

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee
1 June 2011

3

Report of Head of citywide services

Subject Licensing Act 2003:
Application to vary a Premises Licence -
Wafou 15 Prince of Wales Road Norwich NR1 1BD

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 Wafou 15 Prince of Wales Road Norwich NR1 1BD following the receipt of Interested Party and Responsible Authority representations.

Recommendation

That Members determine the application to vary a Premises Licence in respect of Wafou 15 Prince of Wales Road Norwich NR1 1BD 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 Officer
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 Al Fode Oulare of 10 The Lathes Norwich NR3 3DY.
- 1.2 The premises currently hold a premises licence authorising the licensable activities of: the sale by retail of alcohol for consumption on the premises; live music; provision of dance facilities; provision of entertainment facilities; and recorded music. The premises licence summary 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 The application seeks to extend the premises licence by increasing the area currently licensed on the first floor and to add the second floor to the licence. A plan of the existing licensed areas and proposed licensed areas are attached as appendices C and D respectively.
- 1.5 The application also seeks to amend condition 4 of Annex 2 to the premises licence which currently reads:

“There will be a minimum of 5 SIA door supervisors on Friday and Saturday nights from 22:00 until close. On other nights a minimum of 3 SIA door supervisors will be employed”.
- 1.6 The variation application sought to amend the number of door supervisors to 4 door supervisors on Friday and Saturday nights and 2 door supervisors on every other day of the week.
- 1.7 Following discussion with the Norfolk Constabulary, the applicant has agreed the following conditions in respect of door supervisors.
 - There will be a minimum of 2 SIA door supervisors on the entrance to the premises on Friday and Saturday nights from 2200 hrs until close. There will also be an additional one SIA door supervisor employed for each upper floor when it is open to the public. (This will mean that there will be a total of 4 SIA door supervisors when all floors are in use)
 - On all other nights, a minimum of 1 SIA door supervisor will be employed to manage the entrance from 2200 hrs until close. There will also be an additional one SIA door supervisors employed for each upper floor when it is open to the public. (This will mean that there will be a total of 3 SIA door supervisors when all floors are in use)

2. Relevant Representations

- 2.1 The responses from the Responsible Authorities are as follows:
 - Police – Representations received - No representations.

- Environmental Services – Representations received (see Appendix E).
- Fire Officer – No representations.
- Planning Officer – No representations.
- Area Child Protection Committee – No representations.
- Trading Standards – No representations.

2.2 Representations objecting to the application have been received from three Interested Parties with concerns relating to the licensing objective of the Prevention of Public Nuisance. Copies of the representations are attached to the report at Appendix F.

3.0 Norwich City Council Statement of Licensing Policy

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

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

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

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;

- 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 mainly appear to relate to issues that fall under the licensing objective of public nuisance. The Sub-Committee is directed to paragraph 24 of the local licensing policy at Appendix G that contains examples of factors that impact on the licensing objective 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 The Sub-Committee is also reminded of the contents of appendix 4 of the local licensing policy (not re-produced in this report) which contains a pool of model conditions relating to the prevention of public nuisance.

APPENDIX A



NORWICH
City Council

Schedule 12

Premises Licence

Regulation 33,34

Premises Licence Number

10/01852/PREM

Part 1 – Premises Details

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

15 Prince Of Wales Road
Norwich
NR1 1BD

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Live Music - Activity takes place indoors
Provision of Dance Facilities - Activity takes place indoors
Provision of Entertainment Facilities - Activity takes place indoors
Sale by Retail of Alcohol - Activity takes place indoors
Recorded Music - Activity takes place indoors

The times the licence authorises the carrying out of licensable activities

Live Music	Sunday	21:00 - 02:00
Live Music	Monday to Saturday	21:00 - 06:00
Provision of Dance Facilities	Sunday	21:00 - 02:00
Provision of Dance Facilities	Monday to Saturday	21:00 - 06:00
Provision of Entertainment Facilities	Sunday	21:00 - 02:00
Provision of Entertainment Facilities	Monday to Saturday	21:00 - 06:00
Sale by Retail of Alcohol	Sunday	12:00 - 02:00
Sale by Retail of Alcohol	Monday to Saturday	12:00 - 06:00
Recorded Music	Sunday	21:00 - 02:00
Recorded Music	Monday to Saturday	21:00 - 06:00

