

# **NORWICH CITY COUNCIL**

## **Report for Resolution**

**Report To** Licensing Sub-Committee

3 August 2009

**Report of** Head of Legal & Democratic Services

**Subject** Licensing Act 2003:  
Application for the Variation of a Premises Licence -  
The Castle PH 1 Spitalfields Norwich NR1 4EY

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### **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application to vary a Premises Licence in respect of The Castle PH 1 Spitalfields Norwich following the receipt of an Interested Party objection.

### **Recommendation**

That Members determine the application to vary a Premises Licence in respect of The Castle PH 1 Spitalfields Norwich in accordance with the:

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

### **Financial Consequences**

The financial consequences for this report are nil.

### **Corporate Objective/Service Plan Priority**

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

**Contact Officers**  
**Ian Streeter**

**Phone No 212439**

### **Background Documents**

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

## 1.0 The Application

- 1.1 The applicant is David Anthony Randle of The Castle PH 1 Spitalfields Norwich.
- 1.2 The premises currently hold a premises licence, the summary of which is attached to the report as Appendix A.
- 1.3 The conditions attached to the current premises licence are attached as Appendix B.
- 1.4 This variation application seeks to remove / amend the current premises licence conditions as follows:
  - Remove conditions 5, 7 to 46, 50 to 58 and 60 to 62 from Annexe 1 (mandatory conditions).
  - Amend condition 3 of Annexe 2 from:

*"The last admission time to the premises will be 23:00 on Monday – Wednesday and Sunday, and 00:30 on Thursday to Saturday"*

to

*"The last admission time to the premises will be 00:30 or 02:00 when door supervisors are in attendance".*
  - Amend condition 2 of Annexe 3 from:

*"The beer garden will not be used after 00:00 except that the two areas marked on the attached plan may be used for smoking only"*  
(The plan referred to is attached as Appendix C to the report)

to

*"The beer garden will not be used after 00:00 except for the areas marked on the attached plan".*  
(The plan referred to is attached as Appendix D to the report)
  - Amend condition 1 of Annexe 3 from:

*"A notice is to be placed on the door from the public house leading to the beer garden stating "The beer garden will be closed at midnight other than for the use of the two smoking areas for smoking only"*

to

*"A notice is to be placed on the door from the public house leading to the beer garden stating "The beer garden will be closed at midnight except for the two designated areas".*
- 1.5 Following consultation with the council's Pollution and Enforcement Section the applicant agreed to an amendment to the areas originally proposed for use

in the beer garden after midnight. The revised areas are shown in the plan attached at Appendix D to the report.

## **2. Relevant Representations**

2.1 The responses from the Responsible Authorities are as follows:

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

2.2 Four Interested Party responses have been received, three of which support the proposals (see Appendix E) and one objecting to the application (see Appendix F). The objection relates mainly to the licensing objective of the prevention of public nuisance.

2.3 A site map of the area identifying the application premises is attached as Appendix G. A more detailed map of the area detailing the Interested Parties residences will be available at your meeting.

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

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

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

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

## **5.0 Summary**

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

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

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

5.3 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

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

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

5.5 The representations received from the Interested Parties appear to relate to issues that fall under the licensing objective of the prevention of public nuisance. The Sub-Committee is directed to paragraph 25 of the local licensing policy at Appendix H which contain examples of factors that impact on the licensing objective of the prevention of public nuisance that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.

5.6 Insofar as the issue of licensing hours is concerned, the Sub-Committee is directed to paragraph 13.41 of the national guidance, which states that licensing hours should not inhibit the development of evening and night-time local economies, and that providing consumers with a greater choice and flexibility is an important consideration. However, this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet. The Sub-Committee is also directed to paragraph 31.7 (a) of the local licensing policy, authorising the restriction of licensing hours, where the licensing authority believes, on the basis of representations, that to not do so would exacerbate public nuisance.

The Committee must decide whether there is a strong enough case for the restriction of licensing hours, based on the representations made, to promote the licensing objectives.

5.7 The Sub-Committee is also reminded of the contents of Appendices 2 and 4 of the local licensing policy (not re-produced in this report) that contain pools of model conditions relating to the prevention of crime and disorder and the prevention of public nuisance.



## Premises Licence Summary

**Premises Licence Number**

09/01002/PREMTR

### Premises Details

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

The Castle  
The Castle Public House  
1 Spitalfields  
Norwich  
Norfolk  
NR1 4EY

**Telephone number** 01603 768886

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

Not applicable

**Licensable activities authorised by the licence.**

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

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**

**Other Entertainment falling within Act**

Sunday	08:00 - 02:30
Monday to Wednesday	08:00 - 02:30
Thursday to Saturday	08:00 - 04:00

**Late Night Refreshment**

Sunday	23:00 - 02:30
Monday to Wednesday	23:00 - 02:30
Thursday to Saturday	23:00 - 04:00

**Non Standard Timings**

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

**Live Music**

Sunday	08:00 - 02:30
Monday to Wednesday	08:00 - 02:30
Thursday to Saturday	08:00 - 04:00

**Performances of Dance**

Sunday	08:00 - 02:30
Monday to Wednesday	08:00 - 02:30
Thursday to Saturday	08:00 - 04:00

**Provision of Dance Facilities**

Sunday	08:00 - 02:30
Monday to Wednesday	08:00 - 02:30
Thursday to Saturday	08:00 - 04:00

**Provision of Music Facilities**

Sunday	08:00 - 02:30
Monday to Wednesday	08:00 - 02:30
Thursday to Saturday	08:00 - 04:00

**Provision of Entertainment Facilities**

Sunday	08:00 - 02:30
Monday to Wednesday	08:00 - 02:30
Thursday to Saturday	08:00 - 04:00

**Sale by Retail of Alcohol**

Sunday	08:00 - 02:00
Monday to Wednesday	08:00 - 02:00
Thursday to Saturday	08:00 - 03:30

**Non Standard Timings**

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

**Recorded Music**

Sunday	08:00 - 02:30
Monday to Wednesday	08:00 - 02:30
Thursday to Saturday	08:00 - 04:00

**The opening hours of the premises**

Monday	08:00 - 02:30
Tuesday	08:00 - 02:30
Wednesday	08:00 - 02:30
Thursday	08:00 - 04:00
Friday	08:00 - 04:00
Saturday	08:00 - 04:00
Sunday	08:00 - 02:30

**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**

Mr David Anthony Randle  
The Castle  
1 Spitalfields  
Norwich  
NR1 4EY

**Registered number of holder, for example company number, charity number (where applicable)****Name, designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr David Randle

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

# APPENDIX B

## 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 The outbuilding will only be operated for pre-arranged functions.
- 6 CCTV shall operate at all times in the public house and in the function room to comply with any requirements of the Police.
- 7 The only proof of age scheme in operation will be the Portman Prove It scheme; the only accepted alternatives being the production of a passport or driving licence with a photograph.
- 8 All parts of the licensed premises shall be open to inspection during any function authorised under the licence or at any other reasonable time by a Police Officer or a Fire Officer or a duly authorised officer of the City Council.
- 9 Whilst the licensed premises are being used in pursuance of this licence no drunken or disorderly person or common prostitute shall be permitted to remain therein, no drunkenness or disorderly conduct or proceeding, no unlawful gaming whatever, no indecency or profanity and no performance of a kind commonly known as a strip-tease act involving the removal of garments while the performer (including a performer whose movements or a reflection of whose movements can be seen by the audience through or on a translucent screen or similar device) is within the view of the audience, or any performance of a similar nature shall be permitted therein, but good rule and order shall be kept and maintained.
- 10 The Licensee or responsible person nominated by The Licensee in writing, not being a person under 18 years of age, shall be in charge of and upon the licensed premises whenever the licensed premises are being used for the purposes of public dancing or music or other public entertainment of a like kind and that person shall not be engaged in any duties which will prevent him/her from exercising general supervision. The responsible person shall produce his/her written authorisation on request by an authorised officer of the Licensing Authority or a Police Officer or the Fire Officer.
- 11 The number of persons permitted to use the licensed premises at any one time (including staff and performers) shall not exceed the following limits:-
  - (i) When used for dancing - 190



- (ii) When used for functions utilising seating at tables - 74
- (iii) When used for purposes combining (i) and (ii) above - 95
- (iv) When used for closely seated audience (removable seating) - 190

12 The maximum number of persons permitted on the licensed premises shall be prominently displayed together with plans as approved by the Licensing Authority showing the accommodation open to the public gangways and exit routes.

13 There shall be adequate provision made to account for the number of persons on the licensed premises during any entertainment authorised under the licence.

14 Printed notices shall be displayed at suitable positions in the building stating in concise terms the essentials of the action to be taken upon discovering a fire and on hearing the alarm.

15 Nothing shall be done or permitted to be done on or in the proximity of the licensed premises which may impede or endanger the speedy exit of persons from the licensed premises and, all gangways, corridors, staircases and external passages intended for exit purposes shall be kept entirely free from obstruction whether permanent or temporary.

16 The Licensee shall do what is reasonably practicable to prevent obstruction of exits, external courts, passageways, stairways and ramps leading to the outside of the licensed premises by persons waiting to gain admission thereto.

17 The public shall be permitted to leave by all doors marked "EXIT" after each performance.

18 Mats and other floor coverings shall be secured and maintained so that they will not ruck or in any way be a source of danger to persons using the licensed premises. New floor coverings should be approved by the Chief Fire Officer.

19 (i) Where so required by the Licensing Authority no fastenings, other than automatic bolts, shall be fitted on exit doors used by the public except of such a pattern and in such positions as the Licensing Authority may determine. Automatic bolts shall be of such a pattern that horizontal pressure on the crossbars will open the doors. The crossbars shall, where practicable, be placed at a height of 1 metre from the bottom of the door. Doors fitted with automatic bolts shall have the words "PUSH BAR TO OPEN" painted upon them in block letters at least 100 millimetres high.

(ii) If the Licensing Authority give consent to the use of chains, padlocks or other locking devices for securing exit doors when the public are not on the premises, a responsible person shall be required to remove such chains padlocks or other devices before the admission of the public and such chains, padlocks or other devices shall not be replaced during the whole time the public are present in the licensed premises.

20 Where collapsible gates or roll up shutters are used, these must be locked in the open position whilst the public are present. Revolving doors shall not be counted as exits.

21 At all times when the licensed premises are being used in pursuance of this licence all exit doors shall be kept unlocked and shall be maintained in such a condition as to be immediately available for use.

22 All exits, other doors or openings used by the public for the purpose of exit shall be indicated by exit signs complying with The Health and Safety (Safety Signs and Signals) Regulations, 1996. (B.S. 5499 signs comply with this standard). The signs to be sited at a height of at least 2.1 metres above floor level above or beside the exits.

23 All barriers and doors shall be made to swing or open outwards, unless the Licensing Authority are satisfied that this is unnecessary with regard to any particular door or doors, and the method of opening shall be indicated thereon.

24 All stairs and steps comprising parts of the means of escape in case of fire shall be maintained with non-slippery and even surfaces and shall be provided with appropriate handrails.

25 On those occasions when people with disabilities are present on the licensed premises such special arrangements as may be necessary in the circumstances shall be made so as to enable all persons to leave the licensed premises safely in the event of fire.

26 The arrangements for a closely seated audience on movable seating shall be as follows:-

(i) The seating must at all times be so disposed as to provide unobstructed access to all exit doors.

(ii) Chairs or other single seats should be secured together in lengths of not fewer than four seats and not more than twelve so that the seats cannot be separated from each other merely by pushing one or more seats in a row (the only exception being chairs in boxes or other approved enclosures) ; and

(iii) Provision should be made for the rows of seating flanking the gangways to be fixed to the floor effectively preventing the individual seats or rows of seats from being dislodged into the gangways or from being toppled over, except that :-

(i) only end seats of such rows need to be fixed to the floor if all seats in each row are secured together ; or

(ii) only the end seats of each length of seating referred to in paragraph (ii) above form such rows need to be fixed to the floor.

(iv) No person, except staff, shall be allowed to stand or sit other than on approved seating in the gangways or passages whilst the public are on the premises. The gangways or passageways shall be kept entirely free from chairs and other obstructions.

27 Two separate and independent systems of lighting sufficient to enable persons to see their way out of the premises should be provided.

(i) Normal Lighting

All parts of the premises to which the public have access and all external exitways should be provided sufficient illumination of those parts of the premises for the public to leave the premises safely. In the absence of adequate daylight whenever the public are on the premises the normal lighting should be kept on.

(ii) Emergency lighting

All parts of the premises to which the public have access and all external exitways should be provided with emergency lighting capable of providing sufficient illumination for the public to leave the premises safely.

On failure of a local lighting circuit the emergency lighting should be brought into use immediately and automatically.

The system should be a combination of maintained and non maintained units. All fire exit notices should be of the maintained type. Maintained emergency lighting units are required to be illuminated at all times the public are present on the premises.

Non maintained emergency lighting units are only required to be illuminated when the normal local lighting circuit fails.

The emergency lighting system shall be tested monthly, six monthly and three yearly in accordance with the guidelines contained in BS.5266 Part 1:1988. A record of the tests shall be kept in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.

28 No smoking shall be permitted to take place on any stage except as part of the performance, and real flames shall not be used on any stage or other part of premises where a performance is taking place unless approved by the Licensing Authority.

29 All curtains or drapes hung in places of entertainment should be of a durably flame-retarded fabric or inherently flame retarded fabric and should conform with the British Standard 5867: Part 2 fabric type B. Suitable documentary evidence should be provided to this effect. Visiting acts/discos etc. shall also provide equivalent documentary evidence for any drapes etc. they bring into the premises. The documentary evidence produced must clearly identify the drapes etc to which they apply. Curtains or drapes should not conceal notices and should be hung so as not to trail on the floor.

30 The void beneath the stage shall not be used for the storage of combustible materials.

31 Decorations, artificial and dried foliage to be approved by the Fire Officer.

32 Promotional displays in foyers and public areas to be approved by the Fire Officer.

33 Surfaces of walls and ceilings etc:

Apart from small areas of wall surface the surface finish of walls and ceilings should correspond to a standard not lower than that indicated in the appropriate surface spread of flame classification given below :-

Class 0 In circulation spaces and escape routes.

Class 1 In rooms, including auditoria and places of assembly other than small rooms.

Class 3 In small rooms (not exceeding 4m<sup>2</sup>)

Class 1 & 3 means tested in accordance with BS 476 : Part 7.

34 Suitable guards to prevent contact with scenery or any other combustible materials shall be fitted to all lamps, lanterns, lighting appliances and other apparatus in the licensed premises which are liable to become heated whether under normal or abnormal conditions.

35 Subject to condition (24), explosives, flammable liquids (including liquefied petroleum gas) or highly flammable articles shall not be brought into or used in any part of the licensed premises, but this shall not prevent the use of flammable liquids used in cooking at the table and lighted candles as table decorations, provided that where naked flame is present in these circumstances, only flame retardant table cloths, napkins and table decorations shall be used.

36 Subject to condition (31) (Prohibition of Flammable Materials), heating appliances, other than hot water radiators, shall be adequately guarded or fixed in positions out of reach of the public. Mobile heating appliances of whatever kind shall not be operated whilst the licensed premises are open to the public.

37 (i) Where new or replacement upholstered furniture is provided for the premises or the existing furniture refurbished, the upholstered furnishings provided should conform with British Standard 7176: 1989 "Resistance to ignition of upholstered furniture" and be suitable for "Medium Hazard" situations.

(ii) The outer covering of all upholstered furniture provided in the premises should be maintained in good repair to ensure that the filling materials are not exposed.

38 Suitable fire fighting equipment shall be provided on the licensed premises and placed in suitable positions ready for immediate use. All fire equipment shall be maintained in efficient working order. Portable fire extinguishers shall be examined at least once annually in accordance with BS5306 Part 3 : 1985. The dates of such tests shall be clearly marked on the extinguisher attached to a stout label. A record shall be kept in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or the Fire Officer on request. Hose reels shall be tested at least annually to ensure that they are in good working order and will produce a satisfactory jet of water.

39 Fire alarm systems will be required in premises on the following basis.

All types	-	Minimum type M.
Accommodating over 300 persons -		Voice evacuation.

Electrical fire warning systems shall be installed and maintained in accordance with BS.5839: Part I: 1988. The fire warning system is to incorporate relays to cut out all entertainments sound systems as soon as the fire warning system is activated.

40 Fire alarms and automatic fire detection where fitted, shall be maintained in efficient working order and shall be tested or examined whenever required by the Licensing Authority or the fire Officer. In addition, the alarms shall be tested weekly using a different call point for each successive test to ensure the alarm operates satisfactorily. It must be examined once a year by a competent person. A record of the tests and examinations shall be recorded in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.

41 Whenever the licensed premises are being used for the purposes of public dancing or music or other public entertainment of a like kind there shall also be during that time sufficient competent attendants on duty. These attendants must have been instructed in the safety precautions to be observed and in the action to be taken in case of fire or other emergency. Fire routines and evacuation procedures shall be regularly checked and practice and a record of such checks and practices shall be recorded in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.

42 The Licensee shall ensure that records of staff training are kept, to include the names of the staff attending each practice drill, and details of the training and instruction given. The following are examples of matters which need to be included in such a record :-

(a) date of the instruction or exercise;

(b) duration;

(c) name of the person giving the instruction;

(d) name of the person(s) receiving the instruction; and

(e) the nature of the instruction, training or drill.

43 (i) Practice fire drills shall be held at least once every month and shall be conducted by the Licensee or a competent person appointed by him/her. They shall be attended by at least one-third of the staff including any member who has been appointed since the previous practice drill or who has not attended a practice drill within the preceding three months. Where one-off performances are given, all staff should be made aware of their duties prior to the event.

(ii) Premises managed by voluntary organisations. All voluntary management committees shall provide instruction for their committee members and booking secretaries in emergency procedures at least once every year.

44 The Licensee shall satisfy himself by annual inspection as to the safety of the ceiling structures of the licensed premises and produce at his/her own expense on the request of the Licensing Authority a certificate from an Architect or Surveyor as to the safety of the ceiling structures of the licensed premises.

45 Adequate access must be provided to roof spaces above suspended fibrous plaster and other forms of suspended ceilings of the licensed premises, thereby allowing access to all parts of the ceiling for purposes of inspection and repairs.

46 (i) The electrical installation in the premises shall be subjected to tests no less stringent than those required by BS 7671: 1992. A current completion certificate, or periodic inspection report in the prescribed form, completed by an N.I.C.E.I.C./E.C.A. electrical contractor, and schedule of test results, shall be submitted with the application for the licence.

(ii) On an application for the renewal of the licence, the licence holder shall be required to sign a declaration to the effect that the electrical installation has sustained no damage and been the subject of no alteration or extension since the date on the current inspection certificate. In the event of damage, alteration or extension to the electrical installation, a new electrical inspection certificate, in the prescribed form, completed by an N.I.C.E.I.C./E.C.A. electrical contractor, and schedule of test results, shall be submitted with the application for the renewal of the licence.

47 (i) A residual current device(s) shall be mounted and maintained as part of the fixed wiring installation of the premises. The device(s) shall conform to the appropriate British Standard/Euro norm with no intentional time delay included, and shall have a rated residual operating current no greater than 30mA.

(ii) The device(s) shall protect the electrical installation which serves those parts of the entertainment premises to which the public and performers have access. No unprotected electrical supply shall be introduced into those parts of the premises.

48 The licensee shall ensure that the electrical installation for the premises is properly maintained and used in a safe manner.

49 (i) All electrical equipment shall be maintained so as to prevent, so far as is reasonably practicable, danger to any person on the licensed premises. Electrical equipment includes anything used, intended to be used or installed for use, to generate, provide, transmit, transform, rectify, convert, conduct, distribute, control, store, measure or use electrical energy.

(ii) The licensee shall ensure that any item of electrical equipment brought onto the premises for the purpose of an entertainment shall have a current certificate to verify that it has been subjected to necessary test/inspections to guarantee it is safe to use.

50 No lasers, strobes or other form of high intensity lighting should be installed or used without the express written consent of the Licensing Authority. An application for consent shall be in writing and signed by the Licence Holder and should be made not less than 28 days before installation or use. No such lighting shall be used other than strictly in accordance with any terms and conditions which may be imposed by the Licensing Authority. All such systems to comply with the current health and safety codes of practice and guidance. In the case of lasers the licence holder shall appoint a competent laser safety officer to advise him/her.

51 Application for the Licensing Authority's consent to the use of pyrotechnics and special effects should be made by the licensee in writing at least 14 days before the first performance of the entertainment or special effect and give full details of the proposed use and the date and time on which a demonstration can be witnessed by a representative of the Licensing Authority and the Fire Officer. No pyrotechnic device

or special effects shall be used other than strictly in accordance with any terms and conditions which may be imposed by the Licensing Authority.

52 All public parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Licensing Authority.

53 Suitable and sufficient cloakrooms and sanitary accommodation shall be provided in accordance with BS6465, part 1 1994 and indicated by such notices and signs as the Licensing Authority may consider necessary for persons frequenting the licensed premises.

54 An adequate number of hand wash basins shall be provided to the satisfaction of the Licensing Authority.

55 At least one separate closet shall be provided for each sex, and where accommodation for males is more than 50, sufficient urinal accommodation shall be provided in addition.

56 Urinal stalls shall be fitted with automatic flushing devices. Closets, urinals and drains shall be constructed and fitted in accordance with the Building Regulations.

57 The several lavatories, closets, urinals and wash hand basins serving the licensed premises shall at all times be kept in good order and repair and be properly and effectually cleansed, disinfected, ventilated, supplied with water where necessary, and lighted.

58 (i) Structural alterations or additions, whether permanent or temporary, to the licensed premises shall not be carried out except with the prior consent of the Licensing Authority. The licensee must give the Licensing Authority written notice of the proposed alterations and additions, such notice to be accompanied by a plan (in triplicate) clearly indicating the existing licensed area in red and any proposed area for increased facilities must be delineated in some other colour. The work shall not be started until the written consent of the Licensing Authority has been obtained. This consent is in addition to any building regulation approval, planning permission, listed building consent and conservation area consent which may also be required. Where the consent of the Licensing Authority is subject to conditions, those conditions shall be deemed to form part of this licence until the works have been completed to the satisfaction of the Licensing Authority.

(ii) In the event of any premises being closed for the purpose of effecting alterations, repairs or decorating they shall not be reopened to the public unless and until the consent of the Licensing Authority has been obtained. At least seven days notice in writing to the Licensing Authority shall be given by the licensee of his intention to reopen the premises, in order that necessary inspections and tests may be carried out at the premises by the Licensing Authority and the Fire Officer. Except with the prior consent of the Licensing Authority, no work in connection with any alterations, additions, repairs or decorating shall be carried out whilst the public are on the premises.

59 (i) On any day on which doors supervisors are to be engaged at the premises the licensee or the responsible person on his/her behalf must enter in a register kept for that sole purpose the name, registration number and hours of duty of each door supervisor to be engaged on that day before that supervisor starts his/her duties.

(ii) The register must be kept at the premises at all times and be produced for inspection at any time on request by an authorised officer of the Licensing Authority or a Police Officer. Any entry in the register shall be kept at the premises for at least 6 months from the date of that entry before being removed or erased.

60 Any exhibition, demonstration or performance (hereafter referred to as a "performance") of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the licensing authority and must comply with any attached conditions. The authority may consent either under the terms of the public entertainments licence or the provisions of the Hypnotism Act 1952.

61 An application for consent under condition 59 shall be in writing and signed by the applicant or his/her agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same venue within the last three years without any problems occurring. The authority will normally respond within 7-14 days, less where the hypnotist has previously performed at the same venue. A copy of the application shall at the same time be forwarded to the chief officer of police and the fire authority. The application shall contain the following particulars:-

(a) the name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the "hypnotist") along with the details of their last three performances (where and when) and;

(b) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment. (Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application).

62 The following conditions shall apply to any consent given:

#### Publicity

(a) no poster, advertisement or programme for the performance which is likely to cause public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere;

(b) every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly the following statement

"Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance".

#### Insurance

(c) the performance shall be covered to a reasonable level by public liability insurance. The hypnotist must provide evidence of this to the local authority if requested; and it must be available for inspection at the performance;

#### Physical Arrangements

(d) The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction;

(e) a continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as a part of the performance;

#### Treatment of audience and subjects

(f) before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform; informing the audience of the possible risks from embarrassment or anxiety; and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individual styles so long as the overall message remains the same:

"I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I must ask that no one volunteers if they have a history of mental illness, are under the influence of alcohol or drugs or are pregnant".

(g) no form of coercion shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g., asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage;

(h) if volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the licensing authority shall be in attendance throughout to ensure their safety;

#### Prohibited actions

(i) the exhibition shall be so conducted as not to be likely to cause offence to any person in the audience or any hypnotised subject;

(j) the performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular the performance shall not include:-

(i) any experiment involving the age regression of the subject (i.e. asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc);

(ii) any suggestion that the subject has lost something (e.g. a body part) which, if it really occurred, could cause considerable distress;

(iii) any experiment in which the subject is suspended between two supports (so called "catalepsy"); or

(iv) the consumption of any noxious or harmful substance;

(v) any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin)

(k) the performance shall not include giving hypnotherapy or any other form of treatment

(l) all hypnotised subjects shall remain in the presence of the hypnotist and in the room where the performance takes place until all hypnotic suggestions have been removed;

(m) all hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist shall confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed);

(n) the hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems which might arise. (Such help might take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is otherwise unwell.)

#### Authorised Access

(o) where-

- i. a constable, or
- ii. an authorised officer of the licensing authority, or
- iii. an authorised officer of the fire authority

has reason to believe that a performance is being, or is about to be, given he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.

63 A noise limiting device shall be installed and set to ensure that the maximum permitted sound level from amplification equipment shall not exceed 93dB<sub>L</sub>aeq (5 minutes) as measured at a position in the centre of the entertainment area.

64 All doors and windows shall be kept closed at all times whilst entertainment is taking place in the premises

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

### **1 General - all four licensing objectives**

2 Staff will monitor the doors in the evenings to make sure customers leave in an orderly manner.

3 The last admission time to the premises will be 23:00 on Monday-Wednesday and Sunday, and 00:30 on Thursday-Saturday.

4 The gates to the car park and beer garden will be locked at 00:00 every day and customers will leave through the pub.

5 The DPS will arrange the attendance of two or more SIA-registered door supervisors on all occasions when the premises are to remain open after 0200 hours, commencing their duty no longer than 2200 hours the preceding evening and remaining on duty until the premises close. Door staff will "sign in", giving their name, SIA badge number, time of commencing duty and time of completion of their duty, using the premises incident book. A bound volume is to be kept for that purpose, recording hours of duty. The DPS will be responsible for ensuring that those duty tours will be recorded in the incident book, together with all significant incidents (whether or not door staff were on duty), especially allegations of crime and disorder, at the venue. The incident book will be retained for inspection by the police. Door supervisors on duty will be equipped with two-way radios allowing them to communicate with each other.

6 The DPS or responsible person will attend a minimum of three meetings of the Licensing Forum in any 12 month period.

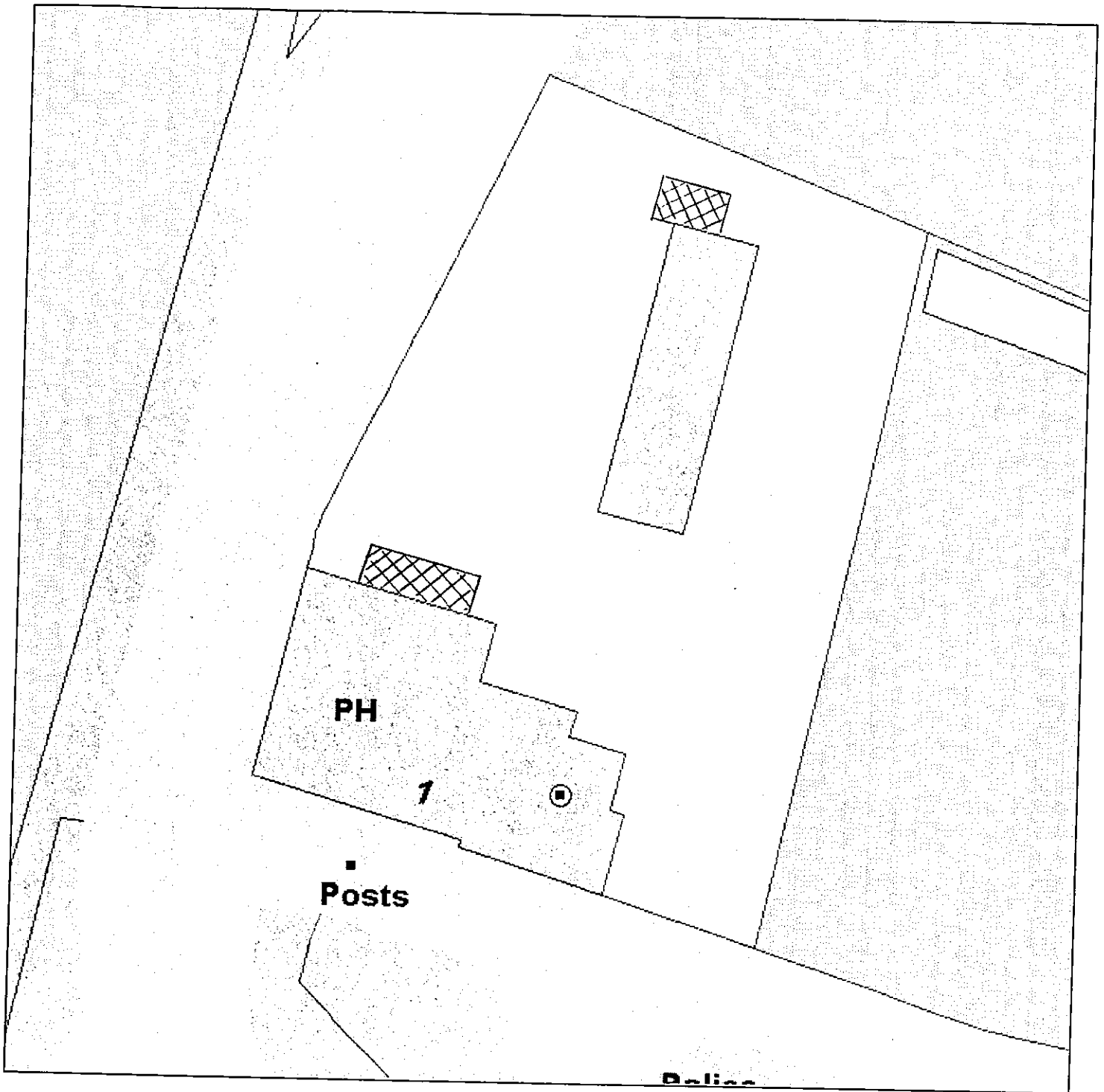
7 Anyone who appears to be under the age of 21 will be asked to produce identification to prove they are over 18.



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

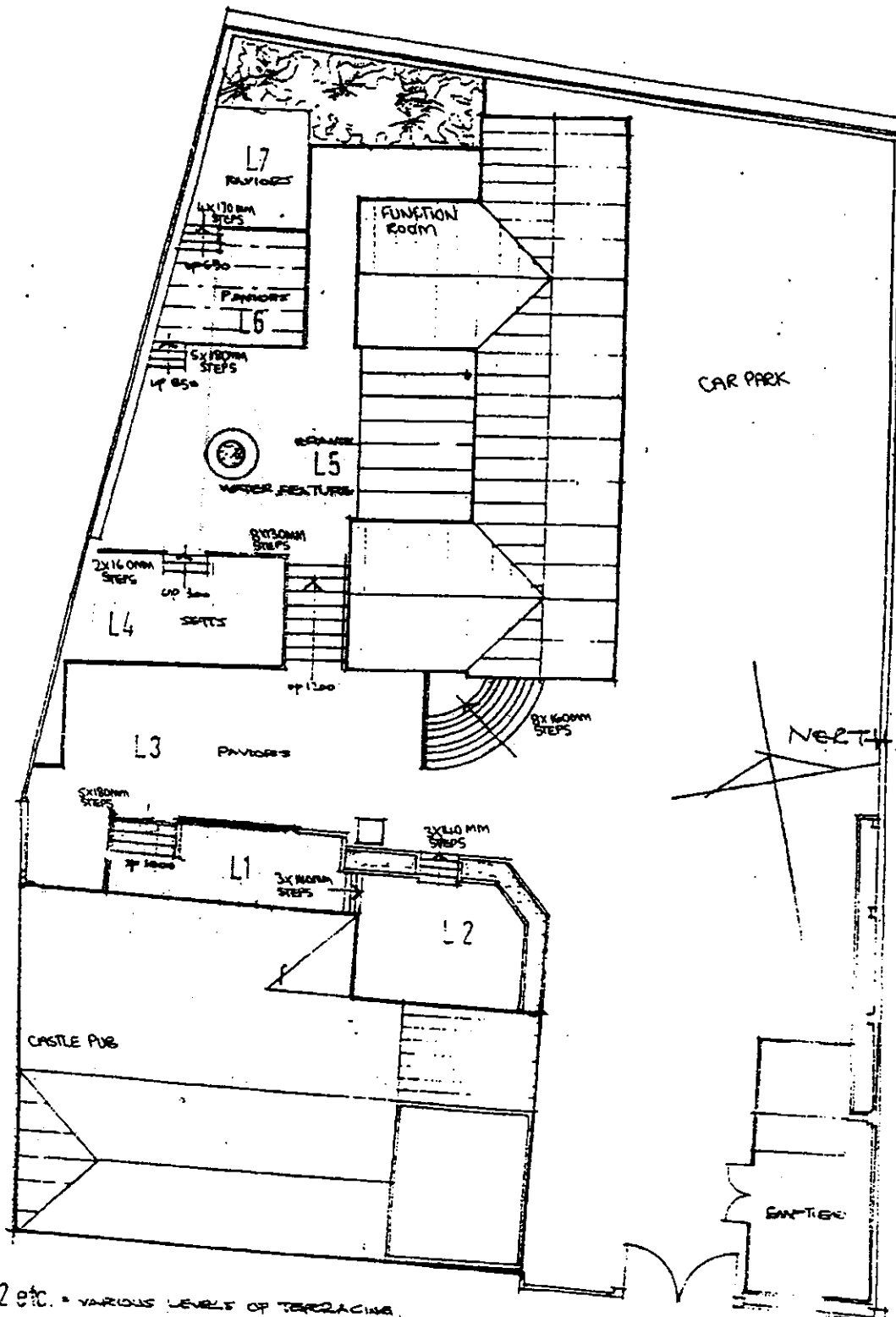
- 1 A notice is to be placed on the door from the public house leading to the beer garden stating "The beer garden will be closed at midnight other than for the use of the two smoking areas for smoking only".
- 2 The beer garden will not be used after 00:00 except that the two areas marked on the attached plan may be used for smoking only.

# APPENDIX C



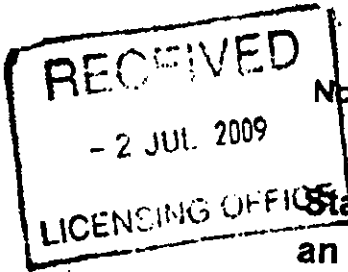
# APPENDIX

**D**

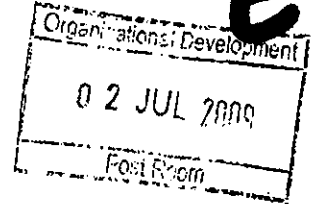


L1, L2 etc. = VARIOUS LEVELS OF TERRACING.

# APPENDIX E



Norwich City Council Licensing Authority  
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	Paul Reis
Postal address	21 KETTS HILL NORWICH NR1 4EX
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Castle pub.
Address of the premises you wish to support or object to.	1 Spitalfields. Norwich.

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	The present disorder is caused by people not being allowed into the pub due to the current structure. If people are allowed in then there would be better for all concerned - less loss noise and disorder around the roads of the pub.
Public safety	I would add that the rear garden should be used throughout the pub's opening hours. This would prevent people hanging around the front of the building while smoking - and with the common practice of drink spilling with this restriction would ease all the problems.
To prevent public nuisance	
To protect children from harm	N/A.

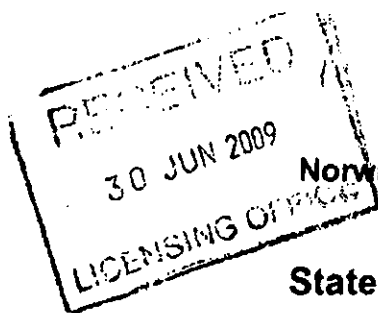
Please suggest any conditions which would alleviate your concerns.	
--	--

Signed:

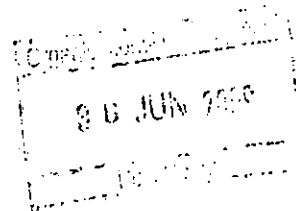
Date:

29th Jun 09

Please see notes on reverse



Norwich City Council Licensing Authority  
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	MARIO ELIA
Postal address	34 Bishop Bridge Rd NORWICH NR1 4ET
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	THE CASTLE P/H.
Address of the premises you wish to support or object to	1 SPITAL FIELDS NORWICH NR1 4EX

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 THINK ITS A GOOD IDEA TO LET PEOPLE IN LATER THAN 12.30 AS IT WILL CAUSE LESS NOISE & DISTURBANCE
Public safety	"
To prevent public nuisance	I THINK THE PROPOSED AREAS OF THE BEER GARDEN WILL WORK MUCH BETTER THAN THE CRAMED AREAS USED AT PRESENT.
To protect children from harm	

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

Signed:

Date: 26/6/09

Please see notes on reverse



Norwich City Council Licensing Authority  
Licensing Act 2003

Organisational Development
26 JUN 2009
Post Room

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

Your name/organisation name/name of body you represent (see note 1)	
Postal address	25 Keston Way, Bakery
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Castle pub.
Address of the premises you wish to support or object to.	1 Spittal Field, Norwich

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

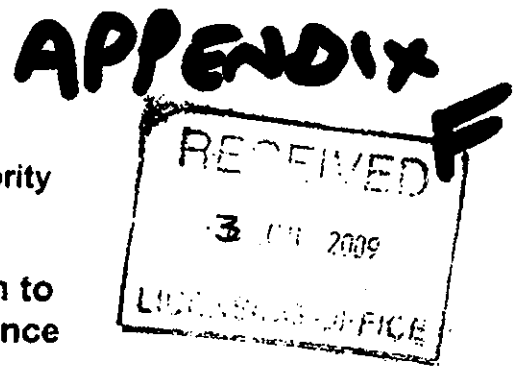
Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	allowing customer in after 1230 would cause less disorder & noise
Public safety	as above
To prevent public nuisance	No problem with beer garden begin open as it is not visible to us and do not cause a nuisance before midnight.
To protect children from harm	

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

Signed:

Date: 25/6/09

Please see notes on reverse



Norwich City Council Licensing Authority  
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	ALAN & KAY CONSTANTINE
Postal address	23 KETTS HILL NORWICH NR1 4EX
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	THE CASTLE PUBLIC HOUSE
Address of the premises you wish to support or object to.	1 SPITALFIELDS, NORWICH, NR1 4EX

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	OBJECTIONS TO <del>THE</del> AMENDMENTS AS DETAILED ON ATTACHED SHEET.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	PLEASE SEE ATTACHED SHEET.
--	----------------------------

Signed:

Date: 3.7.07

Please see notes on reverse

ADDITIONAL SHEET     Castle Public House, 1 Spitalfields, Norwich, NR1 4EY

The licensee once again wishes to extend the last admission time to 02.00 hours from Thursday to Saturday.

Any extension of the last admission time would, as is clearly intended, bring more early hours drinkers and traffic to the vicinity with the considerable likelihood of additional noise nuisance and disturbance.

The applicant also wishes to remove the restriction on part of the beer garden to allow normal use after midnight.

Use of any part of the beer garden after midnight with large numbers of people drinking outdoors until 4.00 am would without doubt add considerably to the existing noise problems. The music and PA system would also become a greater problem with more traffic into and out of the function room, with the doors opening much more frequently.

As Licensing and Environmental Health are aware we have, over the last several years had on-going noise problems from the Castle Public House. On recent occasions some of the noise problem has come from the front of the pub as well as the rear, with people gathering and drinking outside the pub in Spitalfields after midnight. Another considerable noise problem nowadays comes from people lingering at the front of the pub after closing at 2.30am and 4.00am, sometimes for as much as twenty or thirty minutes.

SUGGESTED CONDITIONS:

1. Annex 2, condition 3 (admission time) to remain as currently written, as determined at the last hearing of 8th August 2007
2. Add to Annex 2 condition 5, The SIA registered door supervisors should remain on duty for a short period after closing until the premises are cleared and all clientele dispersed from the front of the Castle.
3. Annex 3 condition (use of beer garden) should remain in entirety.
4. Add annex condition stating, "No drinks to be taken outdoors after midnight, either to the beer garden or out front of the pub into Spitalfields".
5. Place a prominent sign near the exit to request that clientele "Please disperse quietly when leaving the premises after midnight"





# APPENDIX H

## 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.

### (a) 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.

### 3.0 Applications for Licences

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

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

3.5 **The Council will not accept any application that is incomplete or fails to satisfy the requirements of the Act or the regulations. Incomplete applications will be returned with an explanation of why it is incomplete.**

### 4.0 Representations

- 4.1 "Responsible Authorities" 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.
- 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', in that 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, which are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the Council.

#### 5.0 Conditions attaching to Licences

- 5.1 Where relevant representations are made, the Council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
- 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are necessary for the promotion of the licensing objectives.

#### 8.0 The Impact of Licensed Premises

i)

- 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 level of likely car parking demand on principal roads and surrounding residential streets and its effect on local residents, in comparison with the existing situation, and the effect on residential parking and emergency access;
- 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 A Premises Supervisor must be specified in the Operating Schedule for a premises, in which alcohol will be sold ('Designated Premises Supervisor' DPS). The DPS will have responsibility for running the premises on a daily basis. They should normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, they should either undergo additional training, or to be able to demonstrate they have the experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

**13.2 There must be proper management arrangements in place in all licensed premises, whether or not alcohol is sold or not, which will ensure there is an appropriate number of responsible, trained/instructed persons at the premises to provide the proper management of the premises, the activities taking place and compliance with all statutory responsibilities and the terms and conditions of the premises licence.**

## **LICENSING OBJECTIVES**

### **25.0 Objective - Prevention of Public Nuisance**

25.3 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.

25.7 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 23.00 and 07.00
- 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

25.8 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, e.g. 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 (e.g. garden areas) of premises, including such matters as deliveries i.e not too early in the morning
- Adoption of best practice guidance (e.g. 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 2-3 hours before licensable activities finish.

a. SECTION E - Hours of Trading

31.7 The policy options which will be applied to applications for premises licences where the sale or supply of alcohol for consumption on the premises is proposed, are as follows:

- The Council will consider restricting the hours if it believes, on the basis of representations made, that not doing so would lead to or exacerbate problems of crime, disorder or public nuisance.**
- Where no relevant representations are received from either a responsible body or an interested party, the application will be granted in accordance with the terms of the operating schedule.
- Where relevant representations are received from either a responsible body or an interested party, and those representations relate to the hours of trading then subject to (a) above, the Council will consider restricting the hours in relation to any of the licensable activities for which a licence is being sought, provided it is considered necessary to do so in order to promote one or more of the licensing objectives which may not be achieved without such restrictions. The Council may impose different restrictions on hours for different licensable activities and for different days of the week.

# **APPENDIX I**

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

### **Standardised Conditions**

- 13.20 "...statements of policy should make it clear that a key concept underscoring the 2003 Act is for conditions to be tailored to the specific premises concerned. This effectively rules out standardised conditions...However, it is acceptable for licensing authorities to draw attention in their statements of policy to pools of conditions which applicants and others may draw on as appropriate."

### **The Scope of the Licensing Act 2003**

- 13.16 "...licensing is about regulating licensable activities on licensed premises...and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity."
- 13.17 "...whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case."

### **Licensing Law and the Control of Anti-Social Behaviour**

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

### **Licensing Hours**

#### **Extended Opening Hours**

- 13.40 "...flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance."
- 13.41 "...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies."

### **Consideration for Residents**

- 13.41 "...providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet."

- 9.4 "...it is for the licensing authority to decide in the first instance whether or not representations are relevant. This may involve determining whether they have been made by an interested party and whether or not, for example, an individual making a representation resides or is involved in business "in the vicinity" of the premises concerned."
- 9.5 "...licensing authorities should consider whether the individual's residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises."