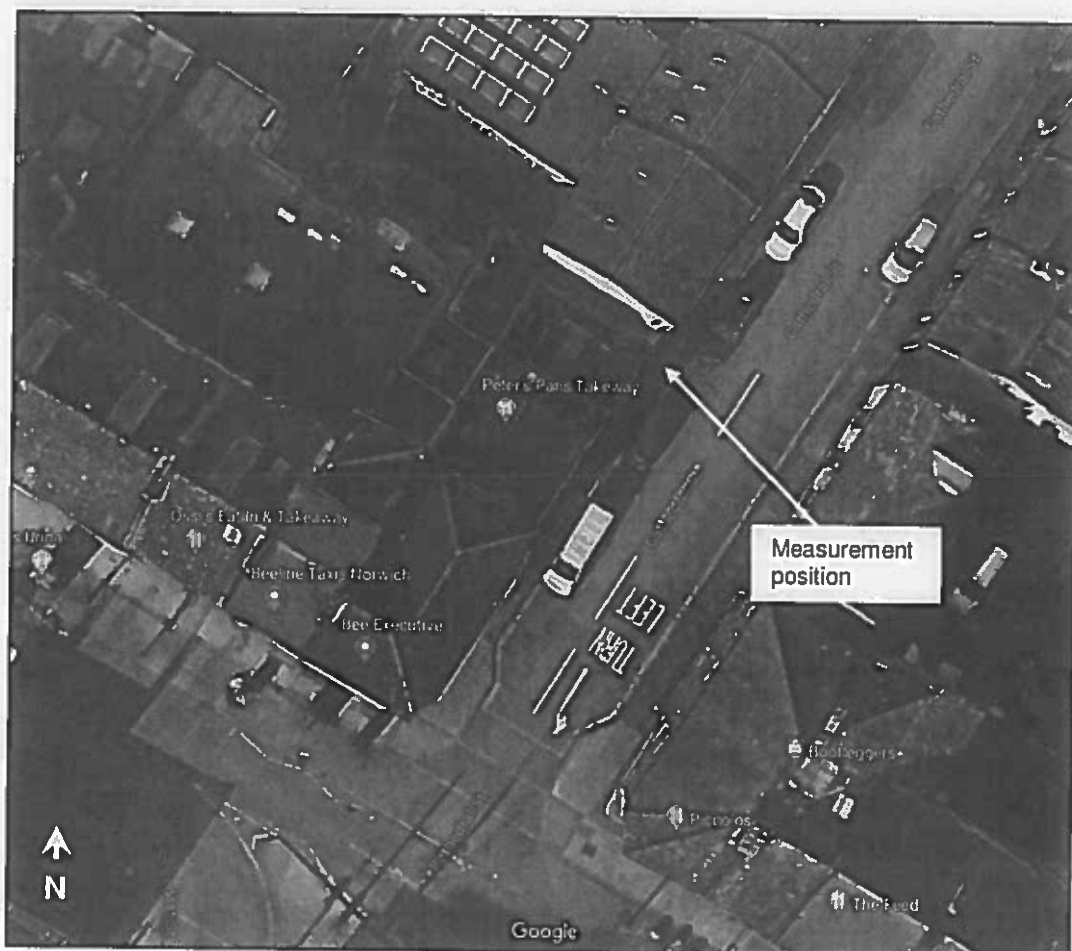


Figure 9 – Background noise measurement position (Map image ©Google)

We took a continuous series of 15-minute measurements between 22:00 and 00:00 hours. The primary sources of background noise were the kitchen extract fan at the rear of Ossi's Takeaway at 68 Prince of Wales Road and distant road traffic. There was no audible music noise from other venues. We understand that Ossi's takeaway is open until 03:10 Monday to Wednesday and until 03:50 Thursday to Saturday. We would therefore expect kitchen extract noise from No.68 to be present for most of the time when the outdoor areas of No.72 are proposed to be used.

Measured background noise levels did not vary significantly throughout the measurement period and the lowest measured background noise level was 47dB LAF90, 15min.

5.2 Assumed conversational noise levels

To present an indicative worst case, we have calculated conversational noise levels from talkers speaking simultaneously with raised voices. Based on standard sound pressure levels for raised voices set out in ANSI S3.5-1997, the assumed noise levels at 1 metre are shown in Table 1. The ANSI standard sets out speech levels at various vocal efforts (normal, raised, shouting) as an average of male and female talkers. We have assumed an average source height of 1.5 metres.

Sound pressure level L_p at 1 metre, dB	Octave band centre frequency, Hz								A
	63	125	250	500	1k	2k	4k	8k	
Single raised voice	48.0	55.5	61.5	65.6	62.4	56.8	51.3	42.5	66.5

Table 5 – Assumed speech levels at 1 metre

Based on an average group size of two to three people, we have assumed up to five simultaneous talkers in the rear garden area and six in the first-floor terrace.

5.3 Calculation results

5.3.1 Outdoor noise levels before 23:00 hours

We have calculated noise break-out from the rear garden and first-floor terrace areas using CadnaA software, which calculates sound propagation based on the method set out in ISO 9613-2:1996 "Attenuation of sound during propagation outdoors". We have assumed a ground type of '0' (hard ground). Atmospheric absorption is calculated assuming a typical night-time temperature of 10°C with 70% humidity. The calculation considers reflected sound from surrounding building facades and partial screening provided by the boundary wall next to the rear garden and the walls and canopy of the first-floor terrace as shown in Figure 2.

Figure 10 shows a map of A-weighted conversational noise levels from outdoor areas at a height of 1.5 metres above the ground. Source positions are shown as blue crosses while receptor positions are shown as black and white circles. Figure 11 shows calculated equivalent free-field noise levels from conversation in the outdoor areas at the nearest residential windows of 70 Prince of Wales Road.

The calculated A-weighted conversational noise levels vary from approximately 49 to 52dB(A). These levels are approximately 2 to 5dB(A) over the measured night-time background noise level of 47dB LAF_{90,15min}. Noise levels are highest at the second-floor window on the south-east façade of 70 Prince of Wales Road, which overlooks the first-floor terrace area.