The opening hours of the premises

Monday	12:00 - 06:00
Tuesday	12:00 - 06:00
Wednesday	12:00 - 06:00
Thursday	12:00 - 06:00
Friday	12:00 - 06:00
Saturday	12:00 - 06:00
Sunday	12:00 - 02:00

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

Alcohol is supplied for consumption on the Premise

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

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 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

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

The responsible person shall ensure that -

 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: half pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

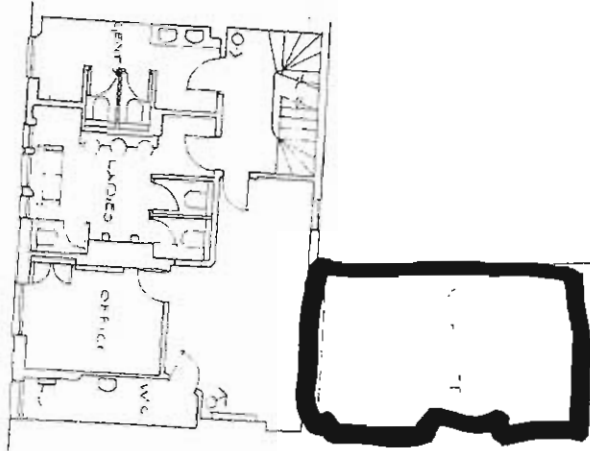
Annex 2 – Conditions consistent with the Operating Schedule

- 1 **General - all four licensing objectives**
- 2 The licence is for the use of the ground and first floors as a nightclub for persons 19 years and above.
- 3 **The Prevention of Crime and Disorder**
- 4 There will be a minimum of 5 SIA door supervisors on Friday and Saturday nights from 22:00hrs until close. On other nights, a minimum of 3 SIA door supervisors will be employed.
- 5 A training record for staff training in relation to sale of alcohol will be kept and available to Police or Licensing on request.
- 6 A CCTV system shall be installed and operating at all times when the premises is open for business and maintained in good working order. Images will be recorded and stored for 28 days and be available on request to supply to Police or Licensing Authority.
- 7 The CCTV cameras will cover the following areas:
 - Entrance/Exits to the premises.
 - All public areas of the premises.
 - Smoking area at the rear of the premises.
 - The front of the premises covering the outside area and front door.
- 8 No patrons are allowed to leave the premises with any drinking vessel or open glass bottle.
- 9 The door supervisor will monitor the capacity using clickers and ensure drinks are not taken off the premises.
- 10 The Licensee or nominated representative will become a member of the Norwich Licensing Forum and shall attend at least 3 meetings per calendar year.
- 11 The venue will maintain membership of SIRCS or other equivalent systems as recognised by Norfolk Constabulary.
- 12 Whilst the premises is open to the public and when available, a radio communication system will be in use to communicate to other venues and Police.
- 13 No entry will be admitted after 04:00hrs.
- 14 An incident book will be kept to record all significant incidents and will be available for inspection on request.
- 15 There will be a signing in/out book used by all door supervisors and will include full SIA badge numbers, tour of duty and this will be available on request.
- 16 Toughened glass will be used on the premises in place of regular glass.
- 17 The premises will operate a drug/weapon policy in relation to searching and storage of items seized. This drug/weapon policy will include an audit trail from seizure of drugs/weapons to hand over to Police.
- 18 There will be a refusal book behind the bar to record any refused sales due to underage or intoxication.
- 19 Door staff will wear hi-visibility clothing when working on duty.
- 20 **Public Safety**
- 21 The total number of people on the premises at any one time will not exceed 80.
- 22 **The Prevention of Public Nuisance**
- 23 No amplified music shall be played in the premises unless through a permanently installed amplification system, details of which to be submitted to and approved in writing by Norwich City Council's Environmental Protection Department before any regulated entertainment takes place. No alteration of this system may take place without prior written authority from the Environmental Protection Department.
- 24 Before any regulated entertainment takes place details of the maximum noise levels, expressed in dB LAeq(5 mins), measured at a point 2 metres from every loudspeaker forming part of the amplification system, shall be first submitted to and approved in writing by the Environmental Protection Department. Thereafter the permitted maximum noise levels shall not be exceeded at any time.
- 25 Before any regulated entertainment takes place a management scheme detailing measures to be put in place to ensure that the amplification system cannot be adjusted beyond the maximum permitted noise levels as agreed, to be submitted to and approved in writing by the Environmental Protection Department, and thereafter abided by.
- 26 Use of the residential space contained within the address of the licensed premises will remain as ancillary to the use as a licensed premises, and shall only be occupied by persons having a close connection with the licensed premises within this address, by virtue of employment or as the owner.

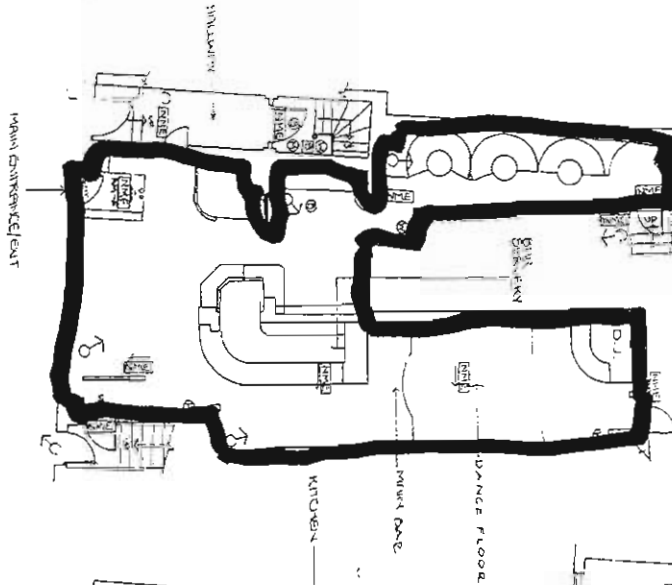
- 27 Customers will not be permitted to use of the outside area to the rear of the premises between the hours of 21:00 - 08:00.
- 28 Glass and bottle bins will not be emptied externally between the hours 21:00 - 08:00.
- 29 Doors and windows will be kept closed whenever regulated entertainment is provided.
- 30 **The Protection of Children From Harm**
- 31 No person under the age of 19 years will be allowed admission to the premises. There will be trained staff on the door to ensure this age limit is observed and appropriate evidence of age will be required.

APPENDIX C

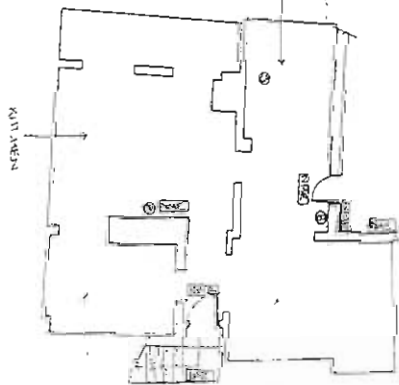
FIRST FLOOR PLAN



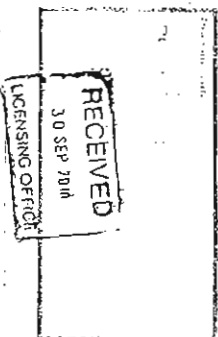
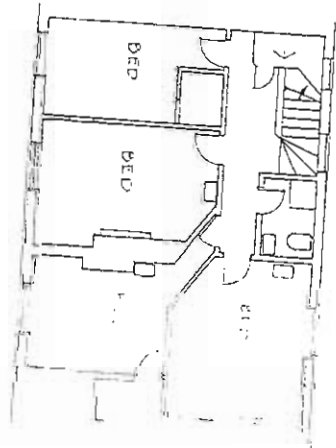
GROUND FLOOR PLAN



LOWER GROUND FLOOR PLAN



SECOND FLOOR PLAN



PROPOSED ALTERATIONS AT
14 St. Andrew Street,
Norwich, NR2 4AY
1211111111 01603 416139

14 St. Andrew Street,
Norwich, NR2 4AY
1211111111 01603 416139

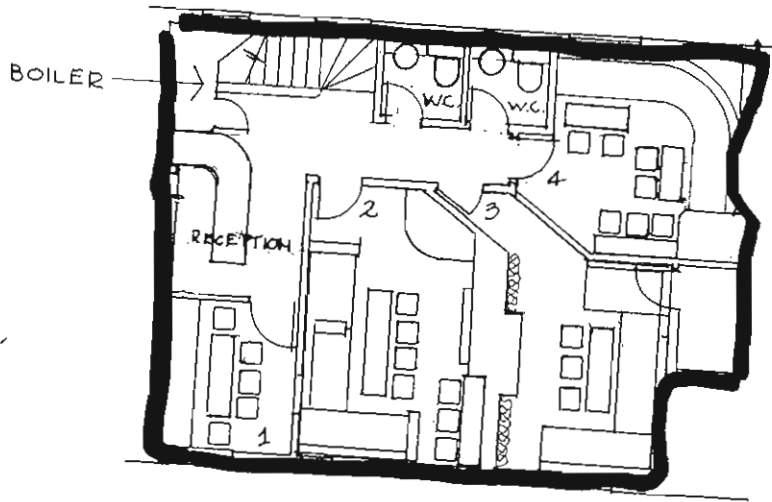
APPENDIX D

NOTES:

