NORWICH City Council

Licensing sub committee

Date: **Friday, 27 March 2015**
Time: **10:00**
Venue: **Westwick room**

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:

Councillors:
Henderson
Jones
Woollard

For further information please contact:

Committee officer: Lucy Green
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e: lucygreen@norwich.gov.uk

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NR2 1NH

www.norwich.gov.uk

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IN TRAN communication for all

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Agenda

1	**Apologies** To receive apologies for absence	
2	**Declaration 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)	
3	**Application for variation of a Premises Licence – 39-41 St Andrews Street Norwich NR2 4TP** **Purpose -** Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a premises licence in respect of 39-41 St Andrews Street, Norwich, NR2 4TP following the receipt of relevant representations.	**5 - 50**
4	**Application for the Grant of a Premises Licence 17 Colegate Norwich NR3 1BN** **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 17 Colegate, Norwich, NR3 1BN following the receipt of relevant representations.	**51 - 80**
5	**Exclusion of the public** **Purpose -** Consideration of exclusion of the public.	

Date of publication**: Thursday, 19 March 2015**

Report to	Licensing sub committee 27 March 2015	**Item**
Report of	Head of citywide services	3
Subject	Licensing Act 2003: Application for variation of a Premises Licence – 39-41 St Andrews Street Norwich NR2 4TP	

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a premises licence in respect of 39-41 St Andrews Street Norwich NR2 4TP following the receipt of relevant representations.

Recommendation

That members determine the application for the variation of a premises licence in respect of 39-41 St Andrews Street Norwich NR2 4TP in accordance with the:

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

Corporate and service priorities

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

Financial implications

None.

Ward/s: All wards

Cabinet member: Councillor Harris – customer services

Contact officers

Ian Streeter, licensing manager 01603 212761

Background documents

None

Report

Variation application

1. The applicant is the City Pub Company (East) Plc 9 Phene Street London SW3 5NY.

2. The application seeks to:

   - vary the layout of the premises in accordance with the submitted plan attached as appendix A to the report; and

   - to remove and amend certain conditions attached to the current premises licence.

3. A copy of the variation application is attached at appendix B and set out in the table below are those existing conditions which the applicant is seeking to remove or amend and any revised wording or replacement condition.

Existing premises licence condition	**Remove condition / revised wording / replacement condition / covered by existing condition**
2. Text / radio pagers will be in operation at the premises in conjunction with the police. 3. Door supervisors will be employed at the premises when regulated entertainment is being provided.	**Replace with revised condition wording:** 10. At least one SIA trained Door Supervisor on duty on Friday, Saturday and Sunday evenings with ability to screen customers coming in, manage behaviour inside to prevent incidents and drunkenness and to manage dispersal by marshalling, standing at the door as people leave only if regulated entertainment is being provided and the premises are open past 01:00.
5. No drink promotions will be offered at the premises. 6. Suitably worded signage in relation to the admission of children and the consequence of any non compliance shall be on display at the premises. 11. A NO ID NO ENTRY policy will be in operation for those persons that appear to be under 21 at times when door supervisors are in operation.	**Replace with revised condition wording:** 4. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
15. Occupancy figures will be clearly adhered to.	**Remove condition**

18. Toughened glass will be used whenever possible.	**Remove condition**
19. A trained first aider will always be available when the premises are open to the public.	**Remove condition**
24. A noise limiter will be in operation at the premises.	**Remove condition**
29. Receptacles will be placed at exits to ensure customers do leave with bottles and / or cans.	**Remove condition**
31. Children will only be allowed entry to the premises when accompanied by an adult to partake in a meal and adult(s) will be required to maintain constant supervision of them.	**Remove condition**
32. Children will not be permitted on the premises between 23:00 and 05:00	**Remove condition**

Current premises licence

4. A copy of the existing premises licence in respect of 39-41 St Andrews Street Norwich NR2 4TP is attached as appendix C to the report.

Consultation

5. Further to discussions with the environmental protection department, the applicant has agreed that the following condition be included within the operating schedule:

    - The volume of any amplified regulated entertainment shall be controlled by a noise limiting device set at a level determined by the local authority environmental protection department, such level being confirmed in writing to the licensee. Once set the noise limiting device shall not be reset or adjusted without consultation with the environmental protection department.

6. The applicant has also been in discussions with Norfolk constabulary and has agreed that the following conditions be included in the operating schedule:

    - The premises will use the link radio scheme (Alert Project 150) operating in the City Centre night time economy to report incidents of disorder at the premises. Use of the link radio does not negate responsibility of the venue to also report incidents to Police via other channels if a Police response would be reasonably

required. (This scheme is primarily intended as an information sharing mechanism between premises i.e details of any individuals ejected or turned away from the venue). The venue will ensure that all subscription charges are paid for the duration of the scheme. This condition is only enforceable whilst the terms and conditions of Project 150 are available.

- The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All entry/ exit points and main public areas will be covered including frontal identification of every person entering. All recordings shall be stored for a minimum of 28 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or Licensing Authority on request.

- Management will be conversant with the operation of the CCTV system.

- If open past midnight, there will be a minimum of one SIA trained member of staff on duty from 2200 hrs until close on Friday and Saturday nights.

- Additional evenings such as Sundays prior to Bank Holidays and evenings when regulated entertainment is taking place, management will carry out a written risk assessment to assess the requirement of SIA trained members of staff.

- When working in a SIA trained capacity, this dedicated member of staff will be located either at the front door or the main public areas of the building but not behind the bar, will screen customers as they enter, refuse entry if required, monitor capacity levels, monitor and manage behaviour inside and within the immediate vicinity.

- When working in a SIA trained capacity the member of staff will sign on and off duty in a signing in book and this will include name, badge number and tour of duty. This book will be kept at the premises and available for inspector by Police or Licensing Authority on request.

7. The police have confirmed that with these conditions added there will be no police objections to the application. They have also made the following comment with regard to the removal of the condition relating to toughened glass:

   The applicant has requested that the condition relating to toughened drinking vessels be removed. This is due to the difficulty for the operator to obtain toughened and polycarbonate drinking vessels for the real ale glasses and specialised drinks. The Police are concerned with removing this however due to the Premises Licence Holders being good operators and having a good track record with a venue similar in Cambridge. We will closely monitor and reserve the right to review the situation should any issue occur.

Relevant representations

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

   Police – no relevant representations received.

   Environmental Protection – no relevant representations received.

Fire Officer – no relevant representations received.

Planning Officer – no relevant representations received.

Area Child Protection Committee – no relevant representations received.

Trading Standards – no relevant representations received.

Primary Care Trust – no relevant representations received.

9. Relevant representations have been received in respect of the application with concerns which appear primarily to relate to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Copies of the representations received are attached at appendix D to the report.

Norwich City Council Statement of Licensing Policy

10. Attached at appendix E are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

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

11. Attached at appendix F are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

Summary

12. In determining the application with a view to promoting the licensing objectives the sub-committee must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);

- the representations (including supporting information) presented by all the parties;

- the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and

- the council's own statement of licensing policy.

13. The sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

    - Grant the application as asked;
    - Modify the conditions of the licence by altering or omitting or adding to them;
    - Reject the whole or part of the application