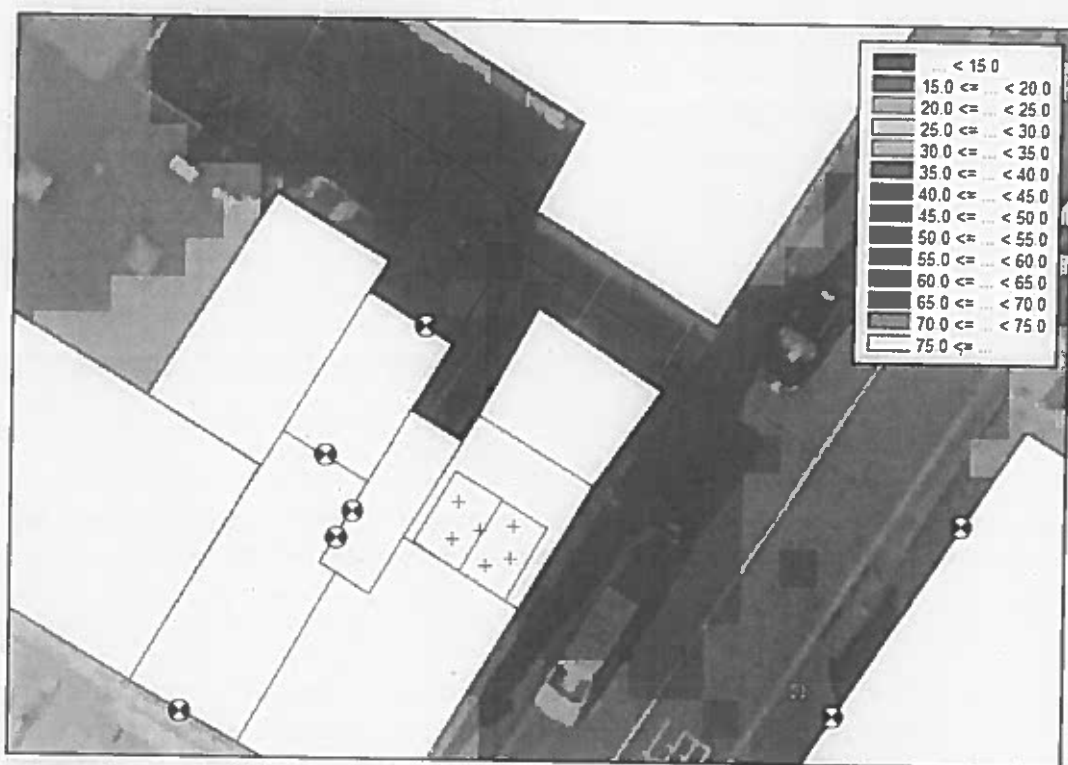
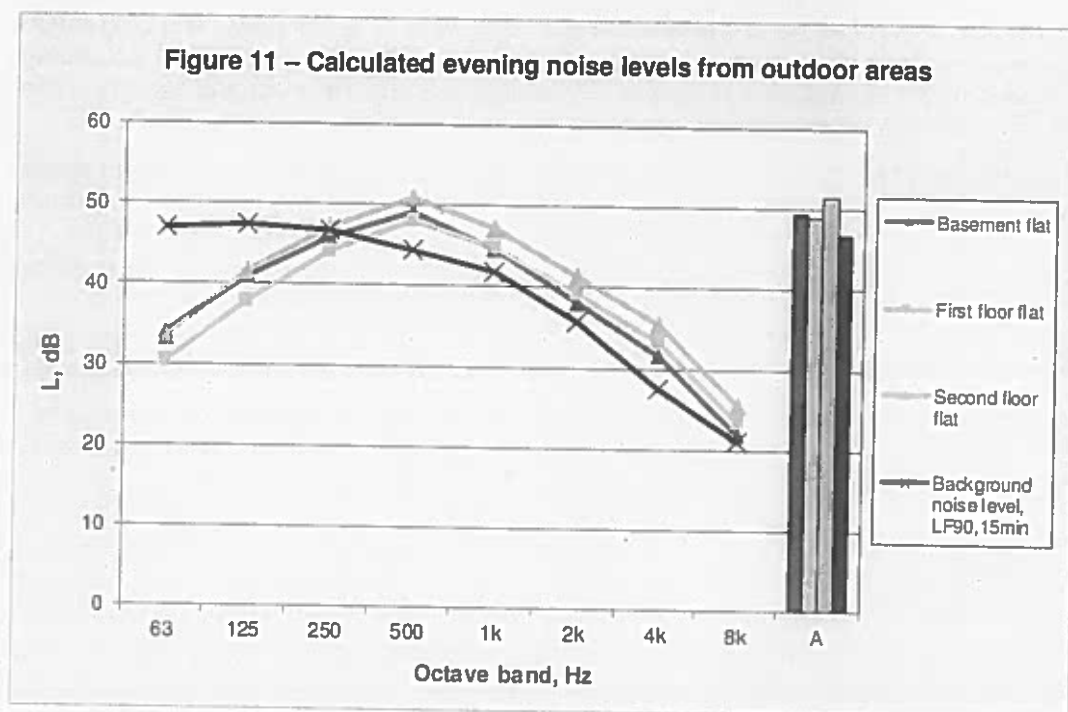


Figure 10 – SPL map of evening conversational noise levels from outdoor areas



5.3.2 Outdoor noise levels after 23:00 hours

As discussed in Section 3.2 of this report, the first-floor terrace area will close at 23:00 hours and only the rear garden area will be available for use after this time.

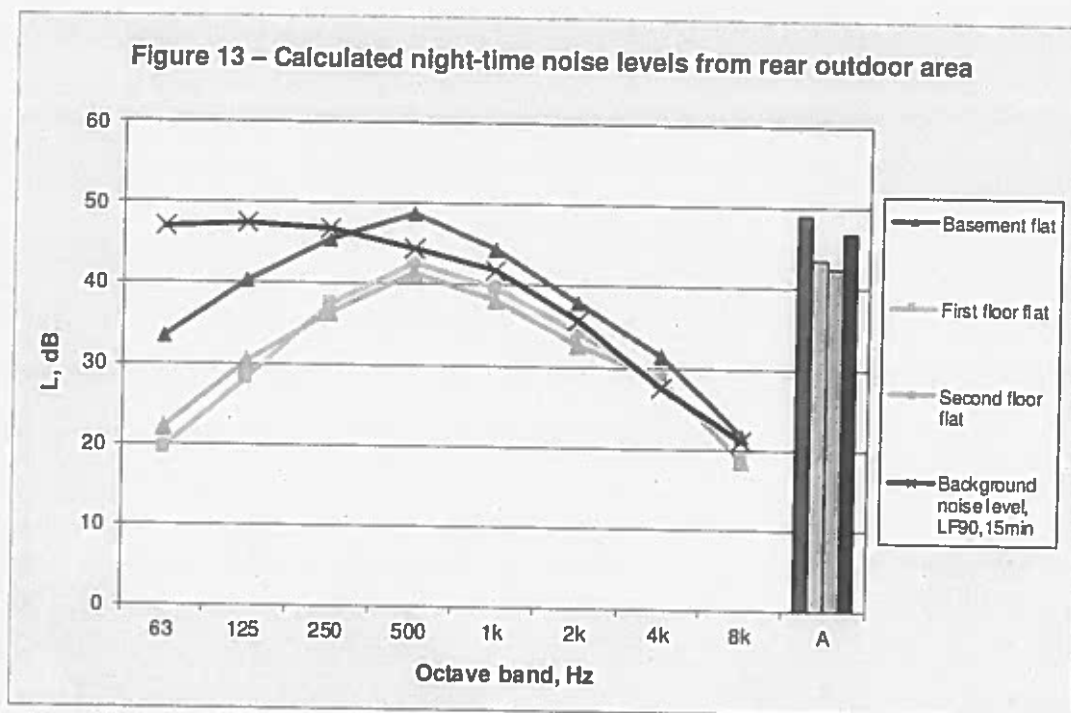
Figure 12 shows a map of A-weighted conversational noise levels from the rear outdoor garden area only at a height of 1.5 metres above the ground. Source positions are shown as blue crosses while receptor positions are shown as black and white circles.