All dimensions must be checked on site and not scaled from this drawing.

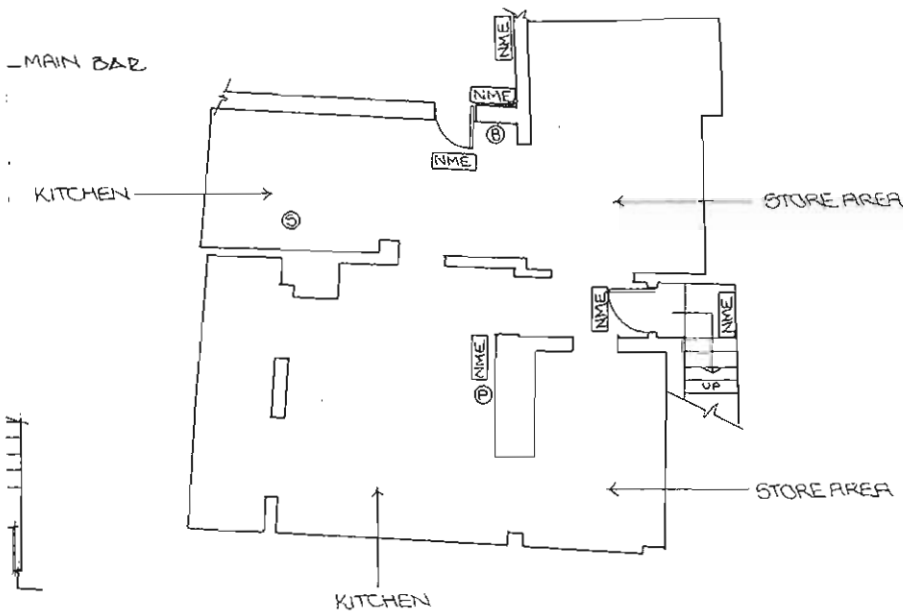
FIRE SAFETY LEGEND

- ⊙ ~ SMOKE DETECTOR
- ⊕ ~ FIRE BLANKET
- Ⓜ ~ MANUAL CALL POINT
- ⊖ ~ FOAM FIRE EXTINGUISHER
- Ⓟ ~ POWDER FIRE EXTINGUISHER
- Ⓢ ~ WATER FIRE EXTINGUISHER
- Ⓜ ~ FIRE ALARM SOUNDER
- NME ~ NON MAINTAINED EMERGENCY LIGHT
- NME ~ NME WITH DIRECTIONAL ARROW
- NME ~ NME WITH DIRECTIONAL ARROW AND RUNNING MAN
- NME EXIT ~ NME-ILLUMINATED EXIT SIGN
- ~ C.C.T.V camera



SECOND FLOOR PLAN KARAOKE ROOMS

DANCE FLOOR



LOWER GROUND FLOOR PLAN

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Norwich, NR2 4AE
Tel 01603 616132 Fax 01603 616139

Client

AL OULARE

Job Title

PROPOSED ALTERATIONS AT
15 PRINCE OF WALES ROAD
NORWICH
NORFOLK
NR1 1BD

Drawing Title

GENERAL LAYOUTS AS
PROPOSED

Scale

1:100

Date

SEP 2010

Drawn by

PH

Drg No.

333/04

Rev

APPENDIX E



NORWICH
City Council

memorandum

To:	Ian Streeter - Licensing	Your ref:	11/00706/PREM
From:	Tony Shearman – Environmental Protection	Our ref:	EH11/12715
Date:	3 rd May 2011	cc:	

Subject: Wafou, 15 Prince Of Wales Road – Premise licence variation application including use of the second floor.

Ian,

I have looked at the above application and have some concerns regarding noise from the proposed venue affecting residential properties in the vicinity, in particular the adjoining upper floors of 17 Prince-of-Wales Road and the residential flats to the rear in Maidstone Road.

The licensee has undertaken a noise impact assessment submitted as part of a recent planning application for use of the upper floors as a karaoke bar, which I have attached. The planning reference is 11/00151/U and is not yet determined.

The nearby residential properties have been correctly identified in the Noise Impact Assessment from Loven Acoustics, report ref. LA/1131/02R/ML. The report has predicted theoretical noise limits that would be appropriate for the rooms on the relevant sides of the building, based upon suggested insulation works.

The suggested noise limit of 79 dB(A) for the room adjoining 17 Prince-of-Wales Road is relatively low, but the limit for room 4, which overlooks the Maidstone Road flats, is much higher at 110 dB(A). This higher figure is justified by the greater separation between the properties and also on insulation works being undertaken as detailed in para. 3.4 of the report.

During a recent visit to the premises on the 31st March, the karaoke rooms in the proposed site were almost complete, benefiting from their final decoration and undergoing the final fit of the karaoke equipment. It was obvious during this visit that the insulation works required in room 4 to justify the greater noise limit, had not been undertaken. The plasterboard covering the window had been cut to allow some sort of service hatch and although the plasterboard had been fitted back into the hole there was a crack around the edge that daylight could be seen through. This indicated that there were not 2 layers of plasterboard with staggered joints, nor was the window reveal lined with 2 further layers of plasterboard or the required mineral wool. If these works had been undertaken the fitting was very poor due to the light coming through.

The above omissions are likely to mean that appropriate noise levels for this room would be below that as suggested by the noise report. This would mean that the maximum noise levels may need to be re-assessed to take into consideration the existing insulation or alternatively the applicant may upgrade the insulation to the standard as detailed in the acoustic report.

Also the maximum noise levels considered appropriate for room 1, which directly adjoins no. 17, are relatively moderate as recognised in para. 5.3 of the noise report. Although the music system in this room can be limited to a maximum level, unfortunately the noise from persons taking part in karaoke cannot. As this room adjoins a residential premises and is therefore very sensitive, it is my opinion that this room should not be used for any music and/or karaoke entertainment.

The premises licence already contains conditions relating to the control of music noise and these will still be applicable to any extended area if the application is granted. These should be sufficient to deal with the inadequacies of the insulation in room 4, however I do not feel that these will be sufficient to control the level of noise likely to be generated in room one and would therefore suggest imposition of the following condition.

1. No regulated entertainment shall take place in the area marked as room 1 on the plan marked drawing no. 333/04.

Re: 333/04

Tony Shearman
Environmental Protection Officer



DCH3
11/00151/4

Date: 23rd March 2011

Our Ref: LA/1131/02R/ML

15 Prince of Wales Road, Norwich - 2nd Floor Karaoke Bar
Noise Impact Assessment

Applicant: Mr. Al Oulare
C/O 15 Prince of Wales Rd
Norwich
NR1 1BD

Prepared by:

Martin Loven BSc (Hons) MIOA

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1. INTRODUCTION

- 1.1. My clients are proposing to convert the second floor of 15 Prince of Wales Road, Norwich into a Karaoke Bar, and are applying to Norwich City council for change of use class from residential (C3) to a Sui Generis class. Proposed opening times are 18:00 to 05:00 Monday – Friday and 12:00 to 06:00 Saturdays, Sundays and Bank Holidays.
- 1.2. The bar will consist of four small performance rooms each with a discrete sound system, together with a reception area and toilets. Access to the bar is via the entrance to the first floor bar below, although the Karaoke bar will be independently managed.
- 1.3. The bar is situated in an area which is central to the night-time economy of Norwich, with a number of late night venues and night-clubs. Prince of Wales Road is in a bustling city centre location throughout the night and as a consequence the noise environment is consistently high. The buildings nearby are predominantly commercial with few residential receptors.
- 1.4. Loven Acoustics has been commissioned to carry out an assessment of the impact of noise from the operation of the karaoke bar, and compare with the council's noise limiting criteria.

2. NOISE LIMITING CRITERIA & RECEPTORS

2.1. Following a conversation with Tony Shearman, Norwich City Council's Environmental Health Officer (hereafter referred to as the EHO), the following criteria for assessment and identified receptors to assess have been agreed.

2.2. The council have set specific noise limits based on a noise rating curves, and are the same as was required for the application for the bar on the lower floors. The specific requirements are summarised below.

- *...the building shall be insulated as necessary...such that noise levels from the application premises shall not exceed [noise rating curve] NR30 as measured at a point 1 metre outside any noise sensitive premises and shall not exceed NR20 as measured inside any adjoining noise sensitive premises.*

2.3. The noise sensitive premises to assess were identified as follows:

Receptor 1 – A recently constructed apartment block to the rear of the site, accessed off Greyfriars Road, approximately 15m from the rear façade of the bar. This 3-storey block appears to have habitable room windows with direct line of sight to the rear external wall of one of the karaoke rooms (Room 4).

Receptor 2 - A second floor apartment in 17 Prince of Wales Road, adjacent to Room 1 of the bar, and separated by an existing party wall.

2.4. During the discussion with the EHO, it was concluded that attempting to measure the sound insulation of the second-floor building shell from a ground floor receive position would be impractical and inaccurate, due to the high ambient noise levels and distance separation.

- 2.5. Similarly, because of high ambient levels throughout the night, it was likely that NR30 would already be exceeded by the ambient noise affecting the external area of Receptor 1, and thus could not be measured accurately. Indeed this was found to be the case in the previous noise assessment carried out for the ground and first floor bars in the same premises.
- 2.6. Consequently it was agreed with the EHO that in this instance a desk-top exercise would be suitable, to calculate the sound insulation of the building shell, following a site visit to determine the construction details, and assessment of the proposed upgrade works for sound insulation. From this data, and working back from the criteria set out above, a workable maximum internal noise limit to achieve within the karaoke bar could be established. If the limit was deemed inadequate for the viability of the bar, further enhancements would be recommended in order to meet the criteria.

3. CONSTRUCTION & DESIGN DETAILS

- 3.1. A site visit was carried out on 16th March to determine the construction details of the existing building shell and to discuss with the clients the proposals to enhance the building shell to limit the noise breakout. It was determined that the external wall to the rear of the building facing Receptor 1 is of 225mm solid brickwork, fair-faced externally and plastered internally. In the centre of this wall in Room 4 there is a small sliding sash window.
- 3.2. The separating wall to Receptor 2 could not be definitively determined but it is solid masonry and for the purposes of this assessment has been assumed to be the same as the external wall - 225mm solid brick. It may be cavity brickwork but solid 225mm was the most common separating wall construction for the period and building type.

3.3. Table 1 below shows the predicted sound insulation performance of the external and separating walls, based on generic test data.

Table 1. Predicted sound insulation of existing walls

Wall	Over-all R _w	Octave band centre frequency (Hz)								
		31.5	63	125	250	500	1k	2k	4k	8k
External 225mm Solid brickwork – plastered one side	52	35	37	42	46	50	58	62	63	65
Internal separating 225mm Solid brickwork – plastered both sides	52	35	38	42	47	50	59	62	63	65
Glazed window in room 4 external wall	25	16	19	20	22	28	33	34	28	32

3.4. Proposed works to carry out sound insulation improvements to the existing façades are as follows:

- Line walls with 120mm S/W battens, with 100mm mineral wool absorption between battens.
- Face battens with 2x12.5mm plasterboard with staggered joints.
- Seal around board perimeters with flexible acrylic mastic.
- Fill in window reveal with 2x12.5mm plasterboard at window frame side of reveal. Fill void with 100mm mineral wool absorption. Face on inside of wall with 1x12.5mm plasterboard, allowing 100mm+ void between mass layers.

3.5. The effectiveness of the above enhancements and comparison with the local authority criteria will be discussed in the following section.

4. NOISE ASSESSMENTS

4.1. In order to ascertain the necessary sound limit to impose on the karaoke activities in the relevant rooms of the bar, it is necessary to base calculations on the relevant NR criteria of the local authority and factor in the sound insulation of the separating partitions and distance correction where applicable.

4.2. Based on the proposed enhancements outlined in s3.4 above, the following tables 2 and 3 summarise the calculated level within the relevant rooms necessary to meet the NR criteria at each of the two receptors.

Table 2. Calculation of noise limit within Room 4 for Receptor 1 – (dB)

Wall	Over-all dB(A)	Octave band centre frequency (Hz)								
		31.5	63	125	250	500	1k	2k	4k	8k
NR30 values	35	76	59	48	40	34	30	27	25	23
Distance correction to façade (@15m)	+24	+24	+24	+24	+24	+24	+24	+24	+24	+24
Target value 1m from site façade	59	100	83	72	64	58	54	51	49	47
External 225mm Solid brickwork – plastered one side + proposed enhancement shown in S3.4	54	35	38	43	46	52	59	65	65	68
Glazed window in room 4 external wall + proposed enhancement shown in S3.4	46	21	22	24	36	51	56	59	52	55
Composite wall performance (SRI)	+51	+28	+30	+32	+42	+51	+58	+63	+59	+62
Internal sound level limit in Room 4 (Façade level + wall SRI)	110	128	113	104	106	109	112	114	108	109

Table 3. Calculation of noise limit within Room 1 Receptor 2 - (dB)

Wall	Over-all dB(A)	Octave band centre frequency (Hz)								
		31.5	63	125	250	500	1k	2k	4k	8k
NR20 values	25	69	51	39	31	24	20	17	14	13
Internal separating 225mm Solid brickwork – plastered both sides + proposed enhancement shown in S3.4	54	35	39	43	47	52	60	65	65	68
Internal sound level limit in Room 1* (NR value + wall SRI)	79	104	90	82	78	76	80	82	79	81

* Assumes no significant flanking around party wall

4.3. It can be seen from the predicted levels above that the sound limit for Room 4 is generous, with an overall noise limit of 110dB(A) to ensure the NR30 is met at the façade of Receptor 1. For Room 1, however, the limit is considerably less at 79dB (A).

5. DISCUSSION & RECOMMENDATIONS

5.1. The assessment has determined the required sound limit to be imposed on the separate karaoke equipment in room 1 and 4 of the proposed bar on the second floor of 15 Prince of Wales Road, Norwich.

5.2. The two other performance rooms do not adjoin or affect noise-sensitive receptors and do not need to be specifically restricted as the sound levels will in any event be constrained by the following mitigating factors:

- Sound insulation between the rooms. The proposed construction of the separating walls between the rooms is a single stud wall with plasterboard facings, which will provide approximately 40dB R_w sound insulation. This will enforce limits where more than one room is active as there will be too much 'cross-talk' or interference between neighbouring performances if sound levels are too high.

- Size of rooms. The volume of the rooms is relatively small, which means that a reverberant level, and consequently comfort limit, will be achieved at relatively low volume.
- The proposed sound systems for the rooms are not high-powered. Amplifiers at just 200W RMS rated, and there will be only 2no. small wall-mounted speakers in each room.

5.3. For Room 1 the recommended limit of 79dB(A) may not be regarded as ideal for client's expectations. However, to improve the sound insulation of the separating wall with the Receptor 2 apartment to any significant degree would require not only enhancement to the wall itself, but also to the external wall to limit flanking transmission. By carrying out the following works, an improvement of around 6-10dB may be expected:

- Construct an independent self-supporting timber or metal frame at least 25mm from the existing party wall and the existing external wall to Prince of Wales Road, such that there is no mechanical contact with the existing structure.
- Infill between the studs with 50+mm open-face mineral wool of density between 20 and 40kg/m³.
- Face the studs with 1x19mm plasterboard Plank and 1x15mm SoundBloc acoustic plasterboard or similar, or 3x12.5mm SoundBloc, with staggered joints.
- Seal around the perimeter of all boards with flexible acoustic mastic.
- Ensure that speakers are attached only to internal walls and not to the party or external wall.

- 5.4. If the above is implemented, the sound limit for the system in Room 1 should be able to be raised from 79dB(A) as an overall level to approximately 85dB(A), based on frequency performance expectations in line with NR20 spectra.
- 5.5. Alternatively, the sound system must be kept to the recommended 79dB(A) overall, and the frequency spectra indicated in Table 3. It may be necessary to install a noise-limiting device in this particular room to ensure that clients cannot exceed this level. However, no other rooms should require a noise-limiter for the reasons stated in s5.2 above.
- 5.6. If the above recommendations are implemented, it is considered that the criteria of the local authority can be met and there should be no subsequent adverse impact on the amenity of local receptors from the Karaoke bar activities.

APPENDIX F

Fuller, Maxine

From: Jonathan Frary
Sent: 22 April 2011 09:41
To: Fuller, Maxine; Streeter, Ian
Subject: WAFOU Licence variation application ref 11/00706/PREM

I would like to object to the above application for the following reasons;

- I have registered a noise complaint with regards to the ground and first floor of this premises due to the appalling loud noise emanating from this bar/club from early evening to very early morning (3.30am) every day. I have kept a log for two weeks and have now handed this in for the attention of Richard Divey, Enforcement Officer. The log provides evidence that the club is operating well outside their agreed opening hours and causing a great deal of noise.
- This establishment is in breach of its planning as it should close at 1am daily but never does - meaning that residents in the surrounding area are constantly disturbed (the building backs onto a block of approximately 100 residential flats at NU Centrale (comprising Greyfriars Road and Maidstone Road)
- This establishment is in breach of its planning as it has not completed the necessary works to prevent noise disruption - the planning was granted on the basis that all works should be done as per the noise report. I am aware from my discussions with Sarah Platt in the council planning team that the premises has not followed this which is why so much noise is being transmitted to outside and disturbing all around
- The proposed application for the conversion of the flat above to a karaoke bar will exacerbate the noise problem as there will be clearly noisy singing heard on top of the already deafening noise escaping
- There is a window on the first floor flat that directly looks into the bedrooms of the block of flats at Maidstone Road so privacy is an issue (on top of the fact that the noise being heard is mostly being heard in the bedrooms of the flats causing major disruption to sleep for all residents)
- Given this clients track record of clearly having little disregard for abiding by the lawful terms of the planning I see no reason why any trust should be placed on him and this application should be refused.

Jon Frary 30 Maidstone Road, Norwich, NR1 1EA

**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)	Jake Lomax
Postal address	23 Maidstone Road, NR1 1EA
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Wafou
Address of the premises you wish to support or object to.	Prince of Wales Road, NR1

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

Licensing Objective	<i>Please set out your support or objections below. Please use separate sheets if necessary</i>
To prevent crime and disorder	
Public safety	
To prevent public nuisance	<p>The existing music situation at Wafou is keeping my flatmate awake until 3,4,5 AM and not just at weekends. Unlike her my bedroom does not face the back of the buildings on Prince of Wales Road, but nevertheless I have had several nights of disturbed sleep as a result of the music noise coming from the Wafou.</p> <p>Maidstone Road/Greyfriars Road is a large residential block with hundreds of people living there. Prior to Wafou setting up there was no problem with music from Prince of Wales road despite the large number of licensed premises. This is why I did not object to the original application by Wafou. But now the noise problem from those premises is serious and is affecting the quality of life for myself and my flatmate, and no doubt many of my neighbours too.</p> <p>I therefore object to any extension of the terms of Wafou's license that might in any way increase the amount of noise coming from the property.</p>
To protect children from harm	

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

Signed:

Jake Lomax

Date: 21.4.2011

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)	Chris Page
Postal address	21 MAIDSTONE ROAD NORWICH NR1 1EA
Email address	
Contact telephone number	
Name of the premises you wish to	1. JAFU
Address of the premises you wish to support or object to.	15 PRINCE OF WALES ROAD, NORWICH. NR1 1BD

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	Since club has opened we have had constant problems with noise (music) late at night. A complaint has been lodged with Environmental Health.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Doors + windows kept shut and building soundproofed to a sufficient level to eliminate external noise pollution.
--	--

Signed:

Date: 28/4/11

Please see notes on reverse



APPENDIX G

Local Policy considerations

1.0 Introduction

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

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

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

(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. 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’, ie it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the Council.
- 5.0 Conditions attaching to Licences
- 5.1 Where relevant representations are made, the Council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
- 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are necessary 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

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.

APPENDIX H

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

PUBLIC NUISANCE

2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary 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 impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.33 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 interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.

2.34 Conditions relating to noise nuisance will normally concern steps necessary 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 in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary 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.

2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity 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 necessary.

2.36 Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For

example, music noise from premises usually occurs from midevening 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 in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.

2.37 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered necessary 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.

2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.

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

Proposed Conditions

10.7 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs 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 of opening.

10.8 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove necessary

Imposed Conditions

10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

10.12 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must

be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

Proportionality

10.13 The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues. For example, charities, community groups, voluntary groups, churches, schools and hospitals which host smaller events and festivals will not usually be pursuing these events commercially with a view to profit and will inevitably operate within limited resources.

Fundamental principles

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."

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."

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."

Licensing Hours

13.41 "...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies...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."