14. The sub-committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

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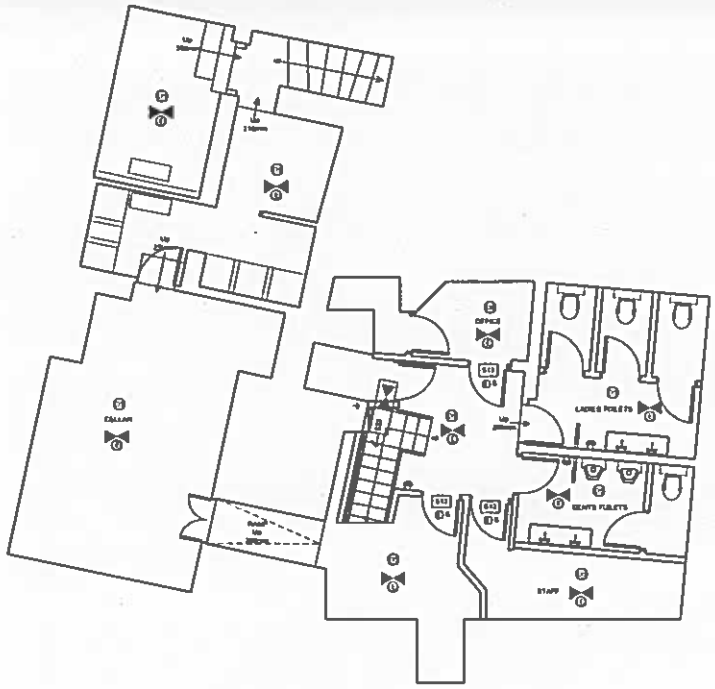
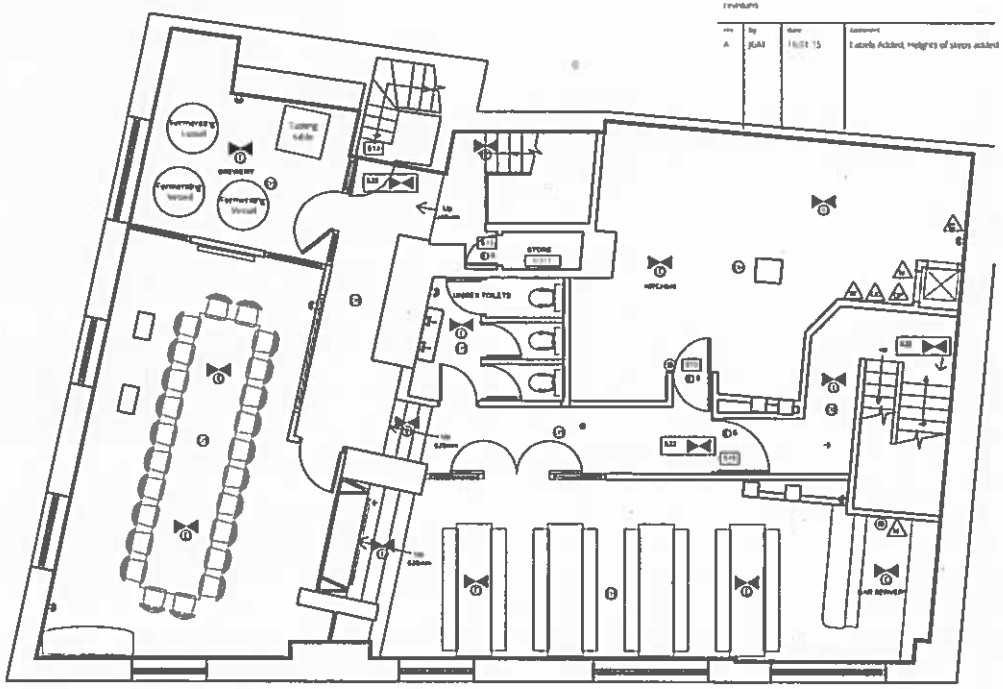
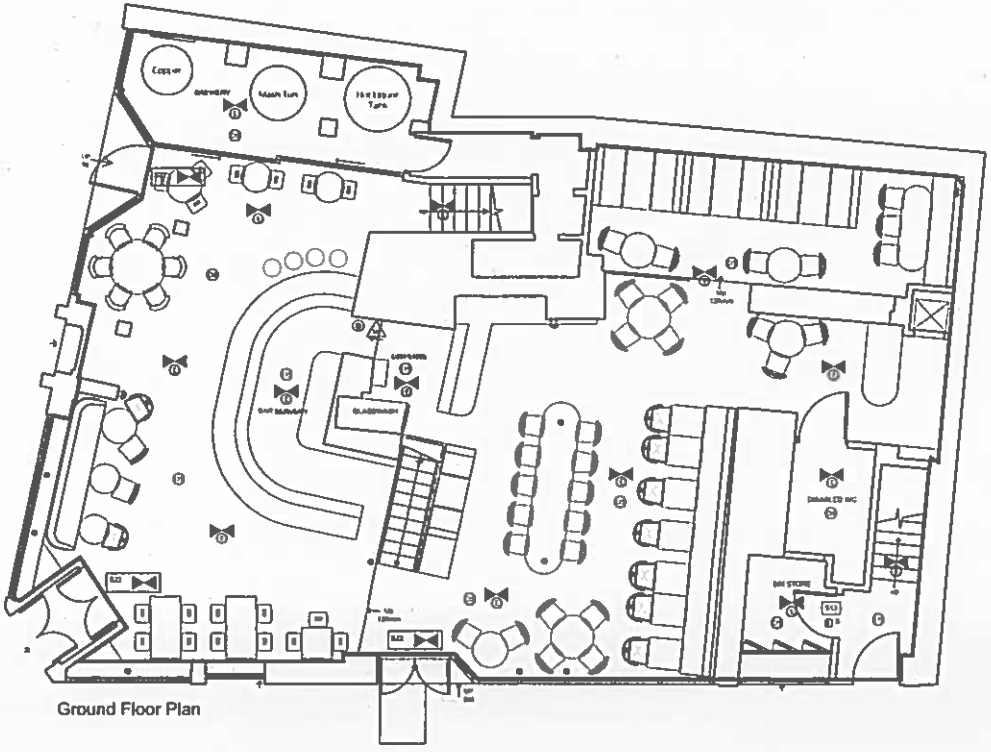
rev	by	date	comment
A	JGM	11.09.15	Labels Added, Heights of steps added





First Floor Plan



Ground Floor Plan

SCALE
EXISTING EXITS ARE TO BE USED FOR LICENSABLE ACTIVITIES

MAINTAINED ILLUMINATED FIRE EXIT SIGN

MAINTAINED ILLUMINATED FIRE EXIT SIGN (DIRECTIONAL)

EMERGENCY LIGHTING
A SINGLE COMBINED MAINS SYSTEM OF ESCAPE LIGHTING THAT WILL ILLUMINATE THE AREA UPON FAILURE OF THE NORMAL LIGHTING POWER SUPPLY TO A SUFFICIENT STANDARD TO ENABLE PERSONS TO LEAVE THE AREA SAFELY. THE ESCAPE LIGHTING SYSTEM SHOULD COMPLY TO THE BRITISH STANDARD CURRENT AT THE TIME OF ITS INSTALLATION AND A CERTIFICATE TO THIS EFFECT MUST WITH THE FIRE CERTIFICATE.

FIRE SIGNAGE (exact location to be agreed on site)
- FIRE DOOR KEEP SHUT
- FIRE DOOR KEEP LOCKED
- FIRE DOOR KEEP LOCKED FAIL SAFE OPERATION & CONTROL
- FIRE ESCAPE KEEP CLEAR

DOOR TYPE KEY
- FD 15
- FD30
- FD20
- FD60
- STAINLESS STEEL PUSH PLATE DOOR

DOORS WHICH ARE PROVIDED WITH PANIC BOLTS, THERE MUST BE A MONEY ADJACENT TO EACH FINISHED INDICATING METHOD OF OPENING (SAFE SHOW HOW LETTERING)

FIRE SAFETY EQUIPMENT (EXACT LOCATION TO BE AGREED ON SITE)
- FIRE EXTINGUISHER - DRY POWDER
- FIRE EXTINGUISHER - CARBON DIOXIDE
- FIRE EXTINGUISHER - WATER
- FIRE EXTINGUISHER - WET CHEMICAL
- FIRE BLANKET
- AUTOMATIC SMOKE DETECTOR
- AUTOMATIC HEAT DETECTOR - 68 C RUNNING - 75 C KITCHEN
- COMBINED AUTOMATIC HEAT SMOKE DETECTOR
- FIRE ALARM CALL POINT
- AUDIBLE WARNING DEVICE

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BIRMINGHAM 15 Colmore Row, Birmingham B3 2BH
Call +44 (0)121 321 3030

info@harrison.eu.com www.harrison.eu

client
The City Pub Company

project
Delaneys
41 St. Andrews Street
Norwich, NR2 4TP

title
Licensing Plan

drawn	check
SH	
scale @ A1	date
1:50	15.09.14

project / drwg no
3203/02/A

APPENDIX A

15/00200/PAEMTR 29 x 50m APPENDIX B

NORWICH City Council

Norwich
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 17

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	CH/T00206/0010	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	Corinne
* Family name	Holloway
* E-mail	ch@joelsonwilson.com
Main telephone number	020 7580 5721
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

* Registration number	07814568	
* Business name	The City Pub Company (East) Plc	If the applicant's business is registered, use its registered name.
* VAT number	- None	Put "none" if the applicant is not registered for VAT.
* Legal status	Public Limited Company	

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Continued from previous page...