Figure 12 – SPL map of night-time conversational noise levels from rear outdoor area

Figure 13 shows calculated equivalent free-field noise levels from conversation in the rear outdoor area at the nearest residential windows of 70 Prince of Wales Road.

The calculated A-weighted conversational noise levels vary from approximately 42 to 49dB(A). These levels vary from approximately 5dB(A) below to 2dB(A) over the measured night-time background noise level of 47dB LAF90,15min. Noise levels are highest at the rear door and window of the basement flat, which is adjacent to the rear garden area.



5.4 Discussion

It should be noted that these noise levels would typically be generated over relatively short durations by individual events such as a peak in conversation. Based on noise measurements in the area, we would expect noise from these events to be similar in level to that of passing vehicles on Prince of Wales Road and Cathedral Street. As such, noise from the outdoor areas may be intermittently audible inside the flats at 70 Prince of Wales Road but we would not expect this to be sustained for extended periods. We would in any case recommend that courtesy notices are displayed in outdoor areas to alert patrons that they are in a residential area.

6 SUMMARY OF CONCLUSIONS

- We have assessed noise from a proposed public house at 72 Prince of Wales Road to adjacent residences. We have considered amplified music noise from the bar / entertainment areas within the building and conversational noise from outdoor areas.
- Background music in all bar areas should be played through permanently-installed sound systems with small loudspeakers. Sound systems should have line-driven limiting devices installed to control music levels. Music levels should not exceed 80dB LAeq,5min in the basement bar and first-floor function room, and 85dB LAeq,5min in the ground floor bar.
- Before 23:00 hours, music levels from live performances in the basement and ground floor bars should not exceed 89dB LAeq,5min. Microphone-driven noise warning devices should be installed close to the stages to allow management staff and performers to monitor and control music levels. No live music should be played after 23:00 hours.
- We have measured night-time background noise levels at the rear of 72 Prince of Wales Road. The lowest measured background noise level was 47dB LAF90,15min, primarily from kitchen extract plant at 68 Prince of Wales Road.
- We estimate that conversational noise levels from the basement and first floor outdoor areas may be up to 5dB(A) above background before 23:00 hours at the nearest residential windows.
- The first-floor outdoor area would be closed at 23:00 hours. We estimate that conversational noise levels from the basement garden area may be up to 2dB(A) above background at the nearest residential windows after 23:00 hours.

APPENDIX A TECHNICAL TERMS AND UNITS USED IN THIS REPORT

Decibel (dB) - This is the unit used to measure sound level. The range of human hearing from the quietest detectable sound to the threshold of pain is very large. If a normal linear scale of measurement were used, it would have to range from 20 μ Pa to 200,000,000 μ Pa. Using such large figures would be unmanageable and for this reason sound pressure levels are expressed on a logarithmic scale, which corresponds to the almost logarithmic response of the ear and which compresses the range to a manageable 0dB to 140dB.

Sound Pressure Level (Lp or SPL) - This is a function of the source and its surroundings and is a measure in decibels of the total instantaneous sound pressure at a point in space. The SPL can vary both in time and in frequency. Different measurement parameters are therefore required to describe the time variation and frequency content of a given sound. These are described below.

Frequency - This refers to the number of complete pressure fluctuations or cycles that occur in one second. Frequency is measured in Hertz (Hz). The rumble of thunder has a low frequency, while a whistle has a high frequency. The sensitivity of the ear varies over the frequency range and is most sensitive between 1KHz and 5KHz.

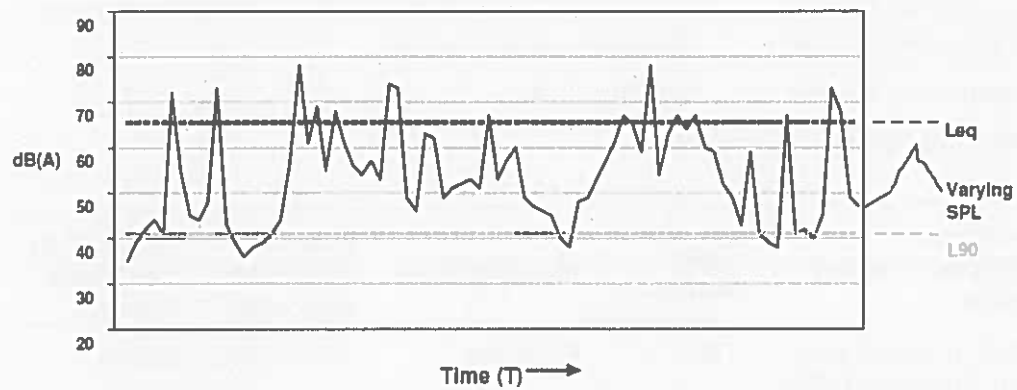
Octave and One-Third Octave Bands - The human ear is sensitive to sound over a frequency range of approximately 20 Hz to 20,000 Hz and is more sensitive to medium and high frequencies than to low frequencies. To define the frequency content of a sound, the spectrum is divided into frequency bands, the most common of which are octave bands. Each band is referred to by its centre frequency, and the centre frequency of each band is twice that of the band below it. Where it is necessary for a more detailed analysis octave bands may be divided into one-third octave bands.

'A' Weighting - The sensitivity of the human ear varies with frequency, some frequencies sound louder than others. The 'A'-weighting curve represents the nonlinear frequency response of the human ear and is incorporated in an electronic filter used in sound level meters. Measurements using an 'A'-weighting filter makes the meter more sensitive to the middle range of frequencies, which approximates to the response of the ear and the subjective loudness of the sound. Sound level measurements using 'A'-weighting will include the subscript A, e.g. dB(A).

Statistical Analysis - These figures are normally expressed as LN, where L is the sound pressure level in dB and N is the percentage of the measurement period. The LN figure represents the sound level that is exceeded for that percentage of the measurement period. L90 is commonly used to give an indication of the background level or the lowest level during the measurement period. L10 may be used to measure road traffic noise. See Figure A1.

Leq,T - The equivalent continuous sound level is used to measure sound that varies with time. The Leq,T is the notional equivalent steady sound level, which contains the same acoustic energy as the actual varying sound level over the period of measurement. Because the averaging process used is logarithmic, the Leq,T level tends to be dominated by the higher sound levels measured.

Figure A1 - Time Varying Sound and Equivalent Continuous Sound Level (Leq,T)



APPENDIX B MEASURING EQUIPMENT AND CALIBRATION

Job reference and title: 12241 72 Prince of Wales Road, Norwich

Measurement location: As illustrated in Figure 9.

Measurement date(s): 20 May 2019

Measuring equipment used:

Equipment description / serial number	Type number	Manufacturer	Date of calibration expiration	Calibration certificate number
Precision sound level meter serial no. 31634	118	Norsonic	07/11/2020	30019
Microphone serial no. 59932	1225	Norsonic	07/11/2020	30018
Microphone pre-amplifier serial no. 30583	1206	Norsonic	07/11/2020	30019
Microphone calibrator serial no. 31279	NOR-1251	Norsonic	07/11/2020	30017

Calibration level: 114.0 dB @ 1 kHz

Person in charge of measurements: Ian Rees MIOA

Assisted by: -

Weather conditions: Dry, partly cloudy turning overcast, temperature: 10 °C, wind: 0 – 2 m/s SW

Principal sound source: Kitchen extract plant, distant and local road traffic

Measurement parameters: Octave band and A-weighted L_{90,15minutes} (fast)



NORFOLK

CONSTABULARY

Our Priority is You

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

Date: 8th August 2019

Dear Sir/Madam

72 Prince of Wales Road Norwich,

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

Police have received a copy of the application for a new premises licence for 72 Prince of Wales Road Norwich.

The premises is currently operating as a Chinese takeaway offering late night refreshment until 4am however this new application is requesting a range of licensable activities such as regulated entertainment in the form of music, dance and films, late night refreshment and the sale of alcohol for both consumption on and off the premises until 4am daily.

My understanding is that the applicant, D.A.V Property Limited is the property owner of the premises and this will be their first licensed premises operation.

The description within the application is that the premises will operate as a 1920s themed bar for an older clientele consisting of 4 floors including an outdoor terrace.

Prior to submitting the application, I was invited to a site visit with the applicant and licensing Representative, Tim Cary to discuss their plans. During this meeting, the issue of the current Cumulative Impact Policy within the city centre was highlighted and the applicant is aware that new applications are scrutinised by Committee as a result.

Norfolk Police feel that this application should be brought to the licensing committee on the basis that the premises is located within the Cumulative impact Policy Zone which was adopted by Norwich City Council due to the high concentration of licensed premises within this area. In addition there are concerns that the granting of this licence in its current format could undermine the licensing objectives, specifically prevention of crime and disorder.

Although it is acknowledged that not all the premises on Prince of Wales Road are currently operating, most of them still hold an active Premises licences for alcohol which means that they can open up again at any time and therefore this licence will be in addition.

I am aware that the application says it is aiming to be an upmarket venue for an older clientele; however the licensing committee will need to consider the risk that if the business idea is unsuccessful, this could end up being another vertical drinking establishment in this area which would cause a negative impact to the local area specifically crime and disorder. Unfortunately there have been other operators who have tried to attract this target market and have failed.

If successful in attracting large numbers of patrons, this venue could cause additional patrons on the street, within the takeaways and taxi ranks at dispersal which again could potentially increase the number of incidents of crime and disorder.

I feel it would be more appropriate to reduce the hours of trade especially for the alcohol sales in order to reduce the risk of incidents occurring. This would assist the emergency services with dispersing patrons earlier. It would also be beneficial to ensure the premises can operate successfully and without any issues prior to granting such a late licence.

The operating schedule within the application has given offerings of CCTV and SIA security staff however these conditions are not specific in numbers and timings of security staff and will need to be tightened in order for them to be enforceable.

If the Licensing Committee decides to grant the application, I would request that they consider amending the timings for sale of alcohol and entertainment so the premises closes earlier.

In addition, I request that the following conditions added to the Premises Licence:

- Staff will be trained in relation to the sale of alcohol and a record of this training will be kept on the premises and available to Police or Licensing Authority on request.
- Patrons will be prevented from taking open vessels containing alcohol off the premises.
- An incident book will be kept at the premises to record all incidents of disorderly behaviour, refused sales of alcohol and ejections. This book will be available for inspection to Police or Licensing Authority on request.
- A CCTV system will be in operation covering the main public areas of the premises, entrances and exits and external areas. This CCTV will record for a minimum of 28 days and footage will be available to Police or Licensing Authority on reasonable request.
- At least one trained member of staff will be available on the premises to operate the CCTV during trading hours.
- There will be a minimum of 2 SIA security staff employed at the premises on Friday and Saturday nights from 2200 hrs until close. An additional member of SIA security will be employed for each floor (except ground) when it is open to the Public for licensable activity from 2200 hrs until close.
- The DPS will carry out a written risk assessment to assess the requirement for security staff on all other nights. This will be available to Police or Licensing Authority on request.
- A signing in book will be kept at the premises to record security staff name, badge number and tour of duty. This book will be available on request.
- Door staff will monitor capacity and seek "credible proof of age" evidence from anyone who appears to be under 25 years old.
- Toughened glass will be used.
- A Search Policy will be in place and documents relating to this will be kept at the premises and available to Police or Licensing Authority on request.

Yours faithfully,

Michelle Bartram
Licensing Officer

Fuller, Maxine

From: Lorraine Paice
Sent: 05 August 2019 11:28
To: LICENSING
Subject: Premises licence

EXTERNAL EMAIL - Do not click on links or open attachments if you do not recognise the sender's email address

I strongly object to a licence being given to 72 prince of Wales road Norwich as my business is next door and the council last year put in place that no stopping or access to cathedral street because of the residential area noise levels. the premises seeking permission is on the corner of both roads, my drivers only able to pickup at the corner and with the new bar entrance on same corner will just cause danger to public my marshal and police.

John Margitson manager beeline taxis

Sent from my iPad

Gregg, Kyle

From: noreply_xforms@norwich.gov.uk
Sent: 29 July 2019 00:17
To: LICENSING
Subject: Licensing - Representation Form

EXTERNAL EMAIL - Do not click on links or open attachments if you do not recognise the sender's email address.

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	Beeline taxi
Postal address	70a Prince Of Wales Road, Norwich, NR1 1L
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	72 prince of wales road

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

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	It would cause a lot more trouble on cathedral st than their is already
Public safety	I have flats above my property which I rent to family's so the noise would cause them move out which would leave my business of pocket plus is would cause a lots of disruption to my drivers pick up ours customers
To prevent public nuisance	It's a very busy corner at weekend I don't see it very suitable place to have a pub/bar it sit on the corner of a busy road
To protect children from harm	
Please suggest any conditions which would alleviate your concerns	If my drivers can't pick up they would leave my taxi firm which in turn would cause to lose revenue
Full name:	Tom chapman (manger)
Date:	29/07/2019

Local Policy considerations

1.0 Introduction

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

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

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

2.0 Consultation and Links to other Policies and Strategies

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

3.0 Applications for Licences

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

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

4.0 Representations

4.1 "Responsible Authorities" (see Appendix 7) will be asked to consider all applications and to make representations to the council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be

evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.

- 4.2 The council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation will only be accepted by the council if it is ‘relevant’, i.e. it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the council.
- 5.0 Conditions attaching to Licences
- 5.1 Where relevant representations are made, the council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
- 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are appropriate for the promotion of the licensing objectives.
- 8.0 The Impact of Licensed Premises
- 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
 - the proposed hours of operation;
 - the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
 - the means of access to the premises including the location of customer entrances and exits;
 - the provision of toilet facilities;
 - the frequency of the licensable activity.

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

13.0 Management of Licensed Premises

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

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

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

- 20.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the City Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 20.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of

their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.

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

Underage drinking

Drunkenness on premises

Public drunkenness

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

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

Reducing Anti-social behaviour and Disorder inside and outside the premises

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

Guard against glasses and bottles being used as weapons or causing accidents.

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

Effective and responsible management of premises;

Training and supervision of staff;

Employ sufficient numbers of staff to keep numbers down of people awaiting service;

Provide sufficient seating for customers;

Patrols of staff around the premises;

Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity;

Introduce an entry policy – making people aware of it – and apply it consistently and fairly;

Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises;

Implement effective management of entrance queues – incorporating barriers if necessary;

Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;

Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;

Provision of effective CCTV in and around premises;

Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;

Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;

Provision of toughened or plastic drinking vessels and bottles;

Provision of 'bottle bins' inside the premises and near exits;

Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;

Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;

Provision of litterbins and other security measures, such as lighting, outside premises;

Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;

Responsible advertising;

Distribution of promotional leaflets, posters etc;

Drug Seizure Kits (available from Norfolk Police Operation Enterprise);

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

Ban known offenders and share information with other licensed premises in the area;

Implement a dispersal policy;

Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

24.0 Objective - prevention of public nuisance

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

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

24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises

are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

- 24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.
- 24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.
- 24.6 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.**
- 24.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
 - the hours of opening, particularly between 11pm and 7am
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - the design and layout of premises and in particular the presence of noise limiting features
 - the occupancy capacity of the premises
 - the availability of public transport
 - wind down period between the end of the licensable activities and closure of the premises
 - last admission time
 - preventing litter and refuse becoming an eyesore
 - consideration of local residents that they are not upset by loud or persistent noise or by excessive light
 - preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces
 - avoid early morning or late night refuse collections
 - avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning

- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

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

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, eg to ensure customers leave quietly.
- Fit prominent signs requesting that customers respect local residents and leave quietly.
- Control of operating hours for all or parts (eg garden areas) of premises, including such matters as deliveries ie not too early in the morning.
- Adoption of best practice guidance (eg Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- Liaison with public transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for collection and disposal of waste, empty bottles etc.
- Effective ventilation systems to prevent the emission of unwanted odours.
- Take away packaging to include the name and address of the premises on it.
- Capacity levels for fast food outlets.
- Introduce a chill out area with coffee and mellow music where customers can settle before leaving.
- Introduce a closed door policy, with attendance prohibited for new customers 2 to 3 hours before licensable activities finish.

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

Section D – cumulative impact special policy

29.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.

29.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the licensing authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is

therefore primarily a matter for the market to decide and does not form part of this licensing policy statement. (see paragraph 7 of Section A)

29.3 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others;
- the provision of CCTV;
- powers to designate parts of the city as places where alcohol may not be consumed publicly;
- confiscation of alcohol from adults and children in designated areas;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- enforcement action against those selling alcohol to people who are drunk;
- police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise; and
- the power of police, local businesses or residents to seek a review of the licence or certificate.

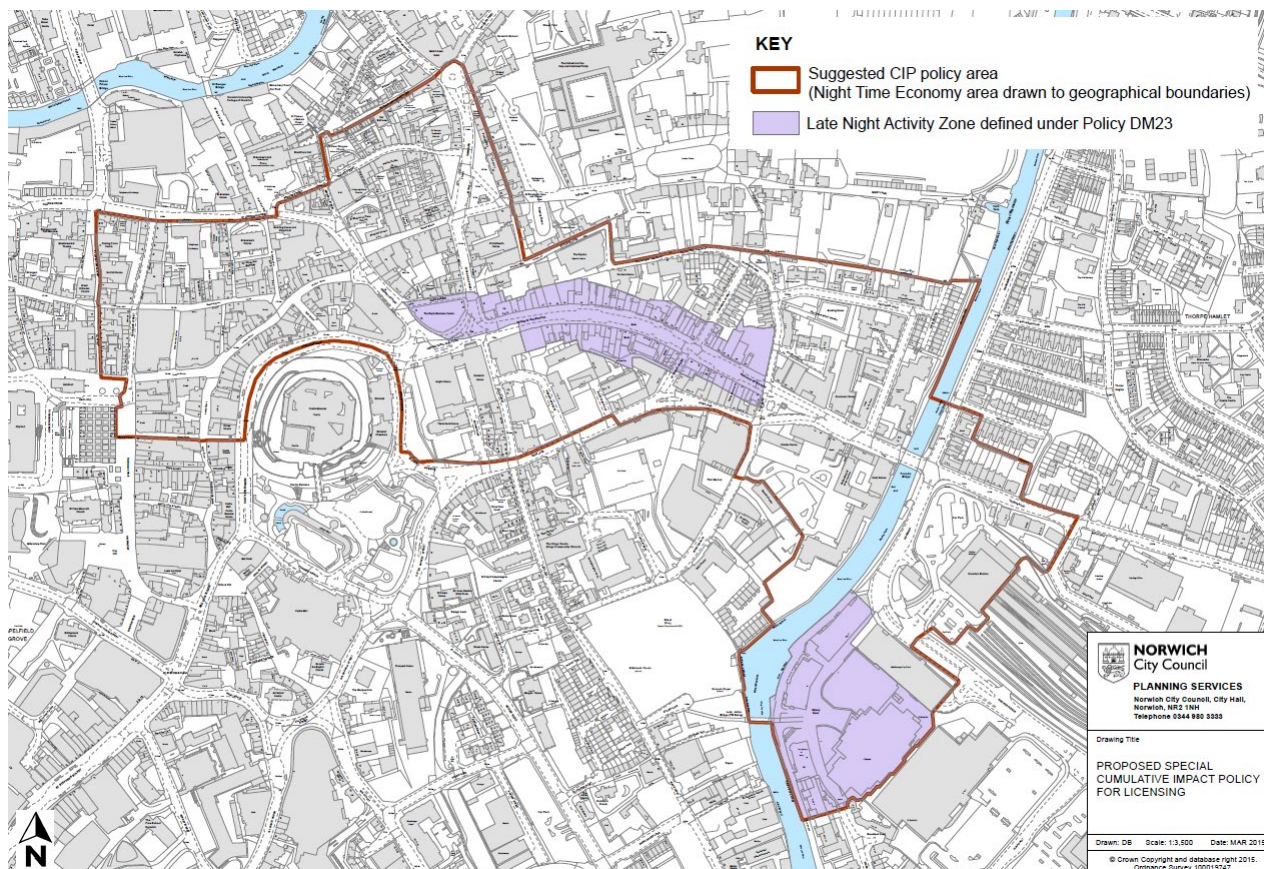
Adopted special policy on cumulative impact

29.4 The licensing authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are causing a cumulative impact on one or more of the licensing objectives.

29.5 The licensing authority received representations from Norfolk Constabulary that the high concentration of premises licensed to sell alcohol and/or provide late night refreshment between the hours of 2100 and 0600 within the police's late night economy public order policing zone produced a detrimental impact upon the licensing objectives.

29.6 The special cumulative impact policy applies to those premises applying for the grant or variation of a licence seeking any of the following licensable activities, between the hours of 2100 and 0600 and within the area indicated on the map shown below:

- the sale by retail sale of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of late night refreshment.



Applications

29.7 The cumulative impact policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates in respect of premises that fall within the designated cumulative impact area will normally be refused if relevant representations are received, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

29.8 An applicant wishing to obtain a new or varied licence for premises falling within the cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.

29.9 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their site. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.

29.10 Despite the presumption against grant or variation, responsible authorities and other persons will still need to make a relevant representation before the council may lawfully consider giving effect to its cumulative impact policy.

29.11 The council recognises that a cumulative impact policy should not be absolute. The circumstances of each application will be considered properly and application for

licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

29.12 This special policy will not be used:

- as a ground for revoking an existing licence or certificate when representations are received about problems with those premises;
- to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (for example, an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives;
- to impose quotas - based on either the number of premises or the capacity of those premises - that restrict the consideration of any application on its individual merits. Quotas have no regard to individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives

29.13 This special policy will be reviewed regularly to assess whether it is still needed or should be expanded.

SECTION E - Hours of Trading

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

National Guidance

(issued under section 182 of the Licensing Act 2003)

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

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

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

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

Public nuisance

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other

persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

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

Determining actions that are appropriate for the promotion of the licensing objectives

9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or

other persons, and representations made by the applicant or premises user as the case may be.

9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Conditions attached to premises licence

General

10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps

recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Hours of trading

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

The need for licensed premises

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

Report to	Licensing sub committee 11 September 2019	Item
Report of	Head of citywide services Licensing Act 2003:	4
Subject	Temporary event notice Roof Top Gardens, Union Building, 51 – 59 Rose Lane Norwich NR1 1BY	

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 objection notices given by the Norfolk Constabulary and the Environmental Protection Team at Norwich City Council.

Recommendation

That Members determine whether to issue a counter notice in respect of the temporary event notice submitted in respect of Union Building, 51 – 59 Rose Lane, Norwich for an event from 26 to 27 October 2019 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 priorities

The report helps to meet the corporate priority of inclusive economy.

Financial implications

None.

Ward/s: All wards

Cabinet member: Councillor Maguire – Safe and Sustainable City Environment

Contact officers

Maxine Fuller Licensing Assistant

01603 212761

Background documents

None

Report

Licensing Act 2003: temporary event notices

1. Part 5 of the Licensing Act 2003 (The Act) provides for the temporary carrying on of licensed activities at premises which are not authorised by a premises licence or club premises certificate. The most important aspect of the system of permitted temporary activities is that events do not have to be authorised as such by the licensing authority. Instead the premises user notifies the event to the licensing authority and the police.
2. The premises user is required to give a copy of any temporary event notice (TEN) (unless submitted electronically when it is the responsibility of the licensing authority) to the police and the local authority exercising environmental health functions (EHA). If the Police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give an objection notice to the licensing authority and to the premises user within 3 working days of their receipt of the TEN.
3. If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). If members decide to allow the licensable activities to go ahead as stated in the TEN, and these are in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing premises licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions and provide a copy to each relevant party. Alternatively, members may decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

Temporary event notification

4. Temporary event notice (TEN) has been received from Glenn Walker in respect of premises at the Roof Top Gardens, Union Building, 51 – 59 Rose Lane, Norwich. A copy of the TEN is attached at Appendix A of the report.
5. The TEN gives notification that it is proposed to use the premises for the licensable activities of the sale by retail of alcohol, the provision of regulated entertainment and the provision of late night refreshment starting at 18:00 to 03:00 from 26 to 27 October 2019.

Objection notice

6. Objection notices to the TEN has been received from the Police and the Environmental Protection Team at Norwich City Council, copies of which are attached at Appendix B to the report.

Norwich City Council Statement of Licensing Policy

7. Attached at Appendix C are the elements of the city council's local licensing policy which are considered to have a bearing upon the application:

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

8. Attached at Appendix D are the elements of the national guidance issued by the Secretary of State that are considered to have a bearing upon the application.

Summary

9. The sub-committee must consider the objection notice received from the Police, determine whether the proposed event would undermine the licensing objectives.
10. If the sub-committee determine that the proposed event would undermine the licensing objectives, then the licensing authority must give a counter notice to the premises user to prevent the proposed temporary event from going ahead.
11. Should the sub-committee determine not to issue a counter-notice, and allow the event to go ahead, then they may impose one or more conditions but only if it considers it appropriate for the promotion of the licensing objectives.
12. Alternatively, the licensing sub-committee may decide to allow the licensable activities to go ahead as stated in the TEN without the imposition of any conditions.
13. A notice giving reasons for the sub-committee's determination will need to be served on the premises-user, the Police and the EHA.
14. Appeals by the premises-user in respect of the determinations set out in paragraphs 11 and 12 above, or by the Police or EHA in respect of paragraph 13 above, must be made to the Magistrates' Court within 21 days, commencing on the day on which either party was notified of the decision either to issue, or not issue, a counter notice. However, no appeal may be brought later than 5 working days before the first day of the relevant event period.



Norwich
Temporary Event Notice
Licensing Act 2003

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

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Rooftop Gardens - 26th Oct

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Glenn

* Family name

Walker

* E-mail

[Redacted]

Main telephone number

[Redacted]

Include country code.

Other telephone number

[Redacted]

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

Are you:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

11019063

Business name

Rooftop Gardens Ltd

If your business is registered, use its registered name.