* Applicant's position in the business	Solicitors for and on behalf of Applicant
Home country	United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name	9
* Street	Phene Street
District	
* City or town	London
County or administrative area	
* Postcode	SW3 5NY
* Country	United Kingdom

Agent Details

* First name	Corinne
* Family name	Holloway
* E-mail	ch@joelsonwilson.com
Main telephone number	020 7580 5721
Other telephone number	

Include country code.

☐ 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 private individual acting as an agent

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

Agent Business

* Is your business registered in the UK with Companies House? ◉ Yes ○ No

* Registration number		OC343770
* Business name		Joelson Wilson LLP
* VAT number	GB	233257088
* Legal status		Private Limited Company

If your business is registered, use its registered name.

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

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Continued from previous page...

* Your position in the business	Legal Assistant	
Home country	United Kingdom	The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

* Building number or name	30
* Street	Portland Place
District	
* City or town	London
County or administrative area	
* Postcode	W1B 1LZ
* Country	United Kingdom

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number	14/01605/PREMTR

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	39-41
Street	St Andrews Street
District	
City or town	Norwich
County or administrative area	
Postcode	NR2 4TP
Country	United Kingdom

Premises Contact Details

Telephone number	

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Continued from previous page...

Non-domestic rateable value of premises (£) 64,000

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? (•) Yes ( ) No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

( ) Yes (•) No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe 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.

Layout - removal of staircase from ground to first floor, relocation of staircase to basement, relocation of toilets to basement, new micro-brewery to ground and first floor, relocation of toilets to first floor, reconfiguration of bar servery to ground floor, removal of bar servery to first floor, new private rooms to first floor, new small bar servery to first floor and larger kitchen to first floor. To remove and amend certain conditions please see page 15 of the application form

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

( ) Yes (•) No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

( ) Yes (•) No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

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Continued from previous page... ○ Yes ◉ No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

○ Yes ◉ No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

○ Yes ◉ No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

○ Yes ◉ No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

○ Yes ◉ No

Section 11 of 17

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

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

○ Yes ◉ No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

○ Yes ◉ No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

○ Yes ◉ No

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Continued from previous page...

Section 14 of 17

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.

Provide 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

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

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

SATURDAY

Start | End

Start | End

SUNDAY

Start | End

Start | End

Provide 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.

State any seasonal variations.

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Continued from previous page...

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 above, list below.

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Adopting the numbering on the premises licence attached to this application the applicant seeks to remove conditions 2, 3 (as it is covered by condition 10) 5, 6, 11 (as covered by condition 4), 15, 18, 19, 24, 29, 31 and 32.
To replace condition 4 so it reads "A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport."

To amend condition10 to read "At least one SIA trained Door Supervisor on duty on Friday, Saturday and Sunday evenings with ability to screen customers coming in, manage behaviour inside to prevent incidents and drunkeness and to manage dispersal by marshalling, standing at the door as people leave only if regulated entertainment is being provided and the premises are open past 01:00."

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 17

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)
List here steps you will take to promote all four licensing objectives together.

All existing conditions and restrictions attached to the current Premises Licence (save for those the applicant seeks to remove/amend in section 15) in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

b) The prevention of crime and disorder

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All existing conditions and restrictions attached to the current Premises Licence (save for those the applicant seeks to remove/amend in section 15) in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

c) Public safety

All existing conditions and restrictions attached to the current Premises Licence (save for those the applicant seeks to remove/amend in section 15) in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

d) The prevention of public nuisance

All existing conditions and restrictions attached to the current Premises Licence (save for those the applicant seeks to remove/amend in section 15) in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

e) The protection of children from harm

All existing conditions and restrictions attached to the current Premises Licence (save for those the applicant seeks to remove/amend in section 15) in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

Section 17 of 17

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.

Variation 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 £12500	£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 your are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise 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

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Continued from previous page...

Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00
* Fee amount (£)	315.00

DECLARATION

1

* 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	Joelson Wilson LLP
* Capacity	Solicitors for and on behalf of the applicant
* Date	28 / 01 / 2015 (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/premises-licence/norwich/change-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 ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

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OFFICE USE ONLY

Applicant reference number	CH/T00206/0010
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	☐

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APPENDIX C

NORWICH City Council

Premises Licence Summary

Premises Licence Number	**14/01605/PREMTR**

Premises Details

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

Delaneys
39 - 41 St Andrews Street
Norwich
NR2 4TP

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Late Night Refreshment
Live Music - Activity takes place indoors
Facilities for dancing - Activity takes place indoors
Facilities for making music - Activity takes place indoors
Sale by Retail of Alcohol - Activity takes place indoors
Recorded Music - Activity takes place indoors

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

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment Sunday 23:00 - 00:00
St Patrick's Day (17th March) 23:00 - 02:00

From 23:00 - 03:00 on no more than 12 occasions per calendar year if permission granted by the Police and Licensing Authority for extended alcohol hours.

Late Night Refreshment Thursday to Saturday 23:00 - 02:00
St Patrick's Day (17th March) 23:00 - 02:00

From 23:00 - 03:00 on no more than 12 occasions per calendar year if permission granted by the Police and Licensing Authority for extended alcohol hours.

Late Night Refreshment New Years Eve to New Years Day 23:00 - 05:00
St Patrick's Day (17th March) 23:00 - 02:00

From 23:00 - 03:00 on no more than 12 occasions per calendar year if permission granted by the Police and Licensing Authority for extended alcohol hours.

Live Music Sunday 20:00 - 00:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00

St Patrick's Day (17th March) 20:00 - 02:00

Live Music	Thursday to Saturday	20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Live Music	Bank Holidays	20:00 - 23:30
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Live Music	Boxing Day	20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Live Music	Christmas Eve	20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Live Music	New Years Eve	20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Facilities for dancing	Sunday	20:00 - 00:00
Facilities for dancing	Thursday to Saturday	20:00 - 02:00
Facilities for making music	Sunday	20:00 - 00:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Facilities for making music	Thursday to Saturday	20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Facilities for making music	Bank Holidays	20:00 - 23:30
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Facilities for making music	Boxing Day	20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Facilities for making music	Christmas Eve	20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Facilities for making music	New Years Eve	20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Sale by Retail of Alcohol	Sunday	12:00 - 00:30
From the start of permitted hours until 02:00 on St Patrick's Day (17th March) and 11:00 - 00:00 if Christmas Day falls on a Sunday.		

From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day.

From 06:00 until the beginning of standard hours or until 03:00 on no more than 12 occasions per calendar year. These extensions for alcohol may only take place if 7 days notice is given to the police and the Licensing Authority and only if the police give their consent.

Sale by Retail of Alcohol	Monday to Saturday	10:00 - 02:00

From the start of permitted hours until 02:00 on St Patrick's Day (17th March) and 11:00 - 00:00 If Christmas Day falls on a Sunday.

From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day.

From 06:00 until the beginning of standard hours or until 03:00 on no more than 12 occasions per calendar year. These extensions for alcohol may only take place if 7 days notice is given to the police and the Licensing Authority and only if the police give their consent.

Recorded Music	Sunday	20:00 - 00:00

On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

Recorded Music	Thursday to Saturday	20:00 - 02:00

On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

Recorded Music	Bank Holidays	20:00 - 23:30

On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

Recorded Music	Boxing Day	20:00 - 02:00

On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

Recorded Music	Christmas Eve	20:00 - 02:00

On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

Recorded Music	New Years Eve	20:00 - 02:00

On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

The opening hours of the premises

Monday	10:00 - 02:30
Tuesday	10:00 - 02:30
Wednesday	10:00 - 02:30
Thursday	10:00 - 02:30
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	12:00 - 01:00

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

Alcohol is supplied for consumption both on and off the Premise

Name, (registered) address of holder of premises licence

The City Pub Company (East) Plc
9 Phene Street
London
SW3 5NY

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

Registered Business Number 07814568

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Richard O'Mahony

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

Children will only be allowed entry to the premises when accompanied by an adult to partake in a meal. Children will not be permitted on the premises between 23:00 and 05:00.

NORWICH City Council

Schedule 12

Regulation 33,34

Premises Licence

Premises Licence Number	14/01605/PREMTR

Part 1 – Premises Details

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

Delaneys
39 - 41 St Andrews Street
Norwich
NR2 4TP

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Late Night Refreshment
Live Music - Activity takes place indoors
Facilities for dancing - Activity takes place indoors
Facilities for making music - Activity takes place indoors
Sale by Retail of Alcohol - Activity takes place indoors
Recorded Music - Activity takes place indoors

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

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment Sunday 23:00 - 00:00
St Patrick's Day (17th March) 23:00 - 02:00

From 23:00 - 03:00 on no more than 12 occasions per calendar year if permission granted by the Police and Licensing Authority for extended alcohol hours.

Late Night Refreshment Thursday to Saturday 23:00 - 02:00
St Patrick's Day (17th March) 23:00 - 02:00

From 23:00 - 03:00 on no more than 12 occasions per calendar year if permission granted by the Police and Licensing Authority for extended alcohol hours.

Late Night Refreshment New Years Eve to New Years Day 23:00 - 05:00
St Patrick's Day (17th March) 23:00 - 02:00

From 23:00 - 03:00 on no more than 12 occasions per calendar year if permission granted by the Police and Licensing Authority for extended alcohol hours.

Live Music	Sunday	20:00 - 00:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Live Music	Thursday to Saturday	20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Live Music	Bank Holidays	20:00 - 23:30
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
Live Music	Boxing Day	20:00 - 02:00
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Live Music	Christmas Eve	20:00 - 02:00
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Live Music	New Years Eve	20:00 - 02:00
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Facilities for making music	Sunday	20:00 - 00:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00 St Patrick's Day (17th March) 20:00 - 02:00		
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Sale by Retail of Alcohol	Sunday	12:00 - 00:30
From the start of permitted hours until 02:00 on St Patrick's Day (17th March) and 11:00 - 00:00 if Christmas Day falls on a Sunday.		

From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day.

From 06:00 until the beginning of standard hours or until 03:00 on no more than 12 occasions per calendar year. These extensions for alcohol may only take place if 7 days notice is given to the police and the Licensing Authority and only if the police give their consent.

Sale by Retail of Alcohol Monday to Saturday 10:00 - 02:00
From the start of permitted hours until 02:00 on St Patrick's Day (17th March)
and 11:00 - 00:00 if Christmas Day falls on a Sunday.

From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day.

From 06:00 until the beginning of standard hours or until 03:00 on no more than 12 occasions per calendar year. These extensions for alcohol may only take place if 7 days notice is given to the police and the Licensing Authority and only if the police give their consent.

Recorded Music Sunday 20:00 - 00:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

Recorded Music Thursday to Saturday 20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

Recorded Music Bank Holidays 20:00 - 23:30
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

Recorded Music Boxing Day 20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

Recorded Music Christmas Eve 20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

Recorded Music New Years Eve 20:00 - 02:00
On occasional Sunday afternoons and Bank Holidays 14:00 - 18:00
St Patrick's Day (17th March) 20:00 - 02:00

The opening hours of the premises

Monday	10:00 - 02:30
Tuesday	10:00 - 02:30
Wednesday	10:00 - 02:30
Thursday	10:00 - 02:30
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	12:00 - 01:00

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

Alcohol is supplied for consumption both on and off the Premise

Part 2

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

The City Pub Company (East) Plc
9 Phene Street
London
SW3 5NY

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

Registered Business Number 07814568

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

Mr Richard O'Mahony
37 Great Windmill Street
London
W1D 7LU

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

Party Reference: 05/05874/LIPERS Licensing Authority: City of Westminster

Annex 1 – Mandatory conditions

1 No supply of alcohol may be made under a premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3 Where, at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

4 The following are not prohibited:

a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

b) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

c) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

d) The sale of alcohol to a trader or club for the purposes of the trade or club;

e) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

f) The taking of alcohol from the premises by a person residing there; or

g) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

h) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

5 There will be no discounted pricing policy for intoxicating liquor and no 'Happy Hour' shall be operated.

PROPOSED CHANGES AS PER VARIATION

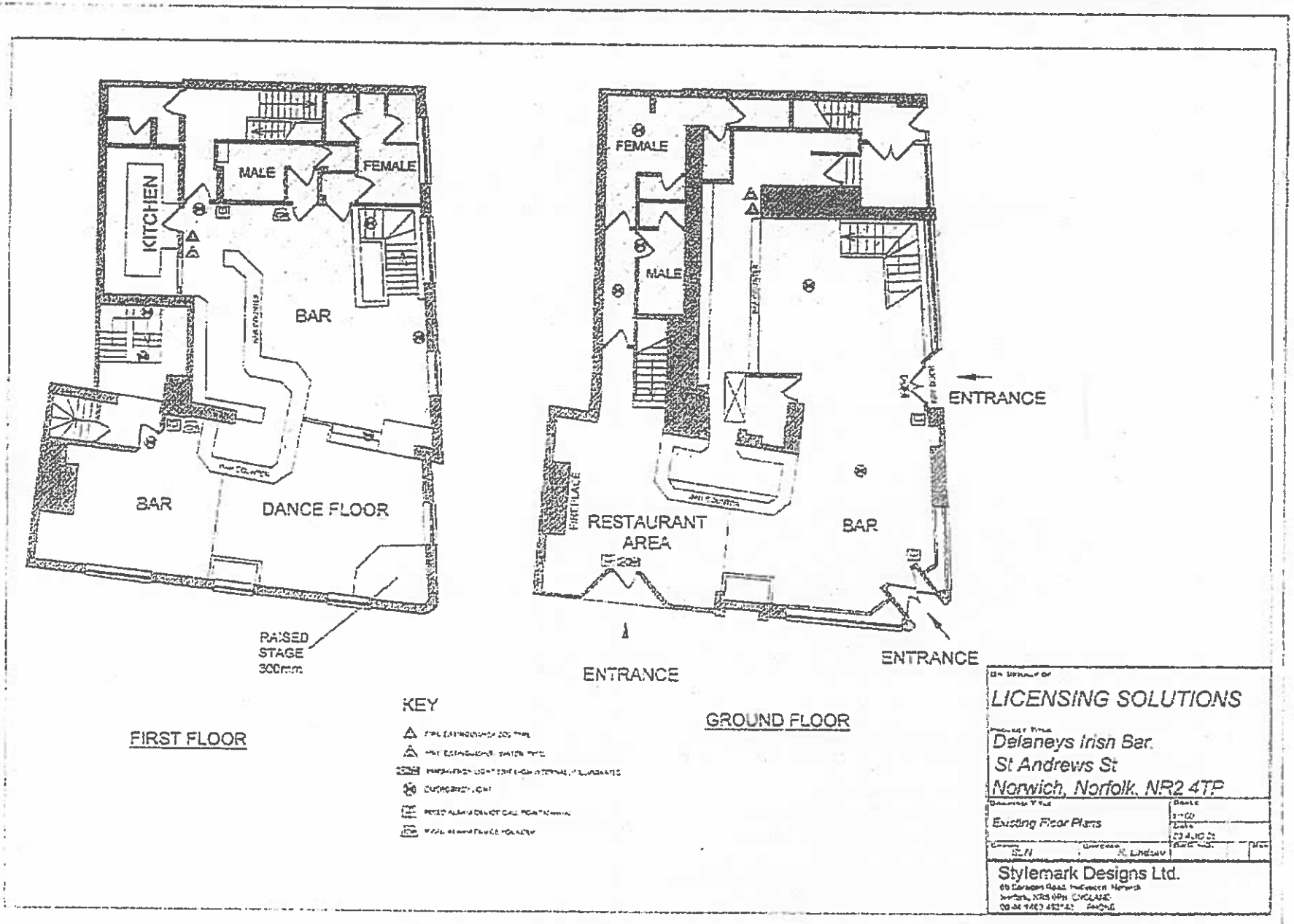
T206 / 10..

Annex 2 – Conditions consistent with the Operating Schedule

1 **The Prevention of Crime and Disorder**
2 Text / radio pagers will be inoperation at the premises in conjunction with the police.
3 Door supervisors will be employed at the premises when regulated entertainment is being provided.
REPLACE → 4 The Portman Proof of Age Scheme will be in operation at the premises.
5 No drink promotions will be offered at the premises.
6 Suitably worded signage in relation to the admission of children and the consequence of any non compliance shall be on display at the premises.
7 Installation and operation of an adequate CCTV system covering inside and the entry and exits points.
8 Sufficient appropriately trained staff will be working to be able to monitor customers coming in and their actions and behaviour inside and also to be available to manage departure of customers (in addition to those needed to serve alcohol and general running of the business etc).
9 The Designated Premises Supervisor will be a member of Norwich Pubwatch and Norwich Licensing Forum and Designated Premises Supervisor or appropriate representative to attend minimum of 3 meetings of each group per year.
AMEND → 10 At least one SIA trained Door Supervisor on duty on Friday, Saturday and Sunday evenings with ability to screen customers coming in, manage behaviour inside to prevent incidents and drunkenness and to manage dispersal by marshalling, standing at the door as people leave.
11 A NO ID,NO ENTRY policy will be in operation for those persons that appear to be under 21 at times when door supervisors are in operation.
12 **Public Safety**
13 Ongoing risk assessments for health and safety and fire prevention will be in place for the premises.
14 Portable Appliance Testing of all electrical equipment will be undertaken for the premises.
15 Occupancy figures will be clearly adhered to.
16 The fire alarm will be tested regularly.
17 Fire exits will be clearly marked.
18 Toughened glass will be used whenever possible.
19 A trained first aider will always be available when the premises are open to the public.
20 There will be ongoing training of staff.
21 **The Prevention of Public Nuisance**
22 Customers will be encouraged to wait inside for taxis.
23 Signs will be affixed at the entrance to the premises reminding customers to leave quietly and not to disturb local residents.
24 A noise limiter will be in operation at the premises.
25 External and security lighting will be in use during operating hours.
26 All doors and windows will be kept closed after 22:00.
27 There will be ventilation in the kitchen to prevent cooking odours escaping.
28 Regular checks will be made by staff to ensure that local residents cannot hear noise from the premises.
29 Receptacles will be placed at exits to ensure customers do leave with bottles and / or cans.
30 **The Protection of Children From Harm**
31 Children will only be allowed entry to the premises when accompanied by an adult to partake in a meal and adult(s) will be required to maintain constant supervision of them.
32 Children will not be permitted on the premises between 23:00 and 05:00.

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

Annex 4 – Plans


KITCHEN
MALE
FEMALE
BAR
BAR
DANCE FLOOR
RAISED STAGE 300mm
FIRST FLOOR
FEMALE
MALE
ENTRANCE
RESTAURANT AREA
BAR
ENTRANCE
ENTRANCE
GROUND FLOOR
KEY
LICENSING SOLUTIONS
Delaneys Irish Bar
St Andrews St
Norwich, Norfolk, NR2 4TP
Existing Floor Plans
1:50
Stylemark Designs Ltd.

APPENDIX D

Bennett, Rachel

From: ies

Sent: 25 February 2015 16:14
To: Licensing
Subject: Statement of objection to an application for a premises licence
Attachments: Objection to application for Delaneys premises license.pdf

Dear Mr Streeter

Re: Delaneys 39-41 St Andrews Street, Norwich NR2 4TP

As adjoining neighbours to the above property, I have attached our statement of objection to the application for proposed changes to the premises licence.

I saw an article in the EDP recently suggesting that the proprietors of Delaneys are planning that with the new refurbishment of the building and rebranding, they will be changing the reputation of their business and moving the focus more towards food and craft ales. Whilst we would support a venture that would add to the cultural offer of the city centre, these proposed new opening hours are completely at odds with a venture of this sort. A licence that serves alcohol until 2am on weekdays will not be appealing to members of the public who are looking for an evening out to enjoy good food.

We have serious concerns about how granting this licence will affect this area of Norwich and the detrimental impact it will have on our business and office premises.

I look forward to hearing how this progresses.

Best wishes,

Sian Davies
Development Manager

HUDSON Architects
37 St Andrews Street
Norwich NR2 4TP

RECEIVED
25 FEB 2015
LICENSING OFFICE

Norwich City Council Licensing Authority
Licensing Act 2003

RECEIVED
25 FEB 2015
LICENSING OFFICE

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

Your name/organisation name/name of body you represent (see note 1)	Hudson Architects
Postal address	37 St Andrews St
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Delaneys
Address of the premises you wish to support or object to.	39-41 St Andrews St

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

Licensing Objective	*Please set out your support or objections below. Please use separate sheets if necessary*
To prevent crime and disorder	Objection: Concern for the safety of our property (incl. large glass window) if people are drinking late into the night.
Public safety	These proposed opening hours are similar to Prince of Wales road and this will provide an overspill venue. We are concerned this will also bring the violence and disorder associated with that area.
To prevent public nuisance	Our staff arrive early in the morning and if this venue has only closed a few hours before on weekdays we are concerned about the mess created by drinkers outside our offices.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Reasonable closing times, particularly mid-week in line with other businesses in the city centre.

Signed:

Date: 24th Febmary 2015

Please see notes on reverse

John Spinks

37 Friars Quay, Norwich, Norfolk NR3 1ES

Licensing
Norwich City Council
St Peter's Street
Norwich

RECEIVED
25 FEB 2015
LICENSING OFFICE

25/02/2015

Re: Delaneys

Objection

Dear Sir,

Public Nuisance

During 2006, 2007 and 2008 when I was regularly having my sleep disturbed 5 nights a week by various sources of noise I would go out in the early hours and find the source of the noise. I would follow the clients of Delaney's into the historic residential heart of the city carousing, singing and shouting their way to the next destination, often stopping off in the park/playground to disturb me. I have measured the sound levels in the past and this leads me to believe they are at levels that would constitute a statutory nuisance.

The changes proposed will encourage these events again.

Door supervisors play an important role in quietening dispersals and the noise limiter discourages excessive drunkenness. (If you do not understand this contact me and I will explain it to you.) These things are not widely understood by the general public and I have been unable to communicate them owing to illness.

These late licenses are not suitable for the historic residential heart of the city which St. George's forms a part of, as the City Plan has recognised.

The licenses in St. George's should support the important cultural assets in the street offering meals and pre/post show drinks, not extending the late night zone into a residential area, who's clients are unlikely to visit the cultural attractions, the licences and licensees need to respect the residents need for restorative sleep.

This licence variation will further damage my health and wealth.

Yours sincerely,

John Spinks

15. The representations received appear primarily to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The sub-committee is directed to paragraphs 20 and 24 of the local licensing policy at appendix B which contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.

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

APPENDIX E

Local Policy considerations

1.0 Introduction

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

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

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

2.0 Consultation and Links to other Policies and Strategies

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

3.0 Applications for Licences

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

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

4.0 Representations

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

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

4.2 The council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.

4.3 A representation will only be accepted by the council if it is ‘relevant’, 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. Representation’s, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the council.

5.0 Conditions attaching to Licences

5.1 Where relevant representations are made, the council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.

5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are appropriate for the promotion of the licensing objectives.

8.0 The Impact of Licensed Premises

8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:

- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
- the proposed hours of operation;
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises including the location of customer entrances and exits;
- the provision of toilet facilities;
- the frequency of the licensable activity.

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

13.0 Management of Licensed Premises

13.1 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a premises supervisor must be designated (designated premises supervisor) and such person must be in possession of a current personal licence. The licensing authority will normally expect the designated premises supervisor [DPS] to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the licensing authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

13.2 The act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times and have a duty to comply with the terms of the licensing act and any conditions, including the matters set out in the premises' operating schedule, in order to promote the licensing objectives. To that end, the licensing authority will be mindful of the guidance issued by the secretary of state, which recommends that a personal licence holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the act and the designated premises supervisor/personal licence holder remain ultimately responsible for ensuring compliance with the act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement.

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

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

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

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

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

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

Underage drinking

Drunkenness on premises

Public drunkenness

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

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

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

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

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

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

Effective and responsible management of premises;

Training and supervision of staff;

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

Provide sufficient seating for customers;

Patrols of staff around the premises;

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

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

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

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

Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;
Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;
Provision of effective CCTV in and around premises;
Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;
Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;
Provision of toughened or plastic drinking vessels and bottles;
Provision of 'bottle bins' inside the premises and near exits;
Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;
Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;
Provision of litterbins and other security measures, such as lighting, outside premises;
Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;
Responsible advertising;
Distribution of promotional leaflets, posters etc;
Drug Seizure Kits (available from Norfolk Police Operation Enterprise);

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

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

Implement a dispersal policy;

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

24.0 Objective - prevention of public nuisance

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION E - Hours of Trading

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

APPENDIX F

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 27 March 2015	**Item**
Report of	Head of citywide services	4
Subject	Licensing Act 2003: Application for the Grant of a Premises Licence – 17 Colegate Norwich NR3 1BN	

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 17 Colegate Norwich NR3 1BN following the receipt of relevant representations.

Recommendation

That Members determine the application to grant a Premises Licence in respect of 17 Colegate Norwich NR3 1BN in accordance with the:

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

Corporate and service priorities

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

Financial implications

None.

Ward/s: All wards

Cabinet member: Councillor Harris – Customer services

Contact officers

Ian Streeter, licensing manager 01603 212761

Background documents

None

Report

The application

1. The applicant is James Edward Clark 17 Colegate Norwich NR3 1BN.

2. The application seeks to allow the licensable activity of the sale by retail of alcohol.

3. The proposed standard days and hours for the licensable activity are:

   the sale by retail of alcohol (for consumption on the premises)

Monday	11:00 –22:00
Tuesday	11:00 –22:00
Wednesday	11:00 –22:00
Thursday	11:00 –22:00
Friday	11:00 –22:00
Saturday	11:00 –22:00
Sunday	11:00 –22:00

4. The opening hours requested are:

Monday	11:00 – 22:00
Tuesday	11:00 – 22:00
Wednesday	11:00 – 22:00
Thursday	11:00 – 22:00
Friday	11:00 – 22:00
Saturday	11:00 – 22:00
Sunday	11:00 – 22:00

5. The steps proposed to promote the licensing objectives together with a plan of the premises are attached at appendix A to the report.

Relevant representations

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

   Police – no representations.

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

7. Three representations objecting to the application have been received from local residents with concerns which appear primarily to relate to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Copies of these representations are attached at appendix B to the report.

8. One representation has been received in support of the application from a local organisation and this is attached at appendix C to the report.

Norwich City Council Statement of Licensing Policy

9. Attached at appendix D 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)

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

Summary

11. 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.

12. 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

13. 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.

14. The representations received appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The sub-committee is directed to paragraphs 20 and 24 of the local licensing policy at appendix D 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.

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

APPENDIX A

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

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

b) The prevention of crime and disorder

NUMBER17 WILL ADOPT CHALLENGE 21 ALL STAFF WILL BE TRAINED TO CHECK ACCREDITED PROOF OF AGE CARDS.
ALL GLASSES WILL BE COLLECTED REGULARLY AND NO GLASSES ~~WILL~~ OR BOTTLES WILL BE ALLOWED TO LEAVE THE PREMISIS.
ALL ADVERTISING WILL BE RESPONSIBLE AND IT IS NOT INTENDED THAT THE BUSINESS WILL SELL DISCOUNTED ALCOHOL

c) Public safety

AS AN EXISTING BUSINESS FIRE SAFETY, RISK ASSESSMENTS AND PUBLIC LIABILITY INSURANCES ARE IN PLACE.
THE CUSTOMERS WILL ALL BE SEATED. THE BREAKFAST ROOM CAN SEAT A MAXIMUM OF 30 CUSTOMERS AND THE COURTYARD AREA SEATS A MAXIMUM OF 25 PEOPLE. THESE FIGURES CAN NOT BE EXCEEDED DUE TO THE NATURE OF WHAT IS SERVED.

d) The prevention of public nuisance

MUCH OF COLEGATE AND THE SURROUNDING AREA IS RESIDENTIAL. DUE TO THE REGULAR OPENING HOURS (11:00 - 18:00) IT IS NOT EXPECTED THAT NUMBER 17'S CUSTOMERS WILL MAKE A NEGATIVE IMPACT ON THE LOCAL AREA.
WHEN THE VENUE IS BOOKED FOR A PRIVATE PARTY STAFF WILL ASK CUSTOMERS TO RESPECT THE NEIGBOURS & BED & BRECKFAST CUSTOMERS WHEN LEAVING.
NO GLASSES OR BOTTLES WILL BE ALLOWED TO LEAVE THE PREMISIS SO LITTER SHOULD NOT BE AN ISSUE. SMOKING WILL BE PERMITTED IN THE COURTYARD BUT NOT OUTSIDE THE FRONT OF THE BUILDING.

e) The protection of children from harm

CHILDREN UNDER THE AGE OF 14 WILL NOT BE ADMITTED UNACOMPANIED BY AN ADULT.
ADOPTION OF CHALLENGE 21 POLICY
TRAIN STAFF TO BE VIGILANT AND OBSERVE EXCESSIVELY DRUNK ADULTS IN THE VACINITY OF CHILDREN. IF NECESSARY ASKING THE ADULT TO VACATE THE PREMISIS.
FAMILIES ARE PART OF OUR TARGET AUDIANCE AND THE PROTECTION OF CHILDREN WILL BE TAKEN VERY SERIOUSLY.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☑
- I have enclosed the plan of the premises. ☑
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☑
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☑
- I understand that I must now advertise my application. ☑
- I understand that if I do not comply with the above requirements my application will be rejected. ☑

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	09/02/2015
Capacity	OWNER / SUPERVISOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

RECEIVED
-9 FEB 2015
LICENSING OFFICE

Area to be licenced hatched in green

Page 57 of 80

17 Colegate, Norwich

Fire Exits GF Plan

Job Number	0436/ 07
Dwg. Number	50
Scale	
Date	July 09

Clark

CSA(Architects) Design Studio
01953 888505

APPENDIX B

Jody Ellis
19B Colegate
Norwich
NR3 1BN

CORPORATE RESOURCES
27 FEB 2015
POST ROOM

25 February 2015

Norwich City Council
Licensing Section
City Hall
St Peter Street
Norwich
NR2 1NH

RECEIVED
27 FEB 2015
LICENSING OFFICE

Dear Sir/Madam

Licensing Application Number 17 Colegate NR3 1BN

Thank you for your recent letter regarding the above. I attach a copy of my completed Statement of Objection to the application for a premises licence of the above premises.

I have also forwarded it by email.

Although I feel very strongly about this application, I regretfully wish to advise it is unlikely I can attend any meeting to discuss this as I will be away overseas from late March until late May. I would be most happy to attend any application hearing if it takes place outside those months. Is it possible I may send a proxy to support my objection on my behalf if the hearing is scheduled during that time?

Yours faithfully

Jody Ellis

Norwich City council Licensing Authority
Licensing Act 2003

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

RECEIVED
27 FEB 2015
LICENSING OFFICE

Your name/organisation name/name of body you represent	Jody Ann Ellis
Postal Address	[redacted]
Email address	[redacted]
Name of the Premises you wish to support or object to	Number 17
Address of the Premises you wish to support or object to	17 Colegate Norwich NR3 1BN

Your Support or Objection must relate to one of the four Licensing Objectives (see note 2).

To Prevent crime and disorder

Currently there are already a large number of establishments within a 5 minute walk which are licensed to sell alcohol. Some already have door staff at peak times to prevent already acknowledged issues of crime and disorder (The Mischief, The Lawyer, Weatherspoons).

No 17 is located within a discrete residential area of some character and I believe another licensed premises close to other licensed premises is likely to bring extra and unwelcome behaviour from the same customers. It would encourage a drinking public into a residential area already very well and appropriately catered for by businesses close by who, by the presence of these door staff, clearly have to regularly prevent and address issues of crime and disorder by their customers.

There is an alleyway leading to residential properties alongside No. 17 which is often littered with cigarette butts, used as a urinal and littered with other rubbish and debris left by the passing public. Bringing more people to consume alcohol at No. 17 has a very real potential to increase the unhygienic and antisocial behaviour apparent in this alleyway.

Public Safety

Large numbers of taxis and other transport utilise Colegate to drop off and collect vulnerable clients from the neighbouring social services and any increase in the daily customers at No. 17 would compromise and make this both dangerous and potentially harmful by adding to this congestion. Currently the small numbers of B&B customers do not present the same degree of risk that customers of a licensed premises accessing the premises in larger numbers throughout the whole day would.

Colegate is a very highly used pedestrian area with extremely narrow footpaths. Currently there are safety issues with pushchairs, mobility scooters and pedestrians trying to pass on these footpaths and any increase in ingress and egress by the extra people drawn to a licenced premises at No. 17 will pose further issues at this pinch point. No. 17 opens directly onto the footpath with little room, so extra customers leaving or arriving at No 17 may force other pedestrians onto the road behind the parking bays to give enough room for more than two people to pass each other.

Cars also often pull over at this point to allow oncoming vehicles past. I believe there is a clear issue of public safety because of the lack of space for numbers of people to safely access and leave the premises without causing a risk to those using the public footpath and roadway directly outside.

Disabled drivers accessing the Voluntary Centre and other social services nearby routinely park directly outside No. 17 on the single yellow lines. Their requirement to have sufficient room to access their vehicles at this point would be severely compromised if there were any increase in the numbers of people entering or leaving No. 17.

To prevent public nuisance

Currently the clearly audible noise from the customers of No. 17 is kept within reason and is well tolerated by the local residents. Selling alcohol to a wider clientele and an increase in the numbers of people using the smoking shelter and garden area will increase this noise substantially seven days a week from 11am to 10pm (and possibly drinking for longer if the alcohol is purchased before 10pm). Local residents will no longer be able to enjoy the relative quiet of this area and will have few options to protect themselves from this extra noise and clientele, especially during the summer when more people will be outside drinking or smoking.

The disposal of large quantities of empty bottles into recycling bins from licensed premises also causes unnecessary noise (often in the early morning or late evening by cleaning staff), and I believe this will also cause a public noise nuisance to the neighbouring residential properties. (This poses a daily issue to the residents of Fishergate who live close to licensed premises.)

Many of the residential buildings nearby are high level and look over the garden at No 17 and the tall, hard surfaces surrounding No. 17's neighbours both amplify any noise and make it impossible to reduce its effects. The increase in noise levels created by the change of use to a licensed premises would create a public nuisance to the surrounding neighbours.

There is currently a very difficult parking situation in the whole of Colegate at all times with very high numbers of tickets being written throughout the day. Expanding the clientele of No. 17 by providing licensed premises is likely to increase the public nuisance of illegal parking. The nearby carpark has no effect on the parking problems as they have been ongoing for a number of years.

To protect children from harm

There are a number of social service businesses such as the Volunteer Centre, Assist Trust, Women's Centre, a Sunday School and Eating Disorders Clinic within extremely close proximity of No. 17. Both the selling of alcohol and the extra public and traffic it will draw to this area is both highly inappropriate and poses an unnecessary and unacceptable risk to the vulnerable people and children utilising these facilities. There is risk from both any extra traffic and potential inappropriate behaviour from drinking customers towards the wide variety of people requiring special care, including children, who will be expected to share the same geographic location as a business advertising and providing the sale and consumption of alcohol on the premises.

Large numbers of taxis and other transport drop off and collect many disabled children and/or clients with special needs in Colegate and an increase in the daily customers at No. 17 would further compromise the traffic flow in Colegate, increasing the dangers and potentially harmful situation this regular vehicle access necessitates.

There is a now a school at the far end of Colegate and this has substantially increased the number of children both as pedestrians and passengers in the street. The relatively small numbers of No. 17's B&B customers are generally out during the day, arrive/depart during daylight. Encouraging more customers by offering licensed premises in this street will bring an increased risk of traffic

danger to school children, not just from an increase in traffic, but by encouraging more people into an already narrow street shared very closely by large numbers of pedestrians and cars.

The surrounding residential buildings do not allow a lot of air flow and currently smells from residents smoking and from cooking breakfast in the mornings are apparent in still weather to near neighbours. If there is any increase in the use of the outside smoking shelter, the risk of lingering second hand smoke in the air nearby may well pose a risk to neighbours, most especially to children playing outside in the gardens.
http://ehp.niehs.nih.gov/1205806/ (Accessed 25/2/2015)

Please suggest any conditions which would alleviate your concerns:

Alcohol only to be served/sold with food to paying overnight customers of the existing Bed and Breakfast business and/or no dining or drinking outside.

Any bottle disposal/recycling to be undertaken at reasonable times.

No alcohol to be allowed outside in smoking areas.

Please note: This business has been advertised for sale as having the potential for the incorporation of a bar/cafe and this licensing application should be considered/assessed holistically in light of this publicly advertised intention of a change of use/expansion.

http://www.rightmove.co.uk/commercial-property-for-sale/property-47635564.html/svr/2714;jsessionid=D7A65EA8D328D6BED2A68D8A82FEF18C (Accessed 26/2/2015)

"Business History
Vendor Direct is delighted to offer for sale this popular bed and breakfast business, which was established by our clients in 2009 and is only now offered to the market due to our clients' wish to retire. The premises are well-equipped to suit the trade with 8-letting rooms all finished to a high standard and with en-suite bathroom facilities, a large lounge area with tables and chairs for up to 20 covers, Jacuzzi room and courtyard to rear. The premises boast 1-bedroom owners' accommodation with en-suite bathroom with bath, shower, WC and wash hand basin. The business has an excellent reputation, boasts 4 star rating from enjoyengland.com and is proud of its high quality breakfast menu. The bed and breakfast benefits from ***a high footfall*** *of tourists visiting the area along with being situated close to the city centre. The business enjoys a loyal customer base and enjoys many word of mouth recommendations. The bed and breakfast generates a turnover in the region of £110,000 per annum with a gross profit of 80%.* ***We feel this could be further increased by offering café services during the day. There is also the opportunity to apply for an alcohol licence and establish a bar service. This is an ideal opportunity to acquire an already popular bed and breakfast with 1-bedroom owners' accommodation and huge scope for future development.*** *Early negotiations with Vendor Direct must come highly recommended."*

Signed:

Date: 25/2/2015

Organisational Development
06 MAR 2015
Post Room

19A Colegate
Norwich
NR3 1BN

6 March 2015

Norwich City Council
Licensing Section
City Hall
St Peter Street
Norwich NR2 1NH

RECEIVED
-6 MAR 2015
LICENSING OFFICE

Dear Sirs

REF; YOUR LETTER 13/2/15 15/00252/PREM
NUMBER 17, 17 COLEGATE NORWICH NR3 1BN
LICENSING ACT 2003 PREMISES LICENCE NEW.

In reply to your letter regarding a proposed alcohol licence to Number 17, Colegate.
I live adjacent to No 17 on Meeting House Alley, the alley itself separating the two premises.
I do object to the proposed licence and enclose a Statement of Objection giving my reasons why.
No doubt you will inform me of the date of the meeting of the Authority's Licensing Sub-Committee which I hope to attend.

Yours faithfully

(Mrs) R Vanstone.

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.	Mrs Rosemary Vanstone
Postal address	19A Colegate Norwich NR3 1BN
Email address	[redacted]
Contact telephone number	01603 764735
Name of premises you wish to support of object to	No 17
Address of the premises you wish to support or object to	17 Colegate, Norwich NR3 1BN

TO PREVENT CRIME AND DISORDER

Within walking distance of Colegate there are even now establishments who find it necessary to have bouncers on the door to prevent or deal with any trouble. On Colegate itself there are already two establishments which serve alcohol. We have to deal with graffiti, dropping of litter and cigarette buts, vandalism (I have had a window broken by two drunks arguing) anything left outside is stolen IE plants outdoor chairs and once I found a hypodermic needle on my property. The alley is often used an a urinal or worse and quite a handy place to throw up.
Within the last few months the lights in the alley which runs adjacent to no 17 have been faulty, two weeks ago all the lights in the alley went out and the alley was in complete darkness for a week before City Council did anything about it and that took four phone calls from me. As a pensioner who lives alone I would feel very vulnerable in having a licensed premises virtually next door to me. Surely the idea of having nightclubs etc at Riverside was to do away with all the trouble which comes with drinking on Friday and Saturday nights in this historic part of the City.

PUBLIC SAFETY

Colegate is very congested road with narrow pavements. There is a Nursery for young children two doors down from No 17, there is a Social Services centre for vulnerable people with taxis picking them up and dropping them off. There is a new school at the end of Colegate which is being expanded year by year with no doubt parents picking up and dropping off their children. If the premises are turned into a bar or restaurant this congestion both on the road and the pavements is likely to get much worse.

TO PREVENT PUBLIC NUISANCE

All the things I have quoted in the section of crime and disorder above, although minor crimes, are also a public nuisance. The Meeting House which is at the end of the alley is a Grade 1 listed building and all the other houses in the alley are grade 2 listed buildings. Meeting House Alley is adjacent to No 17 and is visited by many tourists and is on the route of the historic walks from the Forum. Yet most weeks I have to clear away cigarette buts, polystyrene containers and rubbish from the alley. A licensed premises next door is only likely to make matters worse.
On a personal note the cooking smells from breakfast are very strong and if a restaurant was to be opened these would be there all day inhibiting the enjoyment of sitting outside on a sunny day and wafting into our homes. Also as there is a smoking area outside already if alcohol is to be served it is likely to be quite noisy well into the evening.
There is also the parking situation, Colegate is already congested and this would likely to get worse.

TO PROTECT CHILDREN FROM HARM

If this licence is allowed it is likely that there will be smoking and alcohol served all day outside. I do not want the risk of my grandchildren being harmed by passive smoking which is likely to drift over the wall to my courtyard where they often play. Let alone be affected by it myself particularly as I have never smoked and find the smell offensive.

PLEASE SUGGEST ANY CONDITIONS WHICH WOULD ALLEVIATE YOUR CONCERNS.

I have been made aware that the business in No 17 is up for sale. Included in the sale details is the following extract:-

We feel this could be further increased (i.e. turnover) by offering café services during the day. There is also the opportunity to apply for an alcohol licence and establish a bar service...

I feel that the reason for the application of an alcohol licence is being made to maximise profits on a potential sale and this does not seem to me a valid reason to grant it. The application is much too open ended and as a long term resident of the area I am very concerned about the sale of alcohol in this end of Colegate which is mainly a residential area particularly as we have no idea how this licence is to be used.

Signed..... **Date**.....6/3/15.....

Bennett, Rachel

From: [redacted]
Sent: 09 March 2015 13:55
To: LICENSING
Subject: Objection to Licence Application to 17 Colegate NR3 1BN
Attachments: Representation form completed.pdf; Objection to 17 Colegate.pdf

Dear Licensing,
Please find attached our objection to the licence application submitted by
17 Colegate NR3 1BN
PLease can you confirm receipt of this email.

Norwich City Council
Licensing Authority
Licensing Act 2003

NORWICH City Council

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

Your name/organisation name/name of body you represent (see note 1)	Gillian McArthur and Stephen Tring
Postal address	17a The Old Hall, Old Meeting House Yard Colegate NR3 1BW
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Number 17, 17 Colegate NR3 1BN
Your support or objection must relate to one of the four licensing objectives (see note 2)	
Licensing objective	**Please set out your support or objections below. Please use separate sheets if necessary.**
To prevent crime and disorder	

Gillian McArthur
17a Colegate The Old Hall, Old Meeting House Yard, Colegate NR3 1BW

Norwich City Council
Licensing section
City Hall
St Peter Street
Norwich
NR2 1NH

Monday, March 9, 2015

Dear Licensing Section,

Application for a licence to serve alcohol at 17 Colegate Norwich NR3 1BN

This is an historic part of the city and the north side of Colegate is a residential area. The bed and breakfast premises presently has bedrooms sited off a courtyard area and access is through an external courtyard. The courtyard of 17 Colegate, runs parallel with the path leading from Colegate to The Old Meeting House and Churchyard Gardens.

The Meeting House is a Grade 1 Listed building.

The courtyard also faces the front of the five houses sited on Old Meeting House Yard. These houses have their only amenity space and main living space to the front of the property. A licensed courtyard will be intrusive and cause conflict between residents and 17 Colegate.

Local residents have been tolerant when there have been large numbers of guests, wedding parties for example, where people have congregated in the courtyard because it is a relatively infrequent disturbance and most guests are considerate of local residents. A licensed premises will present this problem throughout the summer and winter also if a smoking area is provided.

A licensed premises would require an area for the delivery of bottles and kegs, storage and emptying of glass recycling into bins, bottles and any additional goods required to run a licensed premises and this additional use will create noise and disturbance in what is primarily a residential area.

The setting of The Old Meeting House is of historic importance to the city. It is an area where locals and tourists gravitate for tranquility, worship and contemplation in the Meeting House and gardens. Visitors arriving at the entrance often stand to take in the vista and take time to admire both the view and historic wall which runs the length of the yard. The Pil house, part of the Old Meeting House, also has a garden area which is used for classes and readings by those worshipping in the building. The intrusion of the noise and cigarette smoke from an external drinking area would be detrimental to this space.

An application for a license to serve alcohol at 17 Colegate should consider the rear courtyard area. This area is used to serve refreshments at the moment, and the drinking of alcohol would inevitably occur here. We object to the application on the grounds of Public Nuisance and the detriment to the setting of a Grade 1 Listed building.

Yours sincerely Gillian McArthur and Stephen Tring

APPENDIX C

Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development
09 MAR 2015
Post Room

RECEIVED
-9 MAR 2015
LICENSING OFFICE

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

Your name/organisation name/name of body you represent (see note 1)	4Women.
Postal address	18 Colegate, Norwich, NR3 1BQ
Email address	Rowena.Hagger-[redacted]
Contact telephone number	01603 252 130

Name of the premises you wish to support or object to	Number 17
Address of the premises you wish to support or object to.	17 Colegate, Norwich, NR3 1BQ

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

Licensing Objective	*Please set out your support or objections below. Please use separate sheets if necessary*
To prevent crime and disorder	I can not see this having any negative impact as there are nearby local pubs Therefore support.
Public safety	This would have no impact on public safety Therefore support.
To prevent public nuisance	I can not see this premises causing any support of public nuisance Therefore support.
To protect children from harm	N/A

Please suggest any conditions which would alleviate your concerns.	

Signed: Date: 27/2/15

Please see notes on reverse

APPENDIX D

Local Policy considerations

1.0 Introduction

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

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

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

2.0 Consultation and Links to other Policies and Strategies

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

3.0 Applications for Licences

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

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

4.0 Representations

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

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

4.2 The council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.

4.3 A representation will only be accepted by the council if it is ‘relevant’, 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. Representation’s, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the council.

5.0 Conditions attaching to Licences

5.1 Where relevant representations are made, the council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.

5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are appropriate for the promotion of the licensing objectives.

8.0 The Impact of Licensed Premises

8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:

- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
- the proposed hours of operation;
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises including the location of customer entrances and exits;
- the provision of toilet facilities;
- the frequency of the licensable activity.

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

13.0 Management of Licensed Premises

13.1 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a premises supervisor must be designated (designated premises supervisor) and such person must be in possession of a current personal licence. The licensing authority will normally expect the designated premises supervisor [DPS] to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the licensing authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

13.2 The act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times and have a duty to comply with the terms of the licensing act and any conditions, including the matters set out in the premises' operating schedule, in order to promote the licensing objectives. To that end, the licensing authority will be mindful of the guidance issued by the secretary of state, which recommends that a personal licence holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the act and the designated premises supervisor/personal licence holder remain ultimately responsible for ensuring compliance with the act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement.

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

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

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

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

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

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

Underage drinking

Drunkenness on premises

Public drunkenness

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

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

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

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

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

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

Effective and responsible management of premises;

Training and supervision of staff;

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

Provide sufficient seating for customers;

Patrols of staff around the premises;

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

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

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

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

Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;
Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;
Provision of effective CCTV in and around premises;
Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;
Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;
Provision of toughened or plastic drinking vessels and bottles;
Provision of 'bottle bins' inside the premises and near exits;
Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;
Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;
Provision of litterbins and other security measures, such as lighting, outside premises;
Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;
Responsible advertising;
Distribution of promotional leaflets, posters etc;
Drug Seizure Kits (available from Norfolk Police Operation Enterprise);

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

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

Implement a dispersal policy;

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

24.0 Objective - prevention of public nuisance

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION E - Hours of Trading

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

APPENDIX E

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.