VAT number

[Redacted]

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company



Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

☐ Yes

☒ No

* Your date of birth

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

Page 89 of 112
If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes ☐ No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

☒ Yes ☐ No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes ☐ No

* Building number or name 51-59 Union Building

* Street Rose Lane

District

* City or town Norwich

County or administrative area Norfolk

* Postcode NR1 1BY

* Country United Kingdom

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither ☒ Premises licence ☐ Club premises certificate

* Premises licence number 18/00786/PREM

Location Details

* Provide further details about the location of the event

Rooftop Gardens, use of entire venue (music system - speakers/DJ, only inside).

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Bar and Restaurant Venue

Describe the nature of the event below (see also guidance on completing the form, note 5)

Halloween event with amplified music/DJ - inside only

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
(see also guidance on completing the form, note 6):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☒ The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date

26 / 10 / 2019
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

27 / 10 / 2019
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

18.00 - 03.00

(see also guidance on completing the form, note 10)

State the maximum number of people at any one time that you intend to allow to be present at the premises

during the times when you intend to carry on licensable activities, including any staff, organisers or performers

450

(see also guidance on completing the form, note 11)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 12):

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

DJ from 18.00 - 02.30 - inside only

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence?

- ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue

Any further relevant details

Continued from previous page...

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☐ Yes ☒ No

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Page 93 of 112

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes

☒ No

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

* The information contained in this form is correct to the best of my knowledge and belief

* I understand that it is an offence:

* (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and

* (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Glenn Walker

* Capacity

Operations Director

* Date

23

/

08

/

2019

dd

mm

yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/norwich/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Rooftop Gardens - 26th Oct"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



NORFOLK
CONSTABULARY

Our Priority is You

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

Date: 27th August 2019

Dear Sir/Madam

TEN Roof Top Garden Norwich

Police have received a copy of the TEN for the Roof Top Gardens, Rose Lane Norwich to permit Sale of alcohol, regulated entertainment and Late Night refreshment until 3am on 27th October 2019.

I am aware that there have previously been a number of noise complaints received to both Norfolk Police and Norwich City Council in relation to noise from the garden area but mainly due to music being played at this premises. As a result, joint visits with Police Licensing and Norwich City Council have taken place to reduce these.

A roof top venue in Gorleston also managed by the same operators has recently caused upset to the local community due to excessive noise from a roof top party. Therefore I feel that this TEN needs to be closely scrutinized by the City Council to reduce the impact to their local community.

This TEN is outside the usual operation of intimate dining with background music which the current licence and planning permission permits. Instead it gives mentions of a DJ event, albeit to be played inside, there are concerns that loud music will escape when the doors are opened for patrons to enter and exit the garden area.

I appreciate that the Police are not the experts in noise control however please accept my letter as a concern to the TEN. I believe that the granting of this TEN in its current form will undermine the licensing objectives in particular the prevention of public nuisance.

I intend to speak to the applicant to establish further details of the event and find out their security provisions due to this being the weekend before Halloween which is usually one of the busiest for footfall in the calendar for the Night time economy. I will establish if the applicant has sufficient measures to promote the crime and disorder licensing objective.

I hope the Environmental Protection Team at Norwich City Council will comment specifically about the request for music but please accept my letter as a concern until I receive further information.

Yours faithfully,

Michelle Bartram
Licensing Officer

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

Fuller, Maxine

From: ENVIRONMENTAL PROTECTION
Sent: 29 August 2019 09:07
To: Fuller, Maxine
Subject: RE: TEN - Rooftop Gardens

Dear Maxine,

The Environmental Protection Team would like to object to this TEN as there are concerns that noise disturbance may effect surrounding residents and therefore undermine the licensing objective regarding the prevention of public nuisance.

Previous events earlier this year at the Rooftop Gardens resulted in numerous complaints from people living in surrounding properties who were subjected to prolonged periods of loud amplified music.

Kind Regards,

Alick Miles
Environmental Protection Officer
Norwich City Council
alickmiles@norwich.gov.uk

From: Fuller, Maxine
Sent: 27 August 2019 09:14
To: 'Licensing Team (Norfolk)'
Cc: 'carrowadmin@fire.norfolk.gov.uk'; FOOD & SAFETY; ENVIRONMENTAL PROTECTION; Cominox; Cook, Lewis
Subject: TEN - Rooftop Gardens

Hi,

We have received on 23 August via our online system a TEN for the Rooftop Gardens, Rose Lane NR1 1BY to hold an event from 26 to 27 October 2019. Applicant is Glenn Walker.

Regards

Maxine Fuller
Licensing Assistant/Licensing Office
Norwich City Council
(01603) 212761
Working hours: Monday to Thursday
maxine.fuller@norwich.gov.uk

APPENDIX C

Local Policy considerations

1.0 Introduction

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

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

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

2.0 Consultation and Links to other Policies and Strategies

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

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.

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

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

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

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

Underage drinking

Drunkenness on premises

Public drunkenness

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

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

Reducing Anti-social behaviour and Disorder inside and outside the premises

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

Guard against glasses and bottles being used as weapons or causing accidents.

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

Effective and responsible management of premises;

Training and supervision of staff;

Employ sufficient numbers of staff to keep numbers down of people awaiting service;

Provide sufficient seating for customers;

Patrols of staff around the premises;

Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity;

Introduce an entry policy – making people aware of it – and apply it consistently and fairly;

Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises;

Implement effective management of entrance queues – incorporating barriers if necessary;

Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;

Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;

Provision of effective CCTV in and around premises;

Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;

Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;

Provision of toughened or plastic drinking vessels and bottles;

Provision of 'bottle bins' inside the premises and near exits;

Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;

Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;

Provision of litterbins and other security measures, such as lighting, outside premises;
 Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;
 Responsible advertising;
 Distribution of promotional leaflets, posters etc;
 Drug Seizure Kits (available from Norfolk Police Operation Enterprise);
 Member of the 'NiteLink' radio scheme;
 Working in partnership with the SOS Bus scheme;
 Ban known offenders and share information with other licensed premises in the area;
 Implement a dispersal policy;
 Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

24.0 Objective - prevention of public nuisance

- 24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.
- 24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.
- 24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.
- 24.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the**

individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.

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

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

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

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, eg to ensure customers leave quietly.
- Fit prominent signs requesting that customers respect local residents and leave quietly.
- Control of operating hours for all or parts (eg garden areas) of premises, including such matters as deliveries ie not too early in the morning.
- Adoption of best practice guidance (eg Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.

- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- Liaison with public transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for collection and disposal of waste, empty bottles etc.
- Effective ventilation systems to prevent the emission of unwanted odours.
- Take away packaging to include the name and address of the premises on it.
- Capacity levels for fast food outlets.
- Introduce a chill out area with coffee and mellow music where customers can settle before leaving.
- Introduce a closed door policy, with attendance prohibited for new customers 2 to 3 hours before licensable activities finish.

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

SECTION E - Hours of Trading

30.2 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."

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

APPENDIX D

National Guidance

(issued under section 182 of the Licensing Act 2003)

CRIME AND DISORDER

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. 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.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone 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. These systems allow managers of licensed premises 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.
- 2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may

occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

- 2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

PUBLIC NUISANCE

- 2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 2.20 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.

- 2.21 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.
- 2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.
- 2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises 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.
- 2.40 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.

7. Temporary Event Notices (TENs)

- 7.1 This Chapter covers the arrangements in Part 5 of the 2003 Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or club premises certificate.

General

- 7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).
- 7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and “local authority exercising environmental health functions” (“EHA”) at least ten working days before the event (although a premises user may give a limited number of TENs to the licensing authority less than 10 working days before the event to which

they relate). “Working day” under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, the 2003 Act defines a “day” as a period of 24 hours beginning at midnight.

- 7.4 If a TEN is sent electronically via GOV.UK or the licensing authority’s own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.
- 7.5 The police or “local authority exercising environmental health functions” (“EHA”) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. The police or EHA (“relevant persons” for the purposes of TENs) may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.31-7.35 below). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded.
- 7.6 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

Limitations

- 7.7 A number of limitations are imposed on the use of TENs by the 2003 Act. The limitations apply to:
- the number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
 - the number of times a TEN may be given for any particular premises (12 times in a calendar year);
 - the maximum duration of an event authorised by a TEN is 168 hours (seven days);
 - the maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year);
 - the maximum number of people attending at any one time (fewer than 500); and
 - the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

- 7.8 Any associate, relative or business partner of the premises user is considered to be the same premises user in relation to these restrictions. The 2003 Act defines an associate, in relation to the premises user, as being:
- the spouse or civil partner of that person;
 - a child, parent, grandchild, grandparent, brother or sister of that person;
 - an agent or employee of that person; or
 - the spouse or civil partner of a person listed in either of the two preceding bullet points.
- 7.9 A person living with another person as their husband or wife, is treated for these purposes as their spouse. 'Civil partner' has its meaning in the Civil Partnership Act 2004.
- 7.10 A TEN that is given and subsequently withdrawn by the TEN user can be included within the limits of the numbers of TENS allowed in a given calendar year. The limits for the number of TENS that may be given include a combination of both "standard" and "late" TENS.
- 7.11 Proposed activities that exceed these limits will require a premises licence or club premises certificate.
- 7.12 TENS may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.
- 7.13 In determining whether the maximum total duration of the periods covered by TENS at any individual premises has exceeded 21 days, an event beginning before midnight and continuing into the next day would count as two days towards the 21-day limitation.
- 7.14 There is nothing in the 2003 Act to prevent notification of multiple events at the same time, provided the first event is at least ten working days away (or five working days away in the case of a late TEN). For example, an individual personal licence holder wishing to exhibit and sell beer at a series of farmers' markets may wish to give several notices simultaneously. However, this would only be possible where the events are to take place in the same licensing authority (and police area) and the limits are not exceeded in the case of each notice.

Who can give a temporary event notice?

Personal licence holders

- 7.15 A personal licence holder can give a TEN at any premises on up to 50 occasions in a calendar year. This limit is inclusive of any late TENS given in the same year. The use of each TEN must of course observe the limits described above, including the limit of 12 TENS in respect of each premises in a calendar year.

Non-personal licence holders

- 7.16 The 2003 Act provides that any individual aged 18 or over may give a TEN whether or not that individual holds a personal licence. Such an individual will not, therefore, have met the requirements that apply to a personal licence holder under Part 6 of the 2003 Act. Where alcohol is not intended to be sold, this should not matter. However, many events will involve a combination of licensable activities. In the absence of a premises user holding a personal licence, the 2003 Act limits the number of notices that may be given by any non-personal licence holder to five occasions in a calendar year (this limit is inclusive of any late TENs in the same year). In every other respect, the Guidance and information set out in the paragraphs above applies.

Standard and late temporary event notices

- 7.17 There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

Standard temporary event notices

- 7.18 “Ten working days” (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event. A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
- 7.19 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives. Where an objection is given, there is provision under section 106 of the 2003 Act for the police or EHA to agree with the premises user to modify the TEN (see paragraph 7.36 below).
- 7.20 Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them.

Late temporary event notices

- 7.21 Late TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. However, late TENs may, of course, be given in any circumstances providing the limits specified at paragraph 7.7 are not exceeded.
- 7.22 For a standard TEN, the police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives. However, if there is an objection to a late TEN from either the police or EHA, the event will not go ahead. In these circumstances there is

no scope for a hearing or the application of any existing conditions. There is no scope under the 2003 Act for the modification of a late TEN as is possible in relation to a standard TEN.

- 7.23 Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and EHA. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised. The number of late TENs that can be given in a calendar year is limited to ten for personal licence holders and two for non-personal licence holders. Late TENs count towards the total number of permitted TENs (for example, the limit of five TENs per year for non-personal licence holders and 50 TENs for personal licence holders). Once these limits have been reached, the licensing authority should issue a counter notice (permitted limits) if any more are given.

Role of the licensing authority

- 7.24 The licensing authority must check that the limitations set down in Part 5 of the 2003 Act are being observed and intervene if they are not (see paragraph 7.7). For example, a TEN would be void unless there is a minimum of 24 hours between events notified by the same premises user, or an associate or someone who is in business with the relevant premises user in respect of the same premises. This is to prevent evasion of the seven-day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. In addition, for these purposes, a TEN is treated as being from the same premises user if it is given by an associate.
- 7.25 Where the application is not within the statutory parameters described earlier, the licensing authority will issue a counter notice to the premises user.
- 7.26 Where the TEN is in order, the relevant fee paid, the event falls within the prescribed limits and there has been no objection from the police or EHA on the basis of any of the four licensing objectives, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically).
- 7.27 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

- 7.28 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.
- 7.29 In the case of an event authorised by a TEN, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user would be liable to prosecution.
- 7.30 Section 8 of the 2003 Act requires licensing authorities to keep a register containing certain matters, including a record of TENs received. There is no requirement to record all the personal information given on a TEN.

Police and environmental health intervention

- 7.31 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.32 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.
- 7.33 The police and EHA have the right under sections 109(5) and (6) of the 2003 Act to request the premises user to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance be expected or arise.
- 7.34 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.
- 7.35 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead. If the police, EHA or both give an objection to a late TEN, the TEN will not be valid.

Modification

7.36 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree.

Applying conditions to a TEN

7.37 The 2003 Act provides that only the licensing authority can impose conditions from the existing conditions on the premises licence or club premises certificate to a TEN. The licensing authority can only do so:

- if the police or the EHA have objected to the TEN;
- if that objection has not been withdrawn;
- there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.38 This decision is one for the licensing authority alone, regardless of the premises user’s views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

Hearings to impose conditions

7.39 Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary. If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN.