

Liquid (to be known as ATIK), 24/26 Prince of Wales Road, Norwich, NR1 1LF

New Premises Licence application

Hearing: 6th August 2021

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Witness Statement

(CJ Act 1967, S.9 MC Act 1980, ss. 5A(3a) and 5B, MC Rules 1981, R.70)

Statement of: Russell Quelch

Age: **Over 18**

Occupation: Operations Director (Cities) for Rekom Limited

This statement (consisting of 11 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 30/7/21..... 2021

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1. I, Russell Quelch, make this statement in support of our application by CC Stim UK Tradeco 2 Limited for a Premises Licence under Section 17 of the Licensing Act 2003, for premises to be known as ATIK, 24/26 Prince of Wales Road, Norwich, Norfolk, NR1 1LF.
2. I am an Operations Director (Cities) who works for Rekom Limited, which company wholly owns the shares of CC Stim UK Tradeco 2 Limited, which is one of Rekom Limited's trading subsidiaries.

Rekom Limited

3. Rekom Limited is a Danish based company which trades 175 bars and clubs in Denmark, Finland, Norway and the United Kingdom. Following the acquisition of The Deltic Group Limited in the United Kingdom, 44 of these bars and clubs are based in the United Kingdom.
4. Rekom Limited has operated these bars and clubs for 14 years in Scandinavia before venturing into the nightclub market in the United Kingdom, with the acquisition of the Deltic Group Limited. Rekom Limited are highly professional and experienced operators in the night-time economy with an international reputation for setting benchmark standards that other operators seek to follow.

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5. As a result of the Covid related restrictions, The Deltic Group Limited sadly went into administration on 15th December 2020. Rekom Limited acquired the majority of its clubs after the administration, but ATIK, Norwich was not one of those clubs that it initially acquired. Negotiations were ongoing at the time with the landlord of this building in which this club and another of our operations "Bar & Beyond" are situated, but a commercial property deal could not be reached between the landlord and Rekom Limited and, hence, the Premises Licence which was in place for Liquid on the first and second floors with a ground floor entrance was not transferred either prior to the administration on 15th December 2020 or within 28 days of it and, hence, the Premises Licence then lapsed. Under the Licensing Act 2003, upon the administration of a company which holds a Premises Licence, unless an interim authority is issued in favour of the Administrator or, alternatively, the licence is transferred within 28 days of the administration, then the Premises Licence can no longer be resurrected and ceases to exist.
6. As indicated above, The Deltic Group Limited entered into administration on 15th December 2020, as a direct result of the pandemic and resulting legislation, which meant that nightclubs have been one of the very few businesses which have been unable to reopen to the public since the start of the first lockdown in March 2020. This has had a devastating impact upon the nightclub industry, details of which are within the report prepared by the All Parliamentary Group for the Night Time Economy attached as **Exhibit RQ1**, and I would refer specifically to the highlighted paragraphs in it on pages 3, 4, 10, 11, 18, 40 and 44. Although some persons would, we acknowledge, prefer there to be no nightclubs in their city or town centres, our venues give enormous joy and pleasure to millions of young people each year, help support local economies and provide substantial job opportunities for young people.
7. With the acquisition of the nightclub estate from The Deltic Group Limited, Rekom Limited is now the largest operator of pure nightclubs in the United Kingdom.

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8. Myself and Brett Collier (the Regional Director), both previously worked for The Deltic Group Limited, and now work for Rekom Limited, and between us we have over 40 years of experience in the nightclub industry, Brett knows Norwich well having also managed the premises which were previously known as Squires, at the riverside development, for 2 years. More specifically, we have considerable experience of operating the venue that Rekom Limited currently operates in Norwich called Bar & Beyond, which sits underneath the proposed site for ATIK. A copy of the Bar & Beyond premises licence is at **Exhibit RQ2**.
9. Following the administration of The Deltic Group Limited, an application was made for a new Premises Licence a copy of which is attached at **Exhibit RQ3**. This application was made after a meeting was held on site between ourselves, our solicitor (Jonathan Smith of Poppleston Allen) and representatives from the Licensing and Environmental Health Teams at Norwich City Council and Norfolk Police. A copy of the Premises Licence which was in place before The Deltic Group Limited went into administration is at **Exhibit RQ4**.
10. This sub-committee will appreciate that, unusually, we are not seeking to establish a Premises Licence for a new nightclub in Norwich town centre by way of this application. We are merely seeking to reinstate the previous licence (albeit with even more restrictions than before). This whole application would, in fact, have been unnecessary if a simple online form had been completed when The Deltic Group Limited went into administration enabling the transfer of the existing premises licence or to apply for an interim authority notice, both of which procedures are generally uncontroversial formalities. The situation we are now in is a direct result of the exceptional circumstances created by the pandemic.
11. The exceptional nature of this application is underlined by the fact that, following extensive engagement with the responsible authorities prior to us issuing the application, there is no representation from Norfolk Police, with whom additional conditions have been agreed. There is an outstanding representation from the Environmental Protection Team at Norwich City Council, but we are hopeful that this can be resolved by way of conditions.

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12. The additional conditions which have been requested by the Police are at Exhibit RQ5, and we have combined these conditions with the conditions originally offered in our application, which is at Exhibit RQ3, into a composite set of conditions at Exhibit RQ6.
13. Additionally, we will provide a contact telephone number for the Duty Manager of the premises, which can be called during any night's trade when the club is open. We have included an additional condition at the bottom of the composite set of conditions (at the end of the conditions dealing with Public Nuisance) at Exhibit RQ6.
14. As a company we aim to be highly responsive to our neighbours' concerns. We know that if we are to succeed within a locality then we need to be a good neighbour and a responsible member of the Norwich city community. We have operated the premises currently known as Bar & Beyond, which sits underneath the proposed club, in one format or another for 15 years without serious incidents or licensing issues.

LIQUID

15. Liquid Nightclub opened in 1998 when it was run by Luminar Leisure Limited. Luminar Leisure Limited underwent various forms of corporate restructuring, during which the Club changed name on a number of occasions before the premises shut in 2013. The Premises Licence was retained in the name of The Deltic Group Limited until it lapsed on the administration of The Deltic Group Limited on 15th December 2020.
16. The club had a ground floor entrance, and used to trade on both the first and second floor levels above Bar & Beyond, which premises are also operated by Rekom Limited, and a copy of which Premises Licence is attached at Exhibit RQ2.
17. The proposal is to remove the roof at second floor level to create an outdoor terrace area, which will assist our operation because people who wish to smoke can do so on the second floor terrace area, rather than going out onto the street, something that was mentioned as a positive by Michelle Bartram of Norfolk Police. The terrace area will be sunken down

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and, unless you are hovering above the area, you would not even know it was there. This will also greatly mitigate the noise impact of people using the terrace as the sound of their voices is only able to travel upwards rather than in the direction of residential homes.

18. We appreciate nightclubs are not for everyone, but many activities are not appealing to everyone (polo and opera are two examples). We believe that if Norwich wishes to retain its age-old nightclub offering to its younger generation who live and work in Norwich and the environs, and wish to encourage this generation to stay in Norwich when they become adults and contribute to its economy, then ATIK is deserving of support. The alternative is that members of the younger generation whose social life is often centred on the nightclub are compelled to leave the area for good, or else are deterred from setting up their lives in the city in the first place. The only premises which could now describe itself in any way as a "club" is Mantra (after Mercy closed a couple of years ago which had been able to cater for almost 2,000 customers), which typically operates as a bar, other than on a Saturday night, when it will operate as a bar and then a club. For a true nightclub experience there is a nothing similar to that which ATIK would offer if the Premises Licence were to be granted. ATIK would also cater and appeal to students from East Anglia University, and be an appealing club offering which would be important in attracting students to the University.

19. The club was sometimes used to celebrate special occasions and was used by young people to celebrate "big lifetime events". These celebratory occasions improve the overall wider economy of a town or city, not just the late night businesses. It also helps to create a sense of community among young people who enjoy similar leisure activities. To prepare for their celebration, customers will use local retailers, beauticians and hair salons. To start their evening, they will frequent local restaurants and bars and, to complete their evening, they will visit the local nightclub followed by the use of local taxi drivers and, if they are from out of town, to stay at local hotels. The nightclub is the anchor to all of this leisure spend. Without a true nightclub in Norwich, the "leisure pound" will move to other areas.

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20. A dedicated nightclub in a town the size of Norwich has significant benefits to not only the night time but also the day time and early evening economies.

21. I understand that the revised draft Statement of Licensing Policy removes the Cumulative Impact Policy which was in place for the City Centre. The consultation, I understand on this policy, began on 8th February 2021 and ended on 2nd May 2021. I have seen a copy of the draft Policy, and this does make reference to the fact that the area which was subject to the Cumulative Impact Special Policy now no longer has a legal basis. The Licensing Authority consider there is no current evidence of a particular location causing any Cumulative Impact on the licensing objectives. This is referred to in paragraph 29.5 of the draft Statement of Licensing Policy.

22. I have also seen a report which was put to the Licensing Committee on 8th July 2021 concerning the adoption of the revised Statement of Licensing Policy without the Special Policy on Cumulative Impact, and this reiterates the fact that the Cumulative Impact section of the policy would have no proper legal standing without a Cumulative Impact Assessment, and then makes reference to the number of businesses that have closed because of the COVID-19 pandemic. I also note that there were only three responses received during the consultation period, none of which were supporting the retention of the Cumulative Impact Policy, and Norfolk Police did not request that it be retained in the revised Statement of Licensing Policy. It is noteworthy, that the old cumulative impact policy was, according to the policy, primarily introduced as a result of police representations and evidence yet the police do not object to the grant of our licence application for a nightclub at this location.

23. As the Parliamentary report highlights, night time businesses are cited as vital community hubs, they are important places for young people to socialise outside of home and, particularly with the impact the pandemic has had upon young people's lives, are a good place for young people to socialise and enjoy themselves in a safe and secure environment, rather than be going out to unregulated and unsafe parties and "underground" raves or music events (which have notably increased during the closure of nightclubs during the

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pandemic). Young people do not stop having fun if nightclubs are closed, they simply do so in much less safe settings which have an even greater impact on the licensing objectives and place even more of a strain on the stretched resources of the police and local authority.

24. We find ourselves in this position of applying for a new licence to replace a licence for a nightclub that had been there for many years prior to its closure, as a result of a simple failure to apply to transfer the Premises Licence after the administration of The Deltic Group Limited.

The Proposed Operation at ATIK

25. A copy of a presentation which gives some idea of how the new club would look, if a Premises Licence was granted, is attached at **Exhibit RQ7**.

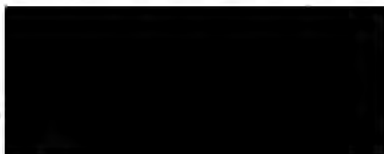
26. The club will operate as a twin scene nightclub, and will probably trade on 4 nights per week, including Fridays and Saturdays. A door entry charge will be made of between £5 and £8.

27. The search policy is that 100% of all bags are searched. There is then a minimum search of 50% of customers, but everyone goes through a metal detection arch, and should it beep they are then patted down and should go back through the metal detection arch before being allowed into the club. This should ensure that at least 50% of all customers are searched. A copy of the search policy is at **Exhibit RQ8**.

28. Door staff and management are on an internal radio scheme, and we also use any current City Centre Radio scheme to talk to other premises in the City.

29. We operate a Challenge 25 policy, and all staff are trained on alcohol awareness and age verification by members of management.

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30. Our staff are trained on customer vulnerability. Details of the vulnerability and customer care policies of Rekom is provided at **Exhibit RQ9**.

Dispersal of Customers

31. The premises has a written dispersal policy, which is provided at **Exhibit RQ10**.

32. All door staff involved in dispersal wear a body camera, and door staff involved in dispersal will wear high visibility jackets.

33. The staff at ATIK will undertake a litter pick, along the frontage of Bar & Beyond and ATIK and will also clear up any litter or evidence of anti-social behaviour from neighbouring properties.

34. We are prepared to provide a mobile number for the club management to the residents who have made a representation against this application which is provided as a condition in the composite set of conditions at **Exhibit RQ6**.

Representations

35. The City of Norwich has a population of some 129,500 residents, and there have been just 7 formal representations objecting to this application. This represents 0.005% of the residents living in Norwich. Whilst we are never complacent and wish to address all residential concerns, this level of objection to the current application does not represent a groundswell of negativity towards the proposed reopening of ATIK. We will host many thousands of young people, who will come into Norwich and will greatly value our offering. The overwhelming number of people in Norwich are not significantly concerned enough about this application to make a representation, and very many are likely to welcome it. As is often the case, the silent majority who are not troubled by this application can speak volumes.

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36. In deference to the representations received, I do however wish to make these relevant comments:

Norfolk Police

37. The representation received from Michelle Bartram of Norfolk Police has been dealt with by way of agreement to the conditions which have been requested.

Councillor Haynes

38. The application that we have lodged limits the playing of any Regulated Entertainment in the outside area on the second floor to 23:00 only. Music was previously played indoors at this club, and we are not aware of any complaints which were made about the music levels from internal music, and this would have been raised as a representation by Environmental Health had there been any historic complaints.

39. We will mitigate any risk of our customers causing nuisance to residents who live around the immediate area by way of our dispersal policy, and we will provide local residents with a contact number should our customers cause unwanted noise to them.

Alexander Catt

40. Again, I stress that we have had no complaints about noise breakout of music from a club in this building in the past, and this would have been raised by the relevant authorities if it had happened.

Alex Grimmer, Public Protection

41. We have provided Alex Grimmer with an acoustic report which is attached at Exhibit RQ11 which makes it clear that a noise limiter will be fitted to be set at the appropriate levels to ensure that any music played on the second floor terrace area does not cause any nuisance to local residents. The acoustic report also addresses concerns that Alex Grimmer has raised directly with Jonathan Smith of Poppleston Allen solicitors, in paragraph 6 of the report.

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Conclusion

42. Rekom Limited is an experienced and responsible operator, which has now expanded its operations into the United Kingdom and is now the UK's largest nightclub operator. It has taken advantage of the existing management team that was at The Deltic Group Limited and, consequently, we are more than familiar with the night-time economy in Norwich City Centre, not least because we already operate Bar & Beyond, which sits below the proposed site for ATIK. Consequently, we are well known as a company to both Norwich City Council and Norfolk Police, yet no representations have been made to this application by Norfolk Police. The representation from the Environmental Protection Team relates to the use of the second-floor outdoor terrace area, and discussions are continuing with the Environmental Protection Team about appropriate conditions relating to this area. If the operation that we run at Bar & Beyond was any cause for concern then, of course, the responsible authorities would have objected to this application. In fact, Bar & Beyond's operation has been praised by the authorities and it has never been subject to a licence review or other formal enforcement action over the years. None of the other experienced responsible authority officers, who are primarily professional guardians of the licensing objectives, are objecting to this application.
43. Whilst all night-time economy venues have the potential to impact on the locality, the steps we have taken and conditions we propose to be added to the premises licence are appropriate, proportionate and effective measures to greatly mitigate that impact on the community whilst still enabling tens of thousands of people to safely enjoy our venue each year. We are confident that we can operate to the very highest of standards, and to the same standards that Bar & Beyond operates to.
44. It is evident that we wouldn't be in this position of applying for a new Premises Licence, with the consequent representations, had it not been for the pandemic, and the impact this has had on the late night entertainment industry but, in particular, on nightclubs which have been forced to close. This is an exceptional feature of this case.

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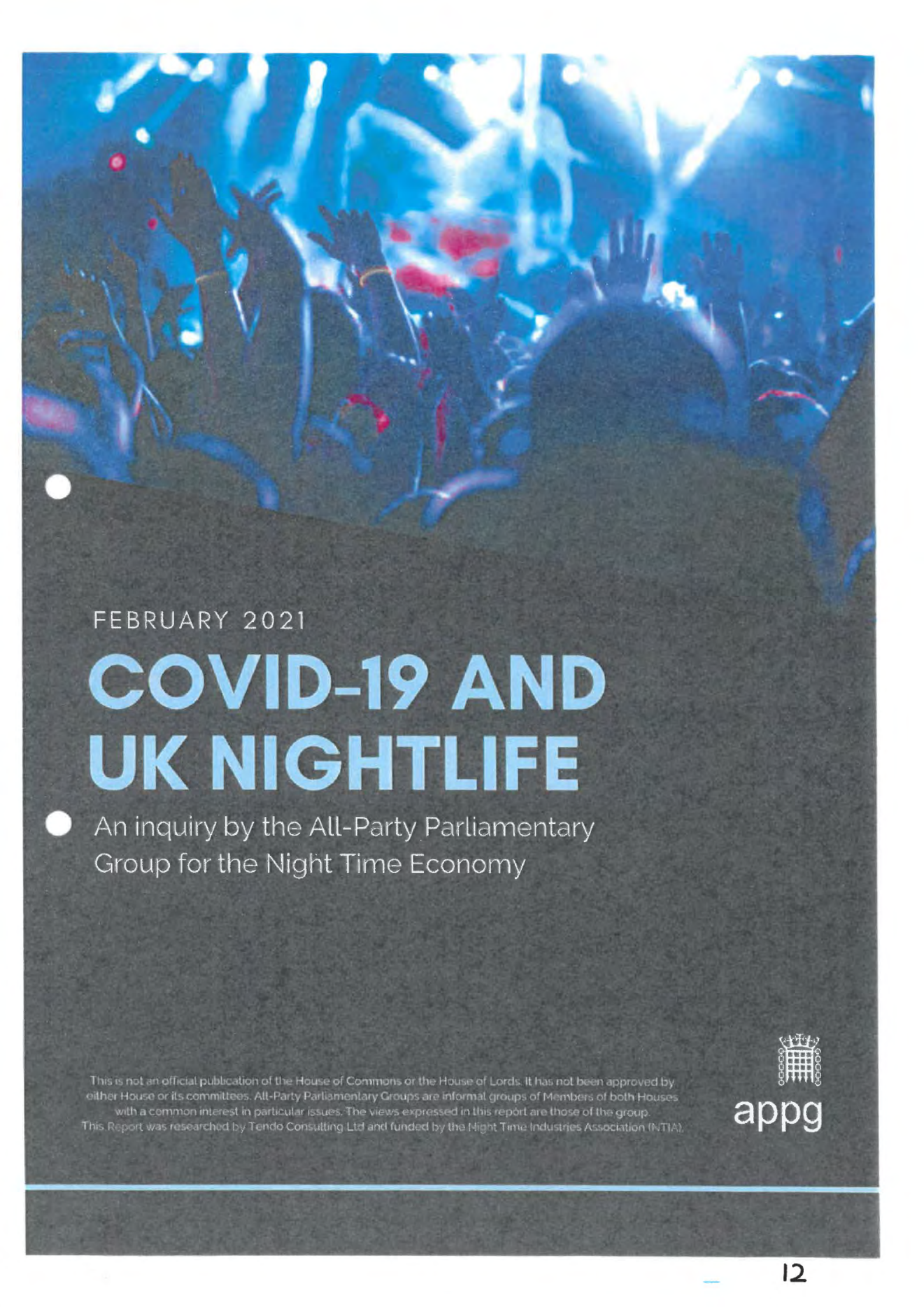
45. We will continue to work with the authorities and Norfolk Police, and are happy to reach out to local residents, both by the use of the telephone number to contact a Duty Manager, and also to be proactive and arrange meetings with residents if the Licensing Authority and residents felt that this was appropriate.

46. We are confident that if ATIK is allowed to reopen to the hours applied for, it can do so in a way which will benefit the city of Norwich as a whole, and provide a safe haven for young people, whilst we will continue to do all we can to ensure that the premises are operated in a responsible and safe manner causing as little public nuisance as possible to people who live near to the club.

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FEBRUARY 2021

COVID-19 AND UK NIGHTLIFE

● An inquiry by the All-Party Parliamentary
Group for the Night Time Economy

This is not an official publication of the House of Commons or the House of Lords. It has not been approved by either House or its committees. All-Party Parliamentary Groups are informal groups of Members of both Houses with a common interest in particular issues. The views expressed in this report are those of the group. This Report was researched by Tendo Consulting Ltd and funded by the Night Time Industries Association (NTIA).



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Executive Summary

The Covid-19 pandemic has had a devastating impact on a sector that the Night Time Industries Association estimate contributes £66 billion per year to the UK economy, accounting for 1.3 million jobs and 8% of the UK's total workforce. Along with the nightclubs, pubs, bars, and live music venues that define British nightlife and usually drive so much economic activity, the night time economy creates vast and co-dependent supply chains of freelancers, sole traders and suppliers, and supports thousands of auxiliary businesses. Yet the sector's value to this country is far more than that which can be measured in GDP – music venues, nightclubs, bars, and pubs are areas for social as well as economic activity, and for so many people they are places that evoke strong memories of joy and a sense of community.

This inquiry has sought to examine the consequences of the absence of night time economy spaces, marketplaces, social hubs and cultural institutions on the people who make up this sector, on those who enjoy its custom, and on society more widely. The evidence we received revealed a picture of an industry on its knees, in need of urgent additional attention and support from Government if it is to avoid irreversible losses.

Amongst the key findings of the APPG:

- Without urgent government support, nightlife businesses face 'extinction' that will see urban centres become 'ghost towns' and hobble wider economic recovery.
- 85% of people working in the sector are considering leaving the industry.
- 78% of all employees in the sector had at some point been on furlough.
- Businesses in the night time economy had on average made 37% of their total workforce redundant - nightclubs: 51%; bars: 32%; pubs: 26%; live music venues: 36%; supply chain businesses: 40%.
- In the second half of 2020, businesses in the night time economy traded at an average of 28% of their annualised pre-Covid turnover - nightclubs: 20%; bars: 32%; pubs: 43%; live music venues: 28%; supply chain businesses: 19%.
- Only 36% of self-employed nightlife workers have been able to claim the Self Employment Income Support Scheme (SEISS).

The APPG learned just what these figures meant in personal terms, receiving countless pieces of moving testimony – much of which we have reproduced in full. Many were thankful for some elements of Government support – most commonly, the furlough scheme – but on the balance of evidence, the inquiry found the Government's support for the night time economy has been insufficient. The Prime Minister and Chancellor now need to take a series of measures if the sector is to have a chance of recovering to its pre-pandemic strength, thereby playing an integral role in our wider economic recovery. These measures include:

- Extending the furlough scheme until businesses can operate without restrictions, and extending VAT and business rates relief through 2021.
- Producing a roadmap for reopening late night venues based on the vaccination programme and mass testing.
- Expanding eligibility for the Culture Recovery Fund and providing a sector-specific support package for the sector.
- Providing a government-backed insurance scheme and a solution to spiralling commercial rent debt.
- Providing a Treasury-backed campaign to drive consumer demand in the sector when safe to do so.

Foreword



Jeff Smith MP, Chair of the All-Party Parliamentary Group for the Night Time Economy

The UK is internationally renowned for our night time industries. Our artists headline major festivals across the globe, our pubs are a beacon of our communities, and our towns and cities draw in millions of tourists per year in part as a result of this.

I was fortunate to spend a large portion of my career working in the night time economy sector. Before entering politics, I was self-employed as a DJ and events manager working on concerts, festivals and events around the UK. In doing so, I worked with a host of creative and skilled people, and have seen the amount of planning, talent and energy it takes to run a business in the night time sector. I know that these industries have been devastated by the Covid-19 pandemic and I also know that these are industries that bring hope, joy and entertainment to millions across the UK.

Returning to 'normality' may seem a long way off, but for those working in the night time economy, this is even more so. Nightlife businesses have been absent from lockdown exit strategies, and many in the sector have remained in the same, unchanged, closed position as they were in March 2020, with almost no indication of if, and when, the sector can reopen. The All-Party Parliamentary Group for the Night Time Economy was established to recognise this very fact: to note that this sector has been disproportionately affected by the pandemic and yet also had very little representation in Parliament. We launched this inquiry to produce industry-led recommendations, to harness the collective voice of the sector and to elevate the personal views, struggles and stories of those passionate about nightlife.

Let us not define arts and culture too tightly or traditionally, and remember that our world-leading music venues, nightclubs, bars and pubs are cornerstones of our communities.





Michael Kill, Chief Executive of the Night Time Industries Association

Nightlife has been decimated by the Covid-19 pandemic. Venues in our once viable, thriving and prosperous towns and city centres closed their doors to trade, and since then, have battled increasing uncertainty, financial hardship and desperation. We have lost livelihoods, a host of skilled workers and a year of memories yet to be made in cancelled events and projects.

The Night Time Industries Association is pleased to offer secretariat support to the All-Party Parliamentary Group for the Night Time Economy. Not long into the pandemic, it became clear that policymakers in Government were less familiar with the business models operating in our sector. Policy guidance has been muddled and confusing and there appears to be a lack of appreciation and understanding of the sheer size, cultural significance, and economic value of nightlife in the UK.

That is why the APPG inquiry into UK nightlife was launched. We wanted to help to showcase the stories of those working in the sector, those struggling to maintain their businesses, and those who can testify to the importance of the night time economy to communities across the country. We have been overwhelmed by the responses received and hope that this report can unearth just a fraction of the passion and enthusiasm shown in our sector by nightlife workers and the British public.

Our sector holds an immense wealth of talent from artists to engineers, bar staff to security, and production to promoters. These skilled and hard-working individuals underpin the strength of our sector; while we have faced unparalleled hardship, we have also shown great resilience. We have used this strength and creativity to adapt, to 'repurpose', and to survive in the limited way that we can. As a sector, we are keen to do more, to actively support the fight against Covid-19, and to uplift the public with our talent and our spaces. Without the right support, however, our commitment can only get us so far. We must now work to ensure that we protect this important industry and offer the right measures, resources, and assurances so that the sector can safely rebuild and help drive the UK's economic recovery in the post-pandemic world.



Methodology

The APPG for the night time economy was formed in December 2020 to recognise the specific challenges facing nightlife businesses as a result of Covid-19. The group brings together over forty parliamentarians from both the House of Commons and House of Lords and represents parties across the political spectrum. Each member believes that more must be done to safeguard nightlife businesses from collapse and to promote the value of nightlife in the UK.

It may be helpful first, however, to define what we mean by the night time economy. For the purpose of our inquiry, we have defined the sector as the broad ecosystem of businesses operating between the hours of 6pm and 6am. This includes the world-leading nightclubs, music venues, bars, pubs and entertainment industries that collectively form the UK's creative and cultural capital.

The night time economy can be further segmented by its primary, secondary and tertiary businesses. Primary businesses may be licensed hospitality premises trading only between the hours of 6pm and 6am. Secondary businesses can be characterised as those that trade throughout the day but are largely dependent on revenue occurring in the late evening. This may include restaurants, theatres and cinemas. Finally, any assessment of the night time economy must consider the broad spectrum of businesses operating in auxiliary to these primary and secondary businesses. Tertiary industries directly profit from the sector, and often would not exist without it. These includes taxis, transport services and hotels.

While the focus of our inquiry will centre predominantly on the primary night time economy, the APPG note that the secondary and tertiary segments of this sector are not only heavily reliant on nightlife, but are interdependent with it. The sector also fields a vast supply chain of sole traders and suppliers intricately connected to the operation of nightlife businesses and live events. These groups have been increasingly overlooked in the support packages provided to the hospitality sector thus far.

As such there can be no 'one-size-fits-all' approach to UK nightlife. The night time economy represents the hustle and bustle of our cities, the economic driver of our high streets, the magic of our festivals, and the source of many of our jobs. But it is also a sector that has been obliterated by the pandemic and one in urgent need of standalone respect, support, and recognition.

The purpose of this inquiry was to lay bare the crisis faced by nightlife business and to provide key recommendations to aid the sector's recovery post-pandemic. As part of our research, we conducted an industry-wide survey welcoming the views and experiences of nightlife businesses, employees and freelancers across the UK. We were keen to include a cross-section of views and voices, ranging from the UK's largest nightlife businesses to smaller independent venues across the nation. We also sought to showcase not only the economic importance of nightlife, but the cultural and societal value of the sector. Because of this, we asked the general public - all those who once enjoyed a night out in a pub, nightclub or live music venue - to share what nightlife industries mean to them, and to their local communities.

Our online survey opened for four weeks between the 11th January and the 7th February 2021. We received a total of 20,112 responses broken down as follows:

- **16,159 Consumers**
- **1,142 Businesses**
- **1,303 Employees**
- **1,508 Freelance workers**

The APPG is also grateful to a host of individuals, organisations, and local authorities which responded to our call for written evidence. We were pleased to receive submissions from REKOM UK, formerly the Deltic Group; UKHospitality; UK Music; Revolution Bars; #WeMakeEvents; The LIVE Group; Stonegate Group; and Hospital Records alongside many other industry bodies and representatives.

Sheffield City Council; the Greater London Authority; the City of London Corporation; Cheltenham Borough Council; Brighton and Hove City Council; Bristol City Council; and the Greater Manchester Combined Authority each contributed significantly to this report. These submissions helped to demonstrate the challenges facing nightlife businesses at the regional level and the intricate relationship between the nightlife sector and our local economies.

Finally, we are thankful to the Department for Digital, Culture, Media and Sport (DCMS) and the Department for Business, Energy and Industrial Strategy (BEIS) for their co-operation and input into our inquiry.

A full list of businesses and organisations that wished to be named as contributors to this report can be found in the Appendix.



Introduction

The ongoing coronavirus pandemic has had a devastating impact on many parts of economic and cultural life in the UK, but in few areas has the impact been as acute as in the night time economy. Since the first Government restrictions were introduced in March 2020, businesses from across the sector have faced conditions which have rendered profitable commerce all but impossible. Whether during periods of forced closure – as in the first, second and third national lockdowns – or at other stages that have still seen burdensome restrictions on the ability of nightlife businesses to trade, the damage to the sector has been unrelenting. Economics aside, the night time economy is the provider of significant social, health and wellbeing benefits to the people of this country, and is a key component in what marks the UK out as cultural superpower around the world. This inquiry has sought to examine the consequences of the functional absence of night time economy spaces, marketplaces, social hubs and cultural institutions on the people who make up this sector, on those who enjoy its custom, and on society more widely.

Across the economy, the UK Government has – as governments around the world have – taken steps to support and protect different sectors from the impact that the pandemic, and the corresponding restrictions, have had on businesses. The night time economy has benefited from wider Government programs – such as the Coronavirus Job Retention Scheme (furlough) – as well as more targeted support including the Culture Recovery Fund. The APPG received a joint submission from the Department for Digital, Culture, Media and Sport (DCMS) and the Department for Business, Energy, and Industrial Strategy (BEIS) detailing the support provided to the sector to date:

- **Culture Recovery Fund** - a £1.57 billion package of grants delivered through the Arts Council England, the National Lottery Heritage Fund, Historic England, and the British Film Institute. Open to applications from organisations deemed to meet core eligibility criteria of cultural significance and financial viability and sustainability.
- **Support for jobs and incomes** - Businesses across the economy were eligible for the Coronavirus Job Retention Support Scheme, with the Government covering the cost of 80% of the wages of furloughed employees for hours not worked, and employers covering national insurance and pension contributions. The CJRS currently runs through to the end of April 2021. The Self-Employment Income Support Scheme (SEISS) has operated on a similar basis, running through a similar time period.
- **Business grants** - All businesses forced to close due to Covid-19 were eligible to claim grants via their local authorities, with the size of the grant linked to the rateable value of the business. In addition, retail, hospitality and leisure businesses were able to claim one-off grants from £4,000 up to £9,000 based on their rateable value, and local authorities in England have been provided with over £1.5bn of funding overall to support businesses on a discretionary basis. In December 2020, additional support of £1,000 was provided for all 'wet led' pubs, defined as making less than 50% of their turnover from food sales, to account for additional restrictions that restricted hospitality businesses from selling alcohol unless accompanied by a substantial meal.
- **VAT and business rates** - The Government introduced a temporary 5% reduced rate of VAT for food and soft drink supplies of hospitality, hotel and holiday accommodation, and admissions to certain attractions, which currently runs to 31st March 2021. In addition, the Government has put in place a business rates holiday for the retail, hospitality and leisure sectors in England for the 2020 to 2021 tax year.



- **Rent support** - The Government has placed a moratorium on the eviction of commercial tenants. This is currently in place until 31st March 2021.
- **Loan guarantees** - As part of the package of business support measures, the Government also provided a number of loan guarantees for small to large businesses.
- **Guidance** - The Government has produced Covid-secure Performing Arts Guidance.¹

In addition to shining a light on the impact of the coronavirus pandemic on the people and organisations that comprise the night time economy, the APPG inquiry has sought to make a judgment on the Government's efforts to support the sector based on the testimony of the sector itself. Ahead of the Chancellor of the Exchequer's March 2021 Budget, it makes recommendations as to what further support is required to ensure that the damage to UK nightlife is mitigated to the furthest extent possible. It also provides recommendations on what is needed from the of reopening the economy, starting with the Prime Minister's planned remarks on this subject, and the ongoing steps the Government must take to ensure the fullest and swiftest recovery possible for the night time economy.

¹ APPG submission by the Department for Digital, Media, Culture and Sport (DCMS) and the Department for Business, Energy and Industrial Strategy (BEIS), February 2021.

The value of UK nightlife

The Night Time Industries Association estimate that the night time economy contributes £66 billion per year to the UK economy. This makes the sector the UK's fifth largest industry, accounting for 1.3 million jobs and 8% of the UK's total workforce.² With a vast supply chain of sole traders and suppliers, alongside supporting thousands of freelancers and auxiliary businesses, the sector is a core pillar of our economy. In fact, 60% of town centre revenue is generated after 6pm.³

A recent study by the Centre for Economics and Business Research substantiates these figures. For every £1 in turnover generated by the arts and culture industry, in which nightlife is a central part, it was found that an additional £1.17 in output is supported in the wider economy.⁴ UK Music also estimate that for every £10 spent in a live music venue, a further £17 is spent in the local community.⁵

Over 15,000 members of the public echoed these findings in our online survey. 58% of respondents stated that they would visit nightlife businesses between one and three times per week prior to the pandemic, and a further 16% would frequent a bar, pub, live music venue or nightclub more than three times per week. On an average night out, almost half (47%) of consumers would spend between £50 and £100, and further 18% up to £150, in total, per trip.⁶

The APPG was also reminded of the role cultural industries play in affording the UK a soft power status at the global stage. The UK's nightlife industries are not simply viable, but world-leading and famously so; a vibrant nightlife offer was repeatedly cited as a significant 'pull factor' for students and tourists. To quantify the enormity of this value, UK Music have calculated the total music tourism spend in each region across the UK, finding that up to £4.7 billion is generated by music tourism nationwide.⁷ This is particularly pronounced in London, but also across Scotland, the North West and South East.

Region	Music Tourist	Music Tourist Spend	Job Supported
East Midlands	516,000	£208 million	2,106
East of England	596,000	£212 million	2,545
London	4.1 million	£1.5 billion	10,697
South East	1 million	£553 million	5,371
South West	1 million	£528 million	6,402
North East	242,000	£60 million	662
North West	1.5 million	£477 million	4,976
Northern Ireland	234,000	£81 million	901
Scotland	1.3 million	£453 million	4,757
Wales	440,000	£143 million	1,843
West Midlands	877,000	£252 million	2,453
Yorkshire and Humber	754,000	£264 million	2,918

² APPG submission by the Night Time Industries Association, January 2021.

³ APPG submission by UKHospitality, February 2021.

⁴ Centre for Economics and Business Research, 'Contribution of the arts and culture industry to the UK economy', presented to Arts Council England, October 2020 p. 8.

⁵ APPG submission by UK Music, January 2021.

⁶ APPG online survey, 'Covid-19 and UK Nightlife: Consumers', February 2021.

⁷ UK Music, 'Music by Numbers 2020', November 2020 p. 26.

As an export value, then, nightlife culture is immense. Yet the overwhelming majority of respondents also saw the value of nightlife beyond economic terms. Nightlife businesses were cited as vital community hubs, with 97% of respondents to our survey noting that these venues were 'important' for spaces to socialise outside of the home. Indeed, 88% of respondents believed that nightlife businesses were 'very important' to their local community and 85% considered nightlife industries as 'important' for their mental health.⁸

While nightlife is much-loved by those from a multitude of ages and social backgrounds, we found that this was particularly true for young people, and equally so for marginalised communities. Several responses noted the significance of safe nightlife spaces for the LGBTQ+ community, with one respondent stating that 'venues are integral to our survival and wellbeing'.⁹ Others found that nightlife businesses 'offer a place for all manner of people to come together as a community, supported by hardworking individuals, some of whom have given their lives to creating environments where people can enjoy themselves and feel included'.¹⁰ As creative spaces to grow talent and culture, night time businesses were unanimously lauded for their societal and emotional benefits.

"Nightlife is what glues us together as a society. We meet future spouses, potential creative and business partners, support groups and peers. It is the fabric of life for many people."

"Nightlife provides an opportunity to socialise with others from differing backgrounds, embracing diversity and understanding each other. It is very important for society as a whole."

"Most of these businesses are family owned and are an important part of the local community, especially pubs and clubs situated in smaller towns and villages."

"If we lose this part of our heritage we will become a country without a soul."

"The night time offer wraps around the rest of the city's economy. It's about the heart and soul of the city. It's memories made, laughs and tears, discoveries and revelations, friendships made and kindled, unwinding after a week at work, celebrating life's milestones. It is what gives life interest and punctuation outside of the routine. A city without a vibrant night time offer is a dull place indeed, and all of those livelihoods, the years of work and expertise to build the places and atmospheres that are part of the fabric of our city is at significant risk of being lost."

Sheffield City Council

"For some, an afternoon at the pub or an evening out are the only social interactions they have outside of work in a week. In a post-Covid world, we have to protect those whose mental health has been stretched paper thin over the last year. There has to be a light at the end of the tunnel, and for many people, that's a pint at the pub with their pals. Nightlife is imperative to the culture many have built their lives around, returning to that routine could save a life."

⁸ APPG online survey, 'Covid-19 and UK Nightlife: Consumers', February 2021

⁹ Ibid.

¹⁰ Ibid.



The impact of Covid-19 on UK nightlife

1.1 Trading Levels

Pandemic impact on trading levels and revenues

The pandemic has clearly had a severe impact on the ability of businesses in the night time economy to trade. There have been three periods of national lockdown – during which trading has not been possible for the vast majority of nightlife businesses. Even during other stages of the pandemic, the sector has faced a fast-moving and onerous regulatory environment utterly unlike pre-pandemic conditions. Specifically, the licensed hospitality trade has faced an array of varying restrictions, including curfews, requirements for a “substantial meal” with alcohol, reduced capacities due to social distancing and the loss of vertical drinking.

Evidence submitted to the APPG brought into focus the scale of the losses seen in the sector. Grassroots music venues had seen a precipitous 75% reduction in 2020 income on the previous year, with larger music venues seeing a similar 74.1% reduction.¹¹ The Musicians Union found that 70% of musicians had carried out less than a quarter of their usual annual workload, and 47% needing to take work outside of the industry to support themselves.¹²

During the first national lockdown (March 2020-July 2020) only around 11% of hospitality businesses remained open, mainly in the takeaway restaurant sector, contract catering and hotels.¹³ The Night Time Industries Association further note that large swathes of night time economy, such as nightclubs, have been unable to open since March 20th.

UKHospitality also provided the APPG with data from a recent business confidence survey, revealing the impact reduced trading levels has had on business prospects for the hospitality sector. Almost half (41%) of surveyed businesses suggested that their business would fail by mid-2021.¹⁴

¹¹ APPG submission by UK Music, January 2021

¹² Ibid.

¹³ APPG submission by UKHospitality, February 2021

¹⁴ Ibid.

Responses to the APPG survey revealed a similarly bleak picture. The APPG found the following for the different segments of the night time economy:

Nightclubs

- More than half (55%) have been unable to trade for the duration of the pandemic to date.
- 9 out of 10 (92%) had traded for 6 months or less during the pandemic.
- At present, nightclubs were on average trading at just 5% of their pre-Covid annual revenue.

Bars

- Around 3 in 10 (27%) have been unable to trade for the duration of the pandemic to date.
- Almost 9 out of 10 (88%) had traded for 6 months or less during the pandemic.
- At present, bars were on average trading at just 9% of their pre-Covid annual revenue.

Pubs

- Almost 2 in 10 (18%) have been unable to trade for the duration of the pandemic to date.
- At present, pubs were on average trading at just 11% of their pre-Covid annual revenue.

Live Music Venues

- More than a third (35%) have been unable to trade for the duration of the pandemic to date.
- At present, live music venues were on average trading at just 9% of their pre-Covid annual revenue.¹⁵

Government restrictions

Outside of the period of forced closure seen during the first, second, and third national lockdowns, nightlife businesses have faced significant costs and investments in adapting to new conditions, while also stymied by a lack of consumer demand and ever-changing government restrictions. All businesses within the hospitality sector have been trading sub economically even during open periods of trade. In only one week last year did the sector as a whole break even,¹⁶

This was reflected in the APPG survey. During the period July-December 2020, the level of pre-Covid annualised turnover for a range of nightlife businesses was as follows:



Furthermore, some late-night venues bank as much as 40% of their annual profits between Halloween and January.¹⁷ For these businesses, November and December were lost in their entirety due to restrictions. This has been particularly damaging for businesses in the late night time economy, such as the nightclub sector, which relies heavily on this seasonal trade.

¹⁵ APPG online survey, 'Covid-19 and UK Nightlife: Employers', February 2021

¹⁶ APPG submission by UKHospitality, February 2021.

¹⁷ APPG submission by UKHospitality, February 2021.

Following the gradual easing of the first national lockdown, English businesses faced renewed constraints as a result of rising Covid-19 infections. These included:

- **4 July** - hospitality reopens in England.
- **14 September** - the "rule of six", limiting social gatherings above six people.
- **24 September** - the 10pm curfew, limiting the time venues could be open.
- **14 October** - the new three-tier system, introduced to manage local Covid-19 disparities.
- **5 November** - the second national lockdown, lasting for one month.
- **2 December** - end of lockdown, imposition of strengthened tier system, including:
 - Tier 1: restrictive capacity limits for indoor events and venues.
 - Tier 2: people not allowed to socialise indoors outside of their household or bubble. Addition of the "substantial meal" condition in connected to the consumption of alcohol.
 - Tier 3: hospitality closed, with the exception of sales by takeaway, drive-through or delivery.
- **19 December** - announcement of Tier 4 – 'Stay at Home' – alert level in response to new Covid variant.
- **6 January 2021** - third national lockdown comes into force.

The devolved administrations in Scotland, Wales, and Northern Ireland have each approached Covid-19 restrictions on a unique basis, although the pandemic has been similarly hard hitting throughout the UK. We provide here some key differences in restrictions and time of implementation for each of the devolved nations:

Wales

- **15 May** - traffic light approach to exiting lockdown announced, with different areas afforded the potential of different restrictions.
- **9 July** - beginning of phased reopening of hospitality (after England).
- **23 October** - two-week circuit-breaker lockdown announced.
- **4 December** - no alcohol to be served in bars and pubs after 6pm.
- **14 December** - change to four 'alert levels system', Wales subsequently moved to alert level 4 and hospitality forced to close.
- **6 January 2021** - third national lockdown comes into force.

Scotland

- **15 July** - hospitality reopens with restrictions.
- **14 August** - new regulations for hospitality, including the mandatory collection of contact details of customers, and a ban on music and television audio playing inside.
- **22 September** - new restrictions on household visits and a national curfew for pubs, bars and restaurants.
- **7 October** - new temporary measures restricting hospitality opening times to 6am-6pm indoors, with no sales of alcohol.
- **2 November** - five-level Strategic Framework comes into force.
- **10 December** - ban on background music in hospitality venues removed.
- **5 January 2021** - third national lockdown comes into force.

Northern Ireland

- **3 July** - Hospitality able to reopen.
- **16 October** - four-week circuit breaker lockdown starts.
- **20 November** - hospitality reopened after lockdown extended.
- **27 November** - two-week circuit breaker lockdown begins.
- **26 December** - further lockdown introduced.



"(The sector is) on its knees for businesses that are low-trading with no employees and run at a break-even"

**The Comedy Cow,
Comedy Club, Milton
Keynes**

"The restrictions imposed have had a significant negative impact on trading. The imposed curfew saw immediate income drop of 78% compared to the previous year (1ff). Social distancing reduced income by 67% due to reduction in capacity and the ban on wet sales meant full closure of our late-night venues bringing us to a trading halt resulting in zero income."

National pub chain

Each new band of restrictions can be traced to an increasingly negative impact on sector trade. Revolution Bars, a national chain of cocktail bars, told the APPG that the hospitality curfew depressed already-low sales by a further 20%, while the first and second 'Tier 2' restrictions halved even this level of income.¹⁸ UKHospitality data supports these findings, with each new restriction, from facemasks and table service to the hospitality curfew, shown to badly damage trading levels in the sector.¹⁹

Recommendation:

- Review the hospitality curfew and wet-led restrictions following the end of lockdown.

¹⁸ APPG submission by Revolution Bars, January 2021.

¹⁹ APPG submission by UKHospitality, February 2021.

Covid-safe changes to practices

Venues in the night time economy have likewise taken a range of measures to adapt their business practises to pandemic conditions. This has come at a significant cost in upfront financial commitment and in time spent training staff. Measures included:

- Health screening
- 'Family units' for staff
- Regular sanitisation of handles, touch points and surfaces
- Risk assessments and signage
- Daily briefing sessions
- Registering their premises with the 'Good to Go' accreditation scheme
- Reorganising the layout or 'repurposing' of venue
- Becoming 'cashless' and introducing app ordering

More than half (55%) of businesses in our online survey stated they had spent more than £10,000 adapting their working practices to make their venue Covid-secure.²⁰ The Hippodrome Casino, an entertainment complex in London's West End, told the APPG they had spent £150,000 overall to instigate a raft of measures directly approved by Public Health England following a site visit.²¹

Despite these commitments, businesses expressed frustration that there appeared no clear scientific basis for a number of restrictions. The hospitality curfew, most notably, was not a SAGE decision, and appeared only to drive members of the public to congregate in streets and continue socialising in unregulated and less secure environments. Several submissions to the APPG felt that 'illogical' restrictions fed the rise of illegal gatherings, where health and safety measures were not in place.



Many employers also felt they have been blamed for rising Covid cases despite taking necessary steps to put Covid-secure measures in place. When the sector can reopen, the Government must invest in clear protocols and guidelines to tackle suggestions of non-compliance. Rather than 'recommendations', any regulations must be straightforward and unambiguous, leaving little to interpretation. Allowing venues to pledge to a charter would help to instil confidence in the sector and provide businesses, many of whom may be wary of further investment, with the correct incentives to invest in ensuring their premises are Covid-secure.

Recommendation:

- Introduce a charter for businesses to pledge to, proving they are Covid-secure and tackling non-compliance.
- Support businesses with training and funding to help venues become Covid-secure.
- Ensure all guidelines are clear and not open to misinterpretation.

²⁰ APPG online survey, 'Covid-19 and UK Nightlife: Employers', February 2021.

²¹ APPG submission by Hippodrome Casino, January 2021.

Consumer confidence

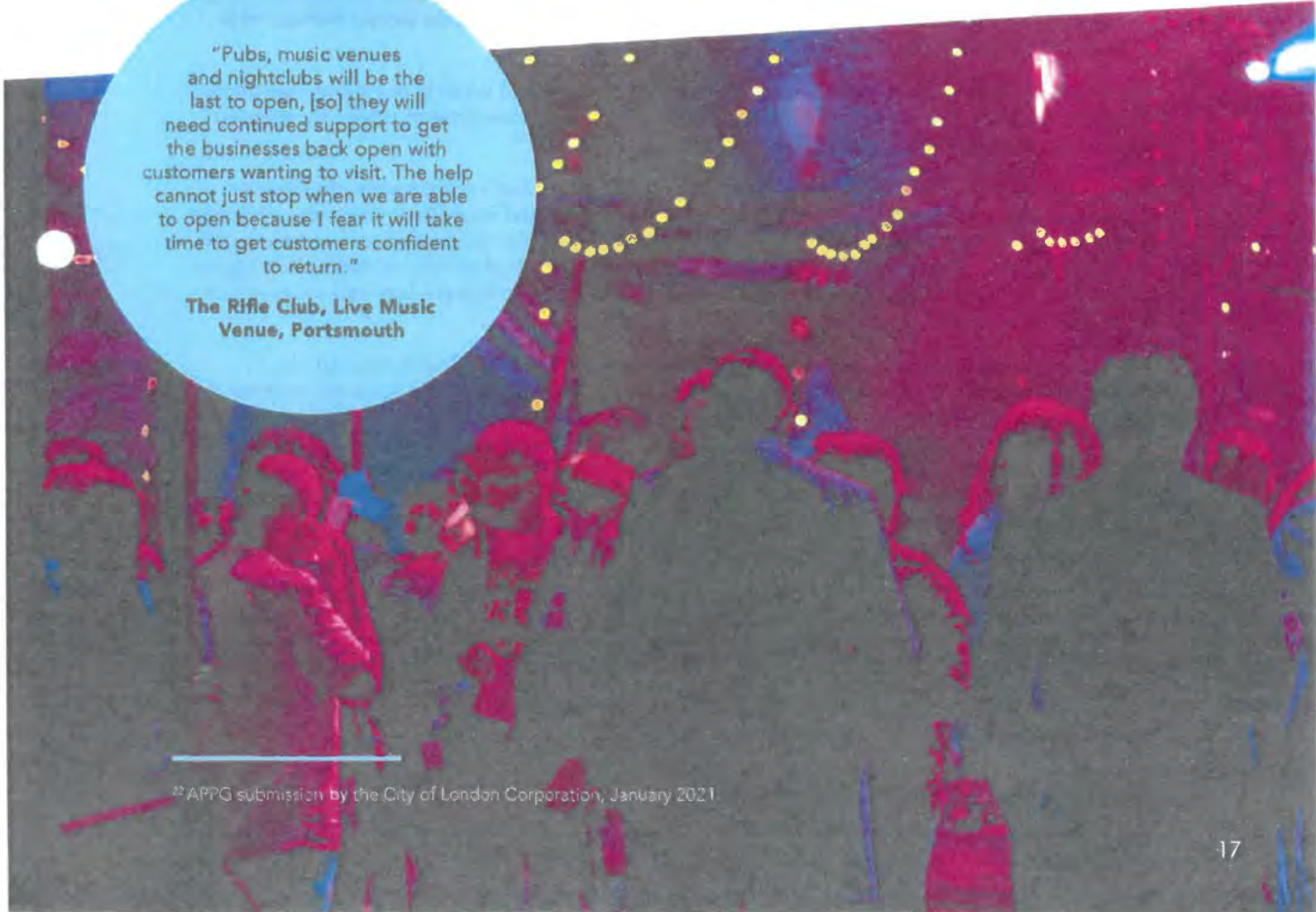
After several months of Covid-restrictions, night time economy businesses faced dampened consumer demand. Many operators noted that 'repurposed' nightclubs and live music venues could not compete with pubs and bars more structurally suited to social distancing. This was particularly true in Scotland, where the ban on background music prevented venues creating atmosphere and ambience.

Responses to the APPG survey also indicated that for nightlife to once again thrive, confidence must be instilled in the public so that the sector is deemed safe, with one venue urging the Government to, '[Make] sure customers know that it is definitely safe for us to return to business.' Much of this can be achieved through the successful implementation of a roadmap to reopening coupled with clear Covid-secure guidance and practices as detailed above.

One measure raised consistently in both written and survey responses was the need for a campaign to drive people back out and into the night time economy. The City of London Corporation commented that a campaign must 'harness the power of FOMO' - the fear of missing out - to entice workers and visitors back to the City when restrictions ease.²² The APPG recommend that this is supported with a Treasury-backed scheme and communications campaign.

Recommendation:

- Introduce a government campaign to drive consumer demand when safe for venues to reopen.



"Pubs, music venues and nightclubs will be the last to open, [so] they will need continued support to get the businesses back open with customers wanting to visit. The help cannot just stop when we are able to open because I fear it will take time to get customers confident to return."

The Rifle Club, Live Music Venue, Portsmouth

²² APPG submission by the City of London Corporation, January 2021.

1.2 Employment

With as many as 1.3 million people across the UK employed in the night time economy, nightlife is a key component of our labour force. The size of the nightlife workforce is particularly high in large urban centres, but also spread across towns and smaller cities in the UK. In London, 37% of culture and leisure employees work during the night, and in both Bristol and Greater Manchester the sector represents over one third of the cities' overall jobs.²³

Responses to the APPG inquiry indicated that many businesses saw the Coronavirus Job Retention Scheme (furlough) as critical for keeping employees on their payroll. Many respondents felt that a number of jobs in their business would simply not exist if the scheme were not in place and have urged that the scheme is extended, not just beyond April, but until nightlife can reopen to full capacity.

Despite the furlough scheme, the APPG found that the pandemic was still having a severe impact on employment levels in the sector. This was in part because many businesses were unable to afford the cost of furloughing employees due to national insurance and pension contributions. It was also in part due to the Government's last-minute changes to the criteria of furlough and U-turn decisions to extend the scheme at short notice.

Many businesses stated that, had they known that the scheme would not terminate in October as initially and repeatedly stated by the Government, they would have been able to make more positive financial decisions and retain more staff.

REKOM UK, formerly the Deltic Group, is the largest specialist nightclub company in the UK. Peter Marks, Chief Executive of REKOM UK, told the APPG that the Deltic Group had lost three quarters of their workforce, before calling in administrators to rescue the company in December 2020. Saved only by Danish firm, REKOM, he writes that,

*'We spent money to become Covid-proof, continued to employ people, topped up their salaries if on furlough to 80% and continued to pay NI, holiday pay and burned cash in the expectation that July 4th was the start of general reopening and we would follow... We went bust December 17th.'*²⁴

Marks expressed frustration that his once profitable, British, and leading company, was denied sufficient Government support. He tells the APPG that '[the Government] obviously decided that I was beyond help,' and 'I was just sent to the mortuary'.²⁵

Responses to the APPG survey indicated there had already been considerable job losses in the sector. Just over 6 in 10 (63%) nightclubs revealed they had made redundancies, while half (48%) of bars, a third of pubs (33%) and half (50%) of live music venues had also reduced staff. On average, nightclubs had made around half (51%) of their total workforce redundant. Again, the figures for bars (32%), pubs (26%) and live music venues (36%) were less catastrophic but nonetheless severe.²⁶

Our survey of nightlife employees made for similarly grim reading. One quarter of all employees had been made redundant, and 77% had been placed on the furlough scheme at some point during the pandemic. Two thirds (66%) of respondents were currently on furlough, and half of those (33% in total) had been on furlough for longer than nine months.²⁷ The impact this had on the individuals who made up these groups was severe, and is detailed below in the many moving personal testimonies the APPG received, a small fraction of which we have reproduced in this report.

²³ APPG submission by the Greater London Authority, February 2021; APPG submission by Bristol City Council, February 2021; APPG submission by the Greater Manchester Combined Authority, February 2021.

²⁴ APPG submission by REKOM UK, January 2021.

²⁵ Ibid.

²⁶ APPG online survey, 'Covid-19 and UK Nightlife: Employers', February 2021.

²⁷ APPG online survey, 'Covid-19 and UK Nightlife: Employees', February 2021



"I am constantly worried. Working in hospitality is my life, I love it, I am terrified by the thought of losing it due to the government not deeming it as necessary as retail. You can online shop, you cannot online order cocktails and dance with your friends/family at the bar or on the dance floor. Focus on people's mental well-being as well as physical well-being."

"I have worked my entire adult life in this industry in one form or another. Simply suggesting people 'retrain' and move into other sectors because of a temporary downturn is both insulting and demoralising."

"I was employed for a month and therefore couldn't qualify for furlough, leaving me with no income and forcing me to claim universal credit and consequently job hunt."

"My industry comprises educated, talented, hardworking people who want to work. Night time does not denote lesser work done by people on society's fringes and a recognition of that and the tax revenues our businesses generate would be good. Entertainment is serious business and something the UK has been good at."

"The lack of recognition from the government is frankly ridiculous. The sheer number of people within our industry that have been devastated by lack of support is incredible. The plethora of jobs made to feel left out in the rain by our government, not just employers and employees, but performers, artists, events managers and promoters. We are essential to the UK's economy and have felt the full brunt of this neglect."

"[I am] constantly living in fear of not knowing week to week if I'll have a job or whether my bar will even make it through."

"Millions of people including myself can't get on the property ladder without giving an end date [to the furlough scheme]. This puts life on hold to another degree."

"I'm depressed, struggling, and constantly anxious that I'll get a call being let go. I've been in this industry for 8 years now and a manager for 5 of those, and yet I could lose everything in the blink of an eye."

²² APPG online survey, 'Covid-19 and UK Nightlife: Employees', February 2021

Perhaps most worryingly, the APPG found that 85% of employees were considering leaving the industry to work in more economically stable sectors.²⁸ In written evidence, respondents worried about what the drain of experienced and skilled workers would mean for the sector in the long-term. There were concerns that with talent and expertise deciding to move away permanently, the sector would struggle to ever recover to its pre-pandemic strength, with clear implications for the ability of the economy as a whole to recover. This migration of workforce could lead to long-term economic scarring and prevent a swift return to anything resembling full employment.

The APPG suggest, therefore, that a crucial way to prevent this damage will be a concerted effort to retain and deepen skills and expertise in the sector. This should involve a communications campaign encouraging people not to give up on a career they enjoy in nightlife, rather than a focus on retraining for different sectors. It should also involve investment in training to rebuild the skills and infrastructure lost with those who have already taken the decision to leave the night time economy workforce.

Recommendation:

- Introduce a government campaign to encourage workers to stay in the industry and support with training programmes following the loss of experience and talent.

Furlough Ineligibility

The APPG also learned that a significant number of employees had faced barriers when attempting to access support through the furlough scheme.²⁹ 10% of employees (or former employees) had been denied furlough for one of a number of reasons including:

- a. That they were a casual or seasonal employee
- b. Their employer was denied furlough
- c. That they were employed after the furlough cut-off date
- d. They had lost their job before the announcement of the furlough extension and were unable to be re-added to their company payroll

The SubClub, a nightclub of over thirty years in Glasgow, were denied access to the furlough scheme due to an administrative issue with their HMRC RTI registration. After a lengthy appeal process, the club still faces uncertainty having been forced to fundraise via a community crowdfunding campaign to retain staff and stay solvent.

"I would like to see the Government help by offering employees incentives to stay in the hospitality industry as I feel that more employees will flee to other jobs after the pandemic is over in case something like this happens again and they can't provide for their family again!"

**Conor, Venue staff,
Belfast**



85%
of employees are
considering leaving the
industry for another
sector

"The SubClub has been fortunate to stay afloat thus far, thanks to the generous support shown by our very loyal fan base. Hundreds of nightlife venues across the UK will not have this same protection."

**SubClub, Nightclub,
Glasgow**

²⁸ APPG online survey, 'Covid-19 and UK Nightlife: Employees', February 2021.

²⁹ Ibid.

Our survey results also indicated some structural issues with the sector. Greater Manchester Authority revealed that Covid-19 had exacerbated problems of insecure work that were present even before the pandemic:

'Around 21% of full time workers in the night time economy in Greater Manchester earn less than the living wage, compared with 14% for the wider economy. That number increases to 53% when looking at part-time workers.'³⁰

Furthermore, while many have remained on their company payroll, working hours have been slashed across the sector. This has been worsened by the imposition of the hospitality curfew – whether 10 or 11pm in England, Wales, and Northern Ireland, or as early as 6pm across Scotland's central belt. In any case, reduced working hours coupled with lower payments under the furlough scheme has led to a severe impact on the livelihoods of many employed in the sector. The exacerbation of insecure work is something the Government should consider and address, as unemployment data is likely to mask the true scale of the crisis.

Prospect of further job losses

Ultimately, despite significant redundancies, many jobs retained in the sector remain in a perilous position. For example, one third of nightlife operators surveyed by the Greater Manchester Authority have said they will not be able to reopen fully to pre-pandemic levels, with 9% saying they will be permanently closing.³¹ The same survey found that two-thirds of businesses in the night time economy expect to make further redundancies over the next 12 months.

Again, this was reflected in responses to our survey, with 35% of nightlife businesses anticipating further redundancies between the time of asking and April 2021. This included 40% of nightclubs, 40% of bars, 36% of pubs and 37% of live music venues.³²

When the sector can reopen, and the terms on which it can trade when it does, will have a crucial bearing on ongoing employment levels. It is unlikely there will be any significant reopening before April and even then, there is an expectation that restrictions will apply. Trading will likely be depressed into early summer and employment support must be in place to reflect this. On this basis, the APPG is calling for the furlough scheme to remain in place for nightlife businesses until the sector is able to operate at full capacity in future.

Given the length of the current closure period for the night time economy, the APPG would also urge the Government to extend the eligibility period of the furlough scheme to allow those employed by the end of December to continue to be furloughed, and to consider uprating reference pay periods for those on or around minimum wage.

Even with a timescale for reopening, many venues will soon have been shut for over a year and nightlife businesses able to trade have been operating sub economically. It is imperative that a specific support package is brought forward urgently to ensure these businesses and the tens of thousands of jobs they support are not lost forever. This will be discussed in the next chapter.

Recommendation:

- Extend the furlough scheme and flexi-furlough for the sector until it can reopen in full capacity.
- Extend the eligibility period to allow those employed by the end of December to continue to be furloughed.
- Consider uprating reference pay periods for those on or around minimum wage.

³⁰ APPG submission by the Greater Manchester Combined Authority, February 2021.

³¹ Ibid.

³² APPG online survey, 'Covid-19 and UK Nightlife: Employers', February 2021.

1.3 Overheads

Standing costs

One of the most significant challenges facing nightlife businesses is the financial hardship brought by the twin threats of closures and overheads.

Despite widespread inability to trade, businesses operating in the night time sector have continued to pay significant standing costs, many of which they have been increasingly unable to afford. These fixed costs include but are not limited to rental payments, utilities, contracts and insurance. Businesses have also had to make contributions to staff furlough payments, with many topping up staff wages and all employers contributing to income tax, national insurance and pension payments. Now, through no fault of their own, nightlife businesses face thousands of pounds of debt and many are depleting reserves to stay afloat.

The APPG were grateful to hear from the Government outlining the range of schemes and measures in place to support businesses in this sphere. The Department for Business, Energy and Industrial Strategy (BEIS) noted that hospitality, retail and leisure businesses have received support via the Government's wider £280 billion support package, alongside the business rates holiday, a reduced rate of VAT and a series of grants available, via local authorities, to support with continued closures. The Government has similarly provided CBILS loans alongside funding for devolved administrations. Most notably, the Department for Digital, Culture, Media and Sport (DCMS) provided the £1.57 billion Culture Recovery Fund for venues of 'cultural and heritage' significance.³³

90% of businesses surveyed, however, felt that this support was insufficient, and does not match the realities of operating a closed or restricted business in the night time economy.³⁴ The Heart of London Business Alliance, for example, told the APPG that this is particularly true for venues operating in central London, due to higher levels of rent and wages. With the most recent maximum discretionary grant capped at just £9,000 for businesses with a rateable value of £51,000 and above, one business – paying £260,000 per month in rent – has found that this grant would barely cover one week's insurance.³⁵ The Alliance also note that,

*'Businesses do not feel they have assurance and are facing a cliff edge, as the business rates holiday, VAT cuts, rent moratorium all end in March 2021, with the commencement of Government loan payback and the Job Retention Scheme ending in April. This is a serious and existential worry to night time businesses who are well aware that some form of Covid restrictions will continue until significantly later in the year, and know that they will be among the last in the queue for reopening. For night time businesses in particular, support will be vital not merely until they are allowed to open up, but as long as there are restrictions in place which, for instance, prevent them from operating at capacity.'*³⁶

These sentiments were widely shared by numerous operators in the sector. Revolution Bars told the APPG that direct grant support received from the Government provided just two weeks full support of the 44 weeks lost from closures or trading under restrictions. They noted that the cost of maintaining the business in a closed state is up to £450,000 per week, and so grants provided by the Government have covered 3.8% of lost profit and just 0.9% of lost revenue.³⁷

³³ APPG submission by the Department for Digital, Media, Culture and Sport (DCMS) and the Department for Business, Energy and Industrial Strategy (BEIS), February 2021.

³⁴ APPG online survey, 'Covid-19 and UK Nightlife: Employers', February 2021.

³⁵ APPG submission by the Heart of London Business Alliance, January 2021.

³⁶ Ibid.

³⁷ APPG submission by Revolution Bars, January 2021.



"Rates must be stopped for 2021. VAT cut. Corporation tax payment supported. Directors dividends supported... Doing this will protect tens of thousands of jobs and help the economy to bounce back faster. Support those of us who were truly very viable businesses."

Atlas Bar, Manchester

"Reduce business rates, taxes on the night time economy and push back VAT and tax payments. Relax licencing conditions and work with venues to help create and thriving and busy night out for everyone again."

William, Security Services, London

The Pot Still, a pub in Glasgow, reiterated the bleak nature of this crisis.

*'We had reserves earmarked for future projects we could fall back on. But they are not infinite. We had not projected to still be closed this long. The business is not profitable under restrictions and therefore our only cashflow is from reserves. When they run out, the assistance offered to the business apart from furlough is a drop in the ocean of fixed costs. If there is no extended and increased assistance, then there will come a point where the business will fold purely by dint of being without income for so long.'*³⁸

The APPG is therefore calling for a sector-specific support package tailored specifically to businesses operating in the night time economy, recognising that this sector has been both disproportionately impacted by the pandemic and has borne the brunt of Covid-induced restrictions. This bespoke package must fairly reflect the size and operating costs of each individual business and we estimate that this would equal up to 15% of annual turnover.³⁹

Any sector-specific financial support, nonetheless, must be accompanied by the extension of business rates relief beyond March 2021, alongside the further extension of the reduced 5% VAT rate and the deferral of VAT payments. We would also reiterate that for many businesses in the sector, and particularly so for nightclubs, the trading situation has remained completely unchanged since the start of the pandemic and so businesses are yet to reap the benefits of any reduction in VAT provided so far. With the burden of continued fixed costs, businesses in the sector will be largely unable to repay these tax bills in April – no matter how spread-out repayments may be – and especially so should VAT rates return to 20%.

Recommendation:

- Provide a sector-specific grant scheme for businesses in the night time economy relating to the size and operating costs of each business.
- Extend the business rates relief, VAT deferral and maintain the 5% VAT rate for businesses in the sector until 2022.

³⁸ APPG online survey, 'Covid-19 and UK Nightlife: Employers', February 2021.

³⁹ APPG submission by the Night Time Industries Association, January 2021.

Commercial rent

Commercial rent, no doubt, has been the largest fixed cost for nightlife operators. To protect commercial tenants from eviction, the UK Government and devolved administrations implemented a moratorium on evictions in March 2020.

DCMS tell the APPG that:

*'This is not a rental holiday and those who can pay should do so. The moratorium on commercial rent evictions is currently in place until 31 March 2021, and is currently under review. This sits alongside the Government's Code of Practice, published in June 2020, to encourage all parties to work together to protect viable businesses and ensure a swift economic recovery.'*⁴⁰

While the sector has expressed gratitude for the small relief granted by the moratorium, there was widespread anxiety that this provision offers only short-lived protection. Most notably, there has been no indication of any measures to support businesses with the mounting rental payments due the minute the moratorium is lifted. With no opportunity to open and trade, venues are collecting further debt month on month with no certainty of if, or when, they will be able to pay this back. UKHospitality describe this as an 'anvil around the necks of hospitality businesses'.⁴¹

In our survey, 80% of night time economy businesses leased a property as a commercial tenant. Over half of these businesses are now in arrears with their rental payments, including 60% of bars, nightclubs and pubs. 72% of impacted businesses are over two quarters behind on their payments, including 51% of nightclubs, and 32% of live music venues now three quarters in arrears.⁴²



⁴⁰ APPG submission by the Department for Digital, Culture, Media and Sport (DCMS) and the Department for Business, Energy and Industrial Strategy (BEIS), February 2021.

⁴¹ APPG submission by UKHospitality, February 2021.

⁴² APPG online survey, 'Covid-19 and UK Nightlife: Employers', February 2021.



Prior to Covid-19, rental payments on average accounted for 17% of annual turnover. Now, with limited revenue, this has risen to one half of current annual turnover.⁴³ In essence, venues have gathered a debilitating level of debt, all by simply existing.

An answer to this commercial rent crisis must be twofold: as it is increasingly clear businesses will be unable to operate to full capacity for a considerable period, the APPG is firstly calling for an extension to the forfeiture moratorium. Secondly, the Government must provide a solution to alleviate the debt burden of backdated rental payments. These debts have been central to the anxiety and uncertainty facing nightlife operators and may be the distinction between a business that survives the Covid-19 crisis and one that is forced to close.

The APPG would recommend looking to models seen overseas to inform how to address these standing costs. The Night Time Industries Association point to the 'shared burden' model implemented in Australia in April 2020.⁴⁴ In a similar vein, arrears could be reasonably absorbed if divided equally by the Government, landlords and tenants respectively. This must be enforced by a government-backed code of practise, with mandatory elements, to alleviate the costs for both industry and landlords.

Recommendation:

- Extended the forfeiture moratorium and introduce a government-backed 'shared burden' solution to commercial rents, absorbing rental arrears between the Government, landlords and tenants.

⁴³ Ibid.

⁴⁴ APPG submission by the Night Time Industries Association, January 2021; National Cabinet Mandatory Code of Conduct, 'SME Commercial Leasing principles during COVID-19', April 2020. Accessed at:

1.4 Grant funding

In July 2020, the Department for Digital, Culture, Media and Sport (DCMS) announced the £1.57 billion Culture Recovery Fund, a rescue package allocated by Arts Council England for venues of 'cultural and heritage' significance. The first round of funding began in October, while applications for the second round were closed in January 2021.

DCMS tell the APPG that 88% of recipients of the first round of funding are small organisations, and over 70% of the fund has been distributed to organisations outside of London. DCMS note that £170m has been awarded to over 690 organisations classed as 'music', including £3.36 million shared among 136 venues across England who first applied for the Emergency Grassroots Music Venues Fund.⁴⁵

Despite this, there is widespread concern among the industry that the distribution of grant funding has been at best sporadic and at worst discriminatory. As we have seen, the overwhelming majority of businesses and employees in the sector feel that financial support has been insufficient, and many have now questioned the metrics used to determine which venues were eligible for support.

To be sure, the APPG has heard from a handful of businesses successful in their pursuit of the Culture Recovery Fund. Fabric, a London nightclub, for example, told the APPG that they were 'able to survive' because of funding received from Arts Council.⁴⁶ Ministry of Sound, however, noted that they too were 'only one of 12 [nightclub] venues out of more than 1,500' in the country to have received this funding.⁴⁷ Both Fabric and Ministry of Sound expressed further concern that venues are in danger after March 31st, even with the Culture Recovery Fund, if this funding expires without the prospect of safe reopening.

"We should be given as fair an opportunity as any other business to survive the crisis and not discriminated against because of the nature of our business."

Camel Club, Nightclub, Huddersfield

"I feel like I am part of a seriously undervalued industry, even though the UK is associated with being at the forefront of the music industry since the 1960s."

Steve, DJ, Liverpool

"The grant process is not treating [the Night Time Economy] fairly when it forces us to compete with theatres and non-profit arts organisations. More specific funding is needed."

Ridley Road Market Bar, London

"Having invested my entire life savings in setting up the business I would like support so I don't have to write off a once profitable venture."

Eagle, Bar, Cardiff

"[The Government] need to have an understanding of the hospitality industry and what it generates from a social standing and not embark on a discriminatory approach to our industry."

The Vauxhall Tavern, Cabaret, London

"Treat us as a business. We were viable pre Covid. We had been in business since 1997 and we were a pillar of our community."

Knightwood Leisure, Nightclub, Salisbury

⁴⁵ APPG submission by the Department for Digital, Culture, Media and Sport (DCMS) and the Department for Business, Energy and Industrial Strategy (BEIS), February 2021.

⁴⁶ APPG submission by Fabric London, January 2021.

⁴⁷ APPG submission by Ministry of Sound, January 2021.

Our online survey found that many businesses in the sector felt that the process of applying for the Culture Recovery Fund was unclear and confusing. Employers expressed frustration that there seemed a lack of transparency or logic in the distribution of the fund, and many believed that this reflected a process which was somewhat elitist.

When asked to outline the metrics used to calculate which organisations would receive support from the Culture Recovery Fund, DCMS told the APPG that eligibility criteria rested on a number of core factors:

- That the organisation was viable pre-Covid-19.
- That the organisation was at risk of failure this financial year without support.
- That the organisation has exhausted other measures of government support.
- That the organisation has a clear plan to return to sustainability.⁴⁸

DCMS also told us that all recipients of the fund must be considered to have national significance within their sector or art form or be of local significance to the area in which they are located.

The APPG feel that these measurements mirror the somewhat arbitrary allocation of funding. It seems firstly unreasonable for businesses to be able to present a clear plan to return to sustainability when such 'roadmap' has yet to be provided by the Government, and it likewise seems fair to deduce that the large majority of businesses within the sector were both viable prior to the pandemic and are now at risk of financial failure. As we have also seen, thousands of members of the public expressed in our survey that their local nightlife venues are of great community importance.

Similar concerns were expressed by businesses across the UK, caught between a range of overlapping and perplexing support packages. In Scotland, one venue wrote that their businesses had been caught in a perverse situation, not knowing whether to 'stick or twist' when applying for oversubscribed funds listed as mutually exclusive. The Scottish Government's recent Strategic Business Framework Fund, furthermore, has defined nightclub venues as 'leisure' in contrast to previous classifications under 'hospitality'. This resulted in nightclub venues being unable to access the larger £25,000 support grant, and only receiving up to £9,000.

Issues with grants have been exacerbated by the fact that funding across the UK has been distributed at the discretion of local authorities, leading to patchwork coverage and regional disparity. The APPG would like to see greater efforts to standardise the criteria for financial support at both the central and devolved government level to ensure that funding is distributed fairly and clearly communicated to eligible businesses.

Beyond further sector-specific financial support, the APPG would therefore support any steps taken to widen the accessibility of such funds. We would like to see clear and transparent guidelines so that funding is available to all nightlife businesses, alongside organisations in the nightlife supply chain which have previously been excluded. Specifically, we would recommend the Government take active steps to assist businesses in the application process for funding, to ensure that grants are available to all, and not just those in the 'know-how' or fortunate in the post-code lottery of support.

Recommendation:

- Increase the accessibility and transparency of financial support for nightlife businesses by reviewing metrics used to allocate grants and supporting eligible businesses with the application process for funding.
- Work with devolved administrations to streamline the standardisation of funds across the UK to prevent regional disparity.

⁴⁸ APPG submission by the Department for Digital, Culture, Media and Sport (DCMS) and the Department for Business, Energy and Industrial Strategy (BEIS), February 2021.

1.5 Insurance

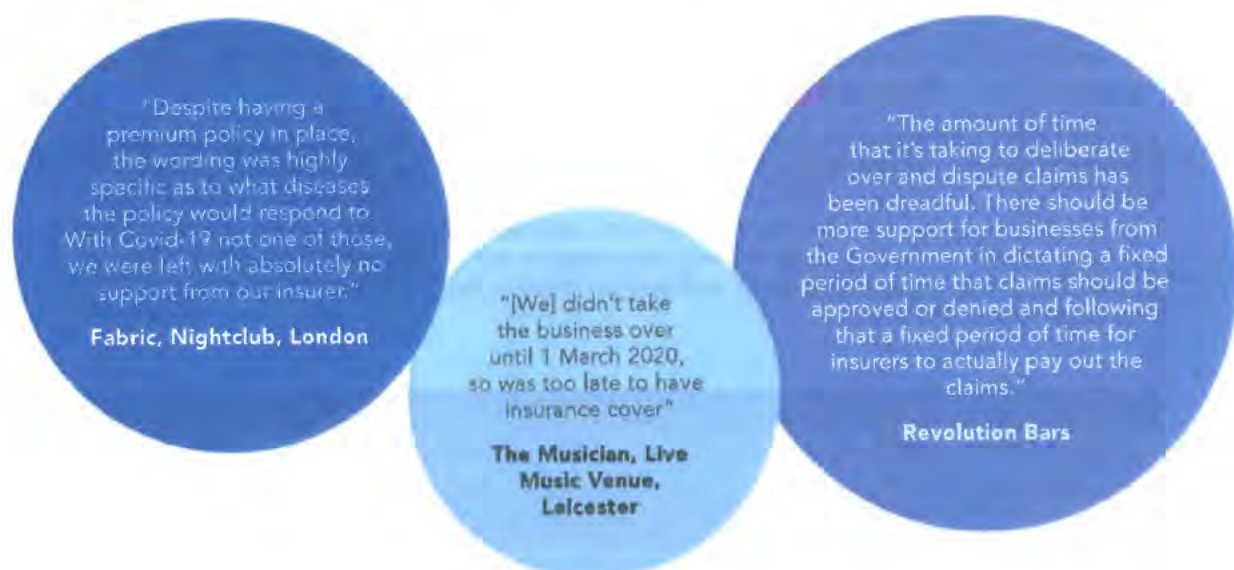
While almost two thirds of businesses operating in the night time economy were insured for business interruption, just under 3% of businesses surveyed have been paid out by insurance providers.⁴⁹ This is typically the result of specific phrasing in established insurance policies: some policies have simply not listed Covid-19 as an eligible cause of business interruption, while others have specified that any health crises must occur specifically on the dancefloors and seating areas within nightlife premises. Small technicalities have since deprived thousands of businesses of the opportunity to receive a fraction of the insurance provision they believe they are owed.

The cost of insurance premiums has also risen exponentially, with many businesses in the sector facing a 300% increase on the insurance policies offered in 2019/20.⁵⁰

Consultations for the APPG inquiry ran in concurrence with the Financial Conduct Authority (FCA) Business Interruption Insurance case, taken to the UK Supreme Court on appeal in September. On the 15th January 2020, the Supreme Court substantially allowed the FCA's appeal, meaning that many thousands of small businesses are now entitled to claims made for Covid-related business disruption. The APPG hope that this process, already protracted by months of litigation, can be resolved in an expedited and amicable manner.

The APPG would additionally like to see Government take steps to ensure that insurance providers honour these agreements and compensate all eligible nightlife businesses as claimed. We would recommend that the Government fund a support service for affected businesses and seek to oversee that these claims are paid in the correct, timely and appropriate way.

Moving forward, the APPG would support further measures taken to future-proof the sector and assure businesses operating in the industry are prepared to stimulate the market post-pandemic. For live events, especially, this must take the form of a Government-backed insurance or indemnity scheme. Not only is this a prerequisite for businesses to plan events for the future, but also to boost consumer confidence. As Hospital Records have noted, the public are wary to book tickets for shows 'with no real clarity on if [they] will go ahead.'⁵¹ As many nightlife businesses need months to plan activities, a reinsurance scheme will be necessary to ensure that these events can operate as soon as conditions are safe to do so.



⁴⁹ APPG online survey, 'Covid-19 and UK Nightlife: Employers', February 2021.

⁵⁰ APPG submission by Fabric London, January 2021; APPG submission by Revolution Bars, January 2021.

⁵¹ APPG submission by Hospital Records, February 2021

Cancelled festivals, for instance, have already lost on average £375,000 in non-refundable costs.⁵² A Government scheme to underwrite insurance is therefore essential to give organisers and investors the confidence to fund festivals, live performances and events for the summer 2021 and beyond. This is particularly important to protect the industry from ever-changing lockdown measures that appear to be implemented with little to no notice.

The LIVE Group, a coalition of businesses and associations in the live music sector, told the APPG that,

'If the industry continues to be unable to generate income by booking shows, it will suffer a catastrophic loss of skills and infrastructure and HMT will face lost tax revenue, mass unemployment, and widespread insolvencies. A Government-backed insurance scheme will allow in excess of £2bn of business to go ahead, bridging the gap to recovery in 2022.'

A number of models for this insurance scheme have been proposed. Both UK Music and #WeMakeEvents point to the widely successful insurance scheme announced for film and TV production in July 2020, alongside the insurance arrangements seen for festivals and events in Germany and Austria. With a vaccination programme ongoing, and end date to the Covid-crisis in sight, a similar insurance scheme worth £500 million would allow for £2 billion worth of activity to go ahead.⁵³

Further models have been proposed by the Night Time Industries Association and NDML Insurance, with a focus on the long-term durability of the wider hospitality sector in the event of a future crisis. 'Crisis Re', formed from existing Pool and Flood Re, has been offered as one way to protect businesses from future 'crisis' scenarios in the UK. This £7bn insurance fund could sit alongside more traditional insurance covers in providing a financial safeguard for businesses in the event of exceptional circumstances as declared by the Government. NDML estimate that had Crisis Re been in place since 2010, the fund would have allowed every single hospitality venue in the country affected by Covid-19 a one-off payment of £56,038.⁵⁴

Recommendation:

- Provide a support service to assist businesses in claiming insurance entitlements from providers following the FCA Business Interruption Case. Ensure that all payments are received in an efficient and timely manner.
- Introduce a government-backed insurance scheme to prepare the sector for effective recovery when safe operation is allowed.

⁵² APPG submission by UK Music, January 2021.

⁵³ APPG submission by UK Music, January 2021, APPG submission by #WeMakeEvents, January 2021.

⁵⁴ APPG submission by the Night Time Industries Association, January 2021.

1.6 Freelancers

Beyond providing 1.3 million jobs, the night time economy is home to a considerable body of self-employed and freelance workers. This is notably so in the festival, live events and music spheres, with UK Music estimating that 72% of workers in the music industry operate on self-employed contracts.⁵⁵

Financial insecurity has been heightened for freelance workers who, throughout the pandemic, have struggled to claim the financial support afforded to PAYE employees through the furlough scheme. Some two months into the first national lockdown, the Government opened the Self-Employment Income Support Scheme (SEISS) for applications. This was designed to pay self-employed workers taxable grants worth 80% of their average monthly trading profits over the past three years. While a welcome step for the sector, there remain gaping holes in the support since provided.

In June 2020, the House of Commons Treasury Committee reviewed the economic impact of Covid-19 for self-employed workers. Here, it was found that millions of self-employed people had been unable to access financial support and the Government must 'adapt its existing schemes or develop new support mechanisms' to protect individuals from the impact of the pandemic.⁵⁶ Eight months later, and well in to the third round of SEISS applications, we find this picture largely unchanged.

Our survey of over 1500 freelance and self-employed nightlife workers revealed just 36% of respondents have been able to claim SEISS.⁵⁷ As in June, this was largely the result of four key factors:

- That they are newly self-employed.
- That they historically earned over £50,000 per year.
- That they draw a dividend instead of a salary.
- That less than 50% of their income is from self-employed work.

In each case, a multitude of hard-working and creative individuals had fallen through the cracks of income support based on a number of disqualifying factors. Directors of limited companies have been forced to claim the furlough scheme on the small PAYE components of their salaries; those only self-employed after April 2019 have been unable to substantiate their funding entitlements; and those previously earning over £50,000 per year have exceeded the Government cap on trading profits. Workers in the night time economy have been disproportionately affected by these factors, based on both the seasonal and short-term nature of contracts in the sector.

"During the start of the pandemic, I was yet to do my first tax return as a freelancer. Due to this, I received no support at all as I couldn't prove my earnings."

Rachel, Marketing Assistant, Bristol

"I've been running events for 12 years in London and around Europe. This has decimated my career and created a sense of anxiety I don't think I'll ever get over."

Nicholas, Events and Label Manager, London



64%
of freelancers have not been able to access SEISS

⁵⁵ APPG submission by UK Music, January 2021.

⁵⁶ House of Commons Treasury Committee, 'Economic impact of coronavirus: Gaps in support', June 2020. Accessed at: <https://publications.parliament.uk/pa/cm2020/june/jun020007.htm>

⁵⁷ APPG online survey, 'Covid-19 and UK Nightlife: Freelancers', February 2021.



"I have never felt so unimportant, forgotten or low in my entire life. My business has had no support, no hope of when we can return to some sort of normal. If music can't return, then my 20-year career, all my training and experience, is for nothing."

**Jay, Director of Events,
Newcastle**

"[We need] a clear path that allows for future plans rather than having to consider alternative professions in order to survive"

**Paul, Security
Officer, London**

In consequence, the nightlife sector faces a very real and existential threat to its workforce. As we have seen with a number of employees, 86% of freelancers in our online survey have felt that they may have to retrain to work in a different sector, with the average respondent making up just 23% of their annual income through government support.⁵⁸

With over half of respondents having worked in the night time economy for more than a decade, the sector risks an exodus of talent and experience essential to revitalising the industry post-pandemic. Indeed, a large number of workers have already migrated from the sector.

Freelance workers told the APPG that the top three challenges facing their businesses were: uncertainty about the future (95%), unclear communication from the Government (73%) and financial hardship (74%).⁵⁹ As such it is imperative that steps are taken to ensure all self-employed workers, who contribute as much to the night time economy as those on conventional contracts, are recognised and supported within government measures. This must incorporate both financial support, alongside wider clarity and communication for eventual recovery.

We recommend that the Government immediately address these gaps in support by reviewing the exclusionary clauses within the SEISS and assessing the scale of detriment to the sector, and to the wider economy, by this mass loss of talent. As with employees, we would propose that support measures are in place to encourage and nurture new opportunities within the night time economy post-pandemic.

Recommendation:

- Review exclusions in the eligibility of the SEISS.
- Provide training opportunities in the sector for freelancers post-pandemic

⁵⁸ APPG online survey, 'Covid-19 and UK Nightlife: Freelancers', February 2021.

⁵⁹ Ibid.

1.7 Supply chain

Businesses in the nightlife supply chain face many of the same issues as those in the primary night time economy resulting from drastically reduced trading levels. But they also face a number of distinct challenges that set them apart, and most notably a lack of government recognition of this impact.

The APPG received a wide range of evidence from a number of supply chain businesses including sound, lighting, and stage providers; equipment manufacturers; booking agencies; print and designers; security providers; ticketing platforms; beverage suppliers; PR, event marketing, and promoters; and catering staff recruitment services.

In written evidence, #WeMakeEvents, a campaign group seeking to highlight the impact of the pandemic on the live events sector, raised some of the unique challenges faced by businesses supplying the night time economy, suggesting the principal issue lay in the fact supply chain businesses were entirely dependent on trade in the sector, but that these businesses have yet to receive support commensurate with that fact. Specifically, because the Government still considers supply chain businesses 'able' to operate, they have not been eligible for 100% business rates relief, or the recent £9,000 grants for hospitality. The group warned that many businesses in the supply chain will not make it to summer without further support, placing the wider recovery of the sector in jeopardy.⁶⁰

SSE Audio, for example, an audio service provider for live productions and festivals, has witnessed a fall of almost 97% in revenue from April 2019 to present. Adlib, a sound, lighting and visual solutions agency based in Liverpool and Scotland, has similarly seen a 95% fall in revenue over the duration of the pandemic.⁶¹

These findings were reflected in our survey of supply chain employers. The APPG found:

- A quarter (26%) of supply chain businesses had been unable to trade at all.
- 60% of supply chain businesses had at some stage been unable to trade.
- On average, supply chain businesses were trading at only 14% of their pre-Covid annualised income, and for the period July-December 2020 this figure was 19%.
- More than half (53%) of supply chain businesses had made redundancies, while on average supply chain businesses indicated they had made a total 40% of their pre-pandemic workforce redundant.
- Nearly a third (30%) expected to make more redundancies before April 2021.⁶²

Survey responses also emphasised the specific ways in which government restrictions have affected supply chain businesses, and the need to provide support accordingly. For instance, many supply chain businesses have little or no rateable value, and have been totally unable to trade, so have not benefitted from government support on business rates and VAT. Tres

"In the live event supply chain, inadequate Government support for individuals and businesses has seen many already abandon the sector, with many seeing no way to survive until summer reopen."

#WeMakeEvents

"[Our] primary activity is ticketing for club nights, festivals and live concerts. With no events, there are no ticket sales. Since the onset of COVID we have seen an 82% reduction in ticket sales year-on-year. We have been open to trade to allow customers refunds and have still had to incur full operating costs."

Skiddle, National ticketing operator

⁶⁰ APPG submission by #WeMakeEvents, January 2021

⁶¹ Ibid.

⁶² APPG online survey, 'Covid-19 and UK Nightlife: Employers', February 2021.

Hombres, a customer service and security business, urged the Government to implement 'schemes to support small supply chain businesses that do not have rateable value', while MAV Music in London commented that their needed to be 'more grants for people with less conventional working environments'.⁶³

In a similar vein, many felt the Government must recognise that supply chain businesses will need support even if they themselves are not situated in areas with the toughest Covid restrictions. Respondents noted that previous financial support has been linked to the restrictions under each tier a business is situated. Yet in many cases, those that supply the night time economy were not eligible for the same level of support as the venues they supplied to, despite their de facto ability to trade having been restricted in the same way.

Indeed, less than 3% of Culture Recovery Fund financing went to supply chain businesses.⁶⁴ The LIVE Group noted that the criteria of the fund should therefore be reviewed to allow production suppliers and other previously excluded parts of the nightlife ecosystem access to support.⁶⁵

Recommendation:

- Officially recognise that the nightlife supply chain has been forced to close due to Covid-19 restrictions.
- Review eligibility of grant funding to allow supply chain businesses to access support.

"We elected to pull our city centre St Patrick's Festival (13-17 March 2020) in light of a growing crisis. This was done for the well-being of our guests. Cask conditioned ale has not been ordered by pubs since before that date."

**Dead Parrot Beer Company,
Brewery, Sheffield**

⁶³ APPG online survey, 'Covid-19 and UK Nightlife: Employers', February 2021.

⁶⁴ APPG submission by #WeMakeEvents, January 2021.

⁶⁵ APPG submission by the LIVE Group, January 2021.

1.8 Stop and start measures

Overwhelmingly, businesses, employees, and freelance workers told the APPG that government guidance reflected an ignorance to the operational structure of the sector. Namely, a critical lack of understanding for supply chain implications, market segmentation and basic obstacles to operating on a stop and start basis.

There has been widespread frustration that information has been drip-fed to the sector: leaked in unconfirmed newspaper briefings and announced at the eleventh hour in daily press conferences. Covid-19 may be unprecedented, they noted, but several months into the pandemic, with modelling of virus transmissions, scientific guidance and increased testing capabilities, there seems little excuse for erratic U-turns, mixed messages, and kneejerk reactions.


These measures have impacted night time economy businesses small and large. Hippodrome Casino told the APPG that one of the largest challenges faced was,

*'The last-minute imposition of lockdown, tiering or amendments to trading hours (e.g. curfew), and at one stage on August 1, 12-hour notice that we would not be allowed to re-open after all, heavily impacted the economic fortunes of the business and impacted badly on staff morale, customer relations, our overall reputation and that of the wider West End... Uncertainty is a very expensive commodity and we have a lot of it.'*⁶⁶

Revolution Bars echoed these sentiments, writing that,

*'The shortest notice period was just seven hours of trading time before closure when at 3pm on the 30th of December we were told to close our English businesses by 10pm and not reopen. Whilst we understand the challenges the Government face, the lack of understanding demonstrated in their decisions around any kind of notice period... for hospitality has driven up both costs and waste without any kind of compensation.'*⁶⁷

At no time was this more so than New Year's Eve – one of the biggest trading nights for the night time economy in any given year. Business in Tier 2 areas spent thousands over the festive period in preparation for the evening - ordering stock, preparing staff, and booking entertainment - only to be told with seven hours' notice that they would be forced by law to close. Deposits were repaid to customers and unused food, drinks and perishables thrown away.

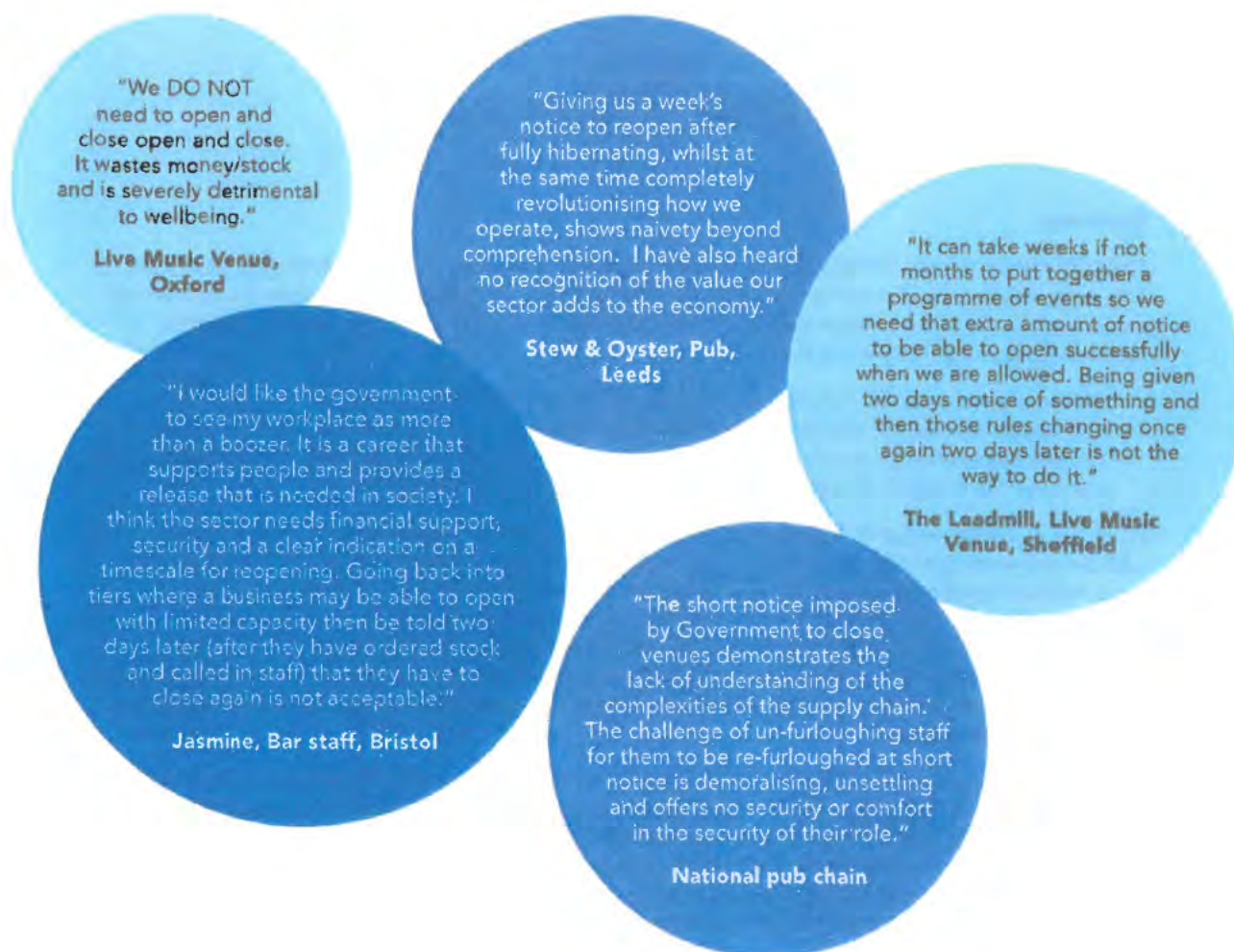


"(Our) main loss in income has been the short notice of closing and the frequency of it – as a food and drink business stock is perishable. With the ban on takeaway alcohol sales, [we] lost over £3,000 this lockdown alone in beer."

**The Roundhill, Pub,
Brighton**

⁶⁶ APPG submission by Hippodrome Casino, January 2021.

⁶⁷ APPG submission by Revolution Bars, January 2021.



While recognising that public health must be prioritised, many in the sector felt that issues with transparency, communication and continued uncertainty only prolonged the agony faced by employees and businesses alike. There was widespread concern that short-notice announcements were detrimental to personal wellbeing, inducing undue stress, financial cost and psychological harm to those working in the sector. Many also felt that the nature of the decision-making was an insult to hard-working operators who, as we have seen, have invested heavily in Covid-secure environments, followed all Government protocols, and worked closely with the relevant public bodies to operate in any way deemed safe and viable. A perceived lack of respect for this investment, both financially and emotionally, was a common grievance throughout our consultations. This has been further aggravated by the feeling that the sector has been berated and unfairly scapegoated for rising Covid-19 infections.

Because of this, a central ask of Government has been a 'roadmap' or guidance for recovery. This must be a moderate and transparent plan highlighting key metrics and steps for industry to follow for a safe and long-term reopening strategy. Quite simply, nightlife businesses, perhaps more so than any other sector, are not designed to be switched on and off at a moment's notice. The details of this roadmap, what it must contain and why, are outlined in the next chapter of this report.

Recommendation:

- Work proactively with industry to produce a clear and transparent 'roadmap' to reopening for the nightlife sector, with necessary steps and conditions detailed for safe and long-term recovery.

Re-opening and Recovery

Roadmap

The LIVE Group tell the APPG that the lead-times for live events can be several months or longer. This is especially true for large events and festivals, but also for nightclub businesses and grassroots music venues. Fabric, a London nightclub, estimate that each clubbing event can take circa six months of planning. They write that,

*'Without even an understanding of which conditions we would be permitted to reopen, it is impossible to invest in reopening preparations... because it is not financially viable to prepare for reopening blindly, we will be handicapped if such information is provided on short notice as our business is reliant on availability of DJ talent to play at our venue.'*⁶⁸

LAB11, a nightclub venue in Birmingham, reiterated that nightlife businesses are incapacitated without any understanding of what form this roadmap will take. They tell the APPG that businesses need 'solid timescales and dates for the reduction of restrictions' as they 'can't plan accordingly without it'.⁶⁹ In any case, lacking even a 'direction of travel', night time economy businesses have been unable to forecast for the financial year – to calculate whether they can survive the pandemic or whether they will be forced to close their doors forever. This has understandably led to widespread financial insecurity, with 60% of employees surveyed feeling they may lose their jobs as a result of the pandemic.⁷⁰

Lack of logistical preparation likewise threatens the consumer experience. The Night Time Industries Association warn that if businesses are unable to prepare, operationally and financially, they may not be able to fully reopen even if health and safety conditions allow it.⁷¹ Losing this opportunity in the summer months could have catastrophic consequences for both the nightlife sector and the wider UK economy – in which nightlife plays a central part. Reopening venues safely and effectively, therefore, will be vital to revitalise the economy when safe to do so.



When asked what they would like to see in a 'roadmap', businesses and nightlife workers told the APPG that with a vaccination programme ongoing, indicative dates to reopening should be tied with key public health and safety metrics – for example, when the R rate falls below a set figure, or when certain proportions of the public have been vaccinated. Others noted the need for clear milestones to reduce restrictions – such as limits on capacity, wet sales and trading hours. These must be punctuated with timelines of financial support – continued up until nightlife businesses can trade freely at full capacity and without restriction.

As UK Music note, the seasonal nature of the virus means that the epidemiological position will improve as we head towards summer.⁷² With this in mind, any roadmap must feature clarity on timescales and on each type of business included in each stage of reopening. Nightclub businesses, for example, cannot be absent from exit strategies as seen throughout the duration of 2020.

With the Prime Minister set to announce a lockdown exit strategy later this month, the APPG hope that this will include nothing less than full transparency on timelines for each specific industry and key milestones to recovery. This is important, not just for the economic revival of the sector, but for the mental health and wellbeing of the workforce.

"We need a longer term plan to ensure the security of venues like mine across the UK... It will offer stability and peace of mind and get all stakeholders on the same page with regard to moving forward."

Sin City, Live Music Venue, Swansea

"[We need] to be able to plan, effectively without more wasted money, time and energy."

Snobs, Nightclub, Birmingham

⁷² APPG submission by UK Music, January 2021.



Reopening

Finally, the sector has appealed for a proactive approach from the Government with regards to the full reopening of nightlife. This includes both pilot schemes and models for returning to trade under Covid-related restrictions and maximum capacity events.

As several submissions to the APPG note, social distancing at events in live music venues, in nightclubs and at festivals is neither economically viable nor logistically simple. For the sector to return to any level of financial sustainability and independence, provisions must be made to explore routes to full capacity operation.

Recent scientific advancements have made this prospect more attainable: the advent of fast reliable mass testing lends itself to the provision of pre-event screening which, coupled with the ongoing vaccination programme, could allow the eventual reopening of nightlife without social distancing in safe and secure conditions.

The Music Venues Trust, for example, have prepared a series of pilot tests, while companies such as CleanAirSpaces and Biotech have offered the utility of air and cleaning surfaces. Similar models and schemes have been seen outside of the UK, such as the German Restart Project, and its replication would be welcomed by numerous domestic venues. Methods to raise hygiene standards, such as CDC approved UVGI/UVG systems, have likewise been proposed to deactivate viral pathogens, which could be embraced alongside the use of lateral-flow and mass testing facilities.⁷³

⁷³ APPG submission by UK Music, January 2021.

In July 2020, the Institute of Occupational Medicine (IOM) were commissioned by a range of stakeholders, including the Night Time Industries Association, Festival Republic and the Music Venues Trust, to research methods to mitigate risk in entertainment venues. The study listed a series of recommendations to manage the risk of Covid-19 in the sector. These included a range of controls and barriers to protect the public, such as the control of movement, cleaning regimes and ventilation measures.⁷⁴

For this to be effective, however, the sector must have the endorsement and recognition of the Government. The LIVE Group note that this could take the form of an incentive-based scheme, promoting an increased use of the NHSX trace app and raising participation rates for Covid-19 population testing.⁷⁵ UK Music add that if the Government were to work with industry to test and sanction new technologies, the sector as a whole can put together guidelines for running events and shows that are safe, secure and non-socially distanced.⁷⁶

In any case, the Government must recognise two key principles when navigating policy choices:

- That endorsement is needed from the Government to provide the confidence to explore pilot testing programmes.
- That until a full capacity return is achievable, the sector will continue to need sustained financial support.

As such, the APPG recommend that the Government engage with industry leaders to produce a series of protocols, specifically for the late-night sector, with the aim to pilot schemes for a full and safe reopening. This could be driven by an industry-led taskforce of nightlife operators and medical specialists. Until full capacity is safely achieved, it is absolutely necessary that comprehensive and long-lasting financial support is granted to businesses operating in the sector which will remain unviable under restrictions.



Recommendation:

- Create a taskforce within Government to advance the full reopening of nightlife.
- Sanction and support a series of scientific testing proposals and pilot schemes across the sector.
- Continue to support businesses financially until they can operate safely at full capacity.

⁷⁴ Institute of Occupational Medicine, 'Managing Covid-19 Risk in the UK Entertainment Industry', pp. 41-44.

⁷⁵ APPG submission by the LIVE Group, January 2021.

⁷⁶ APPG submission by UK Music, January 2021.

Recovery

Once safe reopening is achievable, the nightlife sector will be at the forefront of wider economic upturn. Even prior to the pandemic, 92% of England's councils thought that increased night time activity could help to rejuvenate their high streets.⁷⁷ The impact of Covid-19 on the sector has been felt broadly, but this means that nightlife's revival will support not only night time economy businesses but a multitude of tertiary industries as well.

As we have seen, the nightlife sector is increasingly symbiotic with the 'day time' economy. Emma France, a Business Tourism Manager in Sheffield, writes:

*'The Night Time sector is a crucial part of attracting businesses, students and residents (back) into the city... All of the sectors involved in hospitality and live events are interdependent so the success of the hotels in the city is dependent on the city having a vibrant product which attracts visitors to stay and spend.'*⁷⁸

This is particularly important given the recent collapse of large retailers such as Debenhams, Topshop, and Burton. These insolvencies have left the future of our high streets uncertain, leaving swathes of empty storefronts and thousands of staff redundant. Nightlife, however, is not so easily replicated in online alternatives; the lure of late-night venues can bring consumers back into our towns and city centres which, in turn, will rejuvenate the wider economy. From taxis to private hire operators, public transport, food outlets, hotels and accommodation, the revival of nightlife will act as an economic multiplier – with the infrastructure to support additional sectors and industries.

Cheltenham Borough Council, furthermore, note that rising numbers of youth unemployment can be improved by the safe recovery of the nightlife sector.

*'It is a well-known fact that young people have been particularly badly affected by the pandemic particularly in relation to unemployment and it is also the case that young people make up a high proportion of employees in the sector. The reopening of the Evening and Night Time Economy and wider hospitality sector will support local economic recovery by again providing employment and development opportunities for this demographic.'*⁷⁹

In any case, it is increasingly clear that while footfall in city centres remains low, a critical mass of business activity will be needed to build the economy to its pre-pandemic levels. Tim Feben, Director of Regather, warns that without a thriving nightlife offer, 'the learned trends of staying at home, online, local will solidify and the city centre could fall into a 'ghost town' status'.⁸⁰

The APPG were pleased that BEIS and DCMS seem to recognise this importance, writing in their inquiry submission that 'the hospitality sector was one of the first to recover following the 2007 financial crisis, which helped drive the UK's recovery more generally'.⁸¹

Time will tell if the Government take action that makes good on this recognition. What is needed now are concrete measures to demonstrate that it understands the value of this sector and considers night time economy jobs and industries as viable in the long-term. This means giving businesses the ability to make positive investment and staffing decisions, and affording those working in the sector the much-needed confidence not to seek employment elsewhere. With the right financial support, guidance, and a roadmap to reopening, nightlife will survive the pandemic and drive our cultural and economic recovery.

⁷⁷ APPG submission by the Greater London Authority, February 2021.

⁷⁸ APPG submission by Sheffield City Council, February 2021.

⁷⁹ APPG submission by Cheltenham Borough Council, January 2021.

⁸⁰ APPG submission by Sheffield City Council.

⁸¹ APPG submission by the Department for Digital, Culture, Media and Sport (DCMS) and the Department for Business, Energy and Industrial Strategy (BEIS), February 2021

Conclusion

Ultimately, the Covid-crisis has dealt a devastating blow to the night time economy, with a severe economic and human impact. We heard from a plethora of businesses, employees and freelance workers facing debilitating debts, financial uncertainty and job insecurity, alongside thousands of members of the public anxious to protect and preserve the community spaces they treasure.

Responses to our survey detailed a widespread feeling of frustration, a heavy-hearted acceptance that some restrictions have been needed, but a disappointment in the overall management of the crisis and the pittance of support provided. Businesses revealed the overwhelming financial cost of the pandemic, which has had a ripple effect on employment levels for staff and freelancers throughout the sector. Consultations also exposed a sheer lack of understanding and appreciation of nightlife - reflected in misguided policy advice and erratic trading restrictions. Moving forward, responses called for a clear and transparent strategy for recovery, the continuation of financial support measures and a desperate injection of grant funding to keep the sector alive.

As nightlife can play a central role in the UK's post-pandemic revival, the **Government must** look to safeguard our cultural institutions both now and in years to come. The appointment of a Night Time Economy Advisor, as seen in London, Manchester and Bristol, may be an important first step in demonstrating this Government's commitment to supporting nightlife industries. Indeed, with proposed planning changes to Permitted Development Rights, principles such as the 'Agent of Change' must be championed and protected to prevent our once vibrant towns and city centres becoming shadows of their former selves.



Recommendations

Trading

- Review the hospitality curfew and trading restrictions following the end of lockdown.
- Introduce a charter for businesses to pledge they are Covid-secure, drive consumer confidence, and tackle non-compliance.
- Introduce a government campaign to encourage consumer demand when safe to do so.

Employment

- Extend the furlough scheme/flexi-furlough for the sector until it can reopen at full capacity.
- Extend the eligibility period to allow those employed by the end of December to continue to be furloughed.
- Consider uprating reference pay periods for those on or around minimum wage.
- Introduce a government campaign to encourage workers to stay in the industry and support with training programmes following the loss of experience and talent.

Standing costs

- Provide a sector-specific grant scheme for businesses in the sector relating to the size and operating costs of each business.
- Extend the Business Rates Relief, VAT deferral and maintain the 5% VAT rate for businesses in the sector until 2022.
- Extend the forfeiture moratorium and introduce a government-backed 'shared burden' solution to the backdated payment of rent.

Grants

- Work with devolved administrations to streamline the standardisations of funds across the UK to prevent regional disparity.
- Increase the accessibility and transparency of financial support by reviewing metrics used to allocate grants and supporting businesses with the application process.

Insurance

- Provide an active support service to assist businesses in claiming insurance entitlements from providers.
- Introduce a government-backed insurance scheme to prepare the sector for effective recovery when safe operation is allowed.

Freelancers

- Review exclusions within the eligibility of the SEISS.
- Provide training opportunities for those in the sector post-pandemic.

Supply chain

- Officially recognise that supply chain businesses have been forced to close and provide the relevant financial support.

Roadmap

- Produce a clear and transparent 'roadmap' to recovery for nightlife, with necessary steps and conditions for safe reopening.

Recovery

- Create a government taskforce to advance the full reopening of nightlife, sanctioning a series of pilot schemes and models for full capacity restart.
- Appoint a Night Time Economy adviser to Government and protect the Agent of Change principle.

Appendix

The APPG for the Night Time Economy is grateful to a range of organisations and individuals who contributed to the making of this report. We thank the following organisations, alongside those who wished to stay anonymous, for their valued insights and support.

1703	Barlogic	Country House Inn	FLY EVENTS
#WeMakeEvents	Beatbox Leisure	Creative Community	FMLY Agency
1000 Trades	Beds and Bars	Croeso Pubs	Forty Eight
24hourlondon	Behind Closed Doors	Cup Aberdeen	Foxhills Club
2funkycomplex	Big Bang Ltd	Cwrw Da Cyf	Frame Artists
2Northdown	Big Easy Ltd	Damnably Records	Funky Fridayz
365 The World Ltd	Big Fish Little Fish Scotland	Dead Donkey Bar	Future Underground Nation
44 Group	Big Naturals	Dead Parrot Beer Company	FW Industries Group
54 Liverpool	Bishopsound Ltd	DECKS	Gallaghers Traditional Pub
57 Monkeys	BLOC+	Digital	Ganda Media
8 Ball and Arrows Sports Bar	Blue Ball Worrall	Disco Bowl Limited	Genre Music
Abz Musa	Bluebell Pub	DMX Productions	George Gawith Taxis
AGF	Bowling House Ltd	Dog & Gun Inn	GFERFRE
Ainsey's Entertainment	BOX-E	Dominion Hospitality	Gin & Juice
Alba Hire and Sales	Brighton Music Conference	Doncaster Warehouse	Global 2 Leisure
ALC Leisure	Bristol City Council	Dreamboys	GMG Events LTD
Alchemy PR	Cafe Artum	dusk	Go Secure It
ALEM LEISURE LTD	Camel Club	Eagle	Goo Goo Enterprise Limited
Allium	Castle Inn	eatmybeat	GoSa Events
Annabel's Cabaret & Discotheque	Central Wrexham	ECO PROPERTIES	Grand Sapphire Banqueting & Hotel
Apartment	Centrals Bar & Lounge	Eden Group	Greater London Authority
April to July	Centreglobal Ltd	Elite Security	Greater Manchester Combined Authority
Aquarium	Chadwick Arms	Entertainment Rescue	Groubook
Arcade Talent Agency	Chalk	Event Bars Lichfield	H.G. Stephenson Ltd
Art e Fect	Cheltenham Borough Council	Evolution Artists	Hampshire Boulevard
Ashwells Sports and Country Club	Cinema&Co	Evoque Nightclub	Harehills Labour Club
Atlas Bar	City of London Corporation	Fabric	Harts Group
Audioserv Ltd	Cloak & Dagger	Fire & Lightbox	Haverstock Tavern
The Pot Still	Club Tropicana & Venga Glasgow	Firewater	Heads Above
Back to the Dock	Commercial Inn	FirstMagic	Heart of London Business Alliance
Bar Bluu	Connect Security	Five Star Pubs	
Bar Pop		Flashlite Technical Services	
		Flex Nightclub	

Hedonist	LIVE Group	Parrjazz Ltd	Rose of Denmark
Heslam Park club	Live Here Now Limited	Peaks Catering	Safer Business Network
Hidden	Liz Hobbs Group Ltd	Peppermint	Saison
Hielan Jessie bar	LPH Concerts & Events	Phoenix Security	Salvation Night Club & Society Bar
Hippodrome Casino	MAC Artists Ltd	Pilgrim Bar	Sanctuary
Hoogah	Maccallums bar	Pink Nightclub	Sandman Signature Hotel
Horse and Jockey	MADE Festival	Pinnacle Protection Ltd	Scala
Hospital Records	Made it Happen	Pitch	Secret Events
Hothams Ltd	Magic Marquee Hire	Pitch Bar & Eatery	Secret Music Festival
Howl Bar Ltd	Manhattan Events	Pitchers Bar & Nightclub	Sesh Events Ltd
Husky Events	MBT building services	PJ's Nightclub	Seventh Heaven
Imperil	Medication	Platform Live Ltd / The Blast / Run	SF Leisure Europe Limited
Inchyra Events Ltd	Middlemansolutions	PLF Bars Ltd	Sheaf St.
Insanity Group	Ministry of Sound	Plonk Golf LTD	Sid's Bar
Invasion Angels	Mirage Parties	Poco Loco	Silver Grave Ltd
Jazz Music & Dance Co.	Mrs B's B&B Ltd.	Priory Inns North West	Sin City Swansea
Kained	Mustard Media	Private Eyes 1	Skiddle Limited
Kandy Bar & Nightclub	Nags Head	Promona Ltd	Skylight Rooftop Bar - Tobacco Dock
Karma Sanctum Soho	New Citizens LTD	Propaganda	Slim Jim's Liquor Store
Karooze limited	New World Fest	Proud Events Ltd	Smokey Joe's Cheltenham Ltd
Kings Arms Hotel	Next Gen Hospitality	Proud Group	SN1 Swindon Limited
KJM Studios Hereford Limited	Night Club	Public Bierhalle	Snuffy Jack's Ale House
Knife and Fork Food Ltd	NIGHT TALES	Publicity & Display Ltd	Soho Spirits
KSG Acoustics Limited	Night Time Industries Association	Pulse 51	Solutions Audio Visual Ltd
LAB11	Nocturnal Touring and Rooted Productions	Purslane Restaurant Ltd	Sorted Media UK LTD T/A FYI
Lambeth Street Pastors	NosDa Hostel & Bar	Quirky Ales Ltd	Sound Acoustic Productions
Lazco Limited	NTRP	Radius	Sound Services Ltd
Leeds Irish Centre	NUBU Nightclub	Regency Security Services	Spirited Nights Ltd
Leonidas Chester chocolate cafe	Old Street Records	REKOM	SQP Live Ltd
Light Music	Orb	Revolution Bars	St Leger Tavern
Lion Outside Bars	Oriental Express Restaurants Limited	Sticky Fingers Street Food	Stadium Management Ltd
Listen Up Music Promotions	Out of Hand Ltd	Ridley Road Market Bar	
Little Lion Entertainment	Out on the Thames	ROCK DCM	
	Over Audio		
	Palagander Ltd		

Stew & Oyster	The Hare and Hounds	The Studio	Well versed events ltd
Stonegate Group	The ILL REPUTE	The Three Horseshoes	Wellington Club
SubClub	The John Harvey Arms	The Towpath Inn	Whiskey Bravo Productions Ltd
Sugar Leisure Limited	The Lambton	The Vanilla Alternative	Whitecart Group Ltd
Swanflightcom	The Lazy Dog	The Viper Rooms & Original Bierkeller	Wicked Student Nights
Swat Marketing	The Leadmill	The Westbourne	Woodstock Weddings and Events
TA ALT / Sound Circus	The Liars Club	The White Hart	Wortley House Hotel
Ten Cocktail Bar	The Library	The Workshop	YOYO
Ten87 Studios	The Light	The Yard	Zaranda
TGC Leisure Ltd	The Liverpool Pub	Three Crowns	Ziggy's South Shields
Tharavadu	The Lock Cocktail Bar	Three Six Zero	
The Angel Inn	The Ludoquist	TicketText Group	
The Arts Theatre Club	The Met Lounge	Titan Facilities Management (NW) Ltd	
The Beer Emporium	The Metal Monocle	TLT LLP	
The Beer Engin Micropub	The Molly House	Toptable weddings and events.	
The Boiler House/ Entice, Preston	The Monkey Suit	Tramps Nightclub	
The Bridge Inn	The Musician	Tres Hombres Customer Service & Security	
The Bureau Lichfield	The Nvisible Agency	Trilogy Leisure	
The Club	The Oddfellows Gastropub	Tropicana Venga	
The Cock Tavern	The Old Hellfire Club	Tyrant Productions Limited	
The Comedy Cow	The Oval Tavern	UK Events (NW) Group Ltd	
The Coopers Arms	The Palace Nightclub	UK Music	
The Cornubia Public House	The Pembury Tavern	UKHospitality	
The Criterion	The Pheasant Inn	Urban Tiger Gentlemen's Club	
THE CROOKED BILLET	The Pipeline	Vauxhall Tavern London	
The Crusader	The Powerline	VENUE38	
The Epic Group	The Red Lion	Vin Santo	
The Fan Club	The Rifle Club	Vodbull UK Ltd	
The Ferret	The Rising Sun	Walker Rose Solicitors	
The Flute and Tankard	The Rock	Waterloo Bar	
The Foresters Arms	The Rose	we are indigo	
The Grand	The Saxon Arms		
The Grapes	The Scotch of St James		
The Green	The Smugglers ltd		
The Gryphon	The Spread Eagle		
	The Star Inn		
	The Stirrup Tap		



NORWICH
City Council

Schedule 12

Premises Licence

Regulation 33,34

Premises Licence Number

20/01847/PREM

Part 1 – Premises Details

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

Bar and Beyond
24 - 28 Prince Of Wales Road
Norwich
Norfolk
NR1 1LG

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Films - Activity takes place indoors
Late Night Refreshment - Activity takes place indoors
Live Music - Activity takes place indoors
Performances of Dance - Activity takes place indoors
Sale by Retail of Alcohol
Recorded Music - Activity takes place indoors

The times the licence authorises the carrying out of licensable activities

Films Sunday 12:00 - 02:00
For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Films Monday to Saturday 11:00 - 03:00
For all licensable activities - An additional hour to the standard and non standard times on the day when

British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Late Night Refreshment Sunday 23:00 - 02:00

For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

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Live Music Sunday 12:00 - 02:00

For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Live Music Monday to Saturday 11:00 - 03:00

For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any

12:00 - 02:00

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

11:00 - 03:00

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12:00 - 02:00

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

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notified.

Recorded Music

Sunday

12:00 - 02:00

For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Recorded Music

Monday to Saturday

11:00 - 03:00

For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

The opening hours of the premises

Monday	11:00 - 03:30
Tuesday	11:00 - 03:30
Wednesday	11:00 - 03:30
Thursday	11:00 - 03:30
Friday	11:00 - 03:30
Saturday	11:00 - 03:30
Sunday	12:00 - 02:30

An additional hour to the standard and non standard times on the day when British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

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

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

Under 18s will not be allowed in the venue past 20:00, unless attending a specially organised youth event to which the Police give prior approval.

The regular schedule of entertainment at the premises is music and dancing, however, from time to time the premises licence holder would like to be able to host special events such as ladies nights and private hire hen parties, including male dance troupe entertainment in the form of cabaret show. While this style of entertainment falls under the definition of adult entertainment, it does not include full nudity or displays of a sexually gratifying nature.

Part 2

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

CC Stim UK Tradeco 2 Ltd
50 Fountain Street
Manchester
Greater Manchester
M2 2AS

Electronic Mail

vhp@catacap.dk

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

Registered Business Number 13068585

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

Laurie Sherene Howard
259 St Leonards Road
Norwich
NR1 4JN

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

Party Reference: 13/02429/PERS

Licensing Authority: Norwich City Council

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 No moving picture shall be exhibited unless: -
 - (i) it has received a "U", "PG", "12A", "15" or "18" certificate of the British Board of Film Classification; or
 - (ii) it is a current newsreel which has not been submitted to the British Board of Film Classification; or
 - (iii) the permission of the Licensing Authority is first obtained and any conditions of such permission are complied with.
- 4 No person under the age of 18 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received an "18" certificate from the British Board of Film Classification.
- 5 No person under the age of 15 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "15" certificate from the British Board of Film Classification.
- 6 No person under the age of 12 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "12A" certificate from the British Board of Film Classification.
- 7 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.
- 8
 - (1) The responsible person must 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.
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - d) 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.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 9 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 10
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either:-
- (a) a holographic mark or
 - (b) an ultraviolet feature.
- 11 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 12 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 13 For the purposes of the condition set out in paragraph 1:
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula:

$$P = D + (D \times V)$$

Where:

 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 14 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- 15 Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 16 Where the film classification body is specified in the licence, unless subsection (12)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
- 17 Where
- (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 18 In this section "children" means any person aged under 18; and

- "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).
- 19 Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
- 20 But nothing in subsection (1) requires such a condition to be imposed:
- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 21 For the purposes of this section:
- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule**1 General - all four licensing objectives**

- 2 Staff will receive training in relation to their job role and function. Staff responsible for the sale of alcohol will receive training on the requirements of the Licensing Act 2003 and their responsibilities under it.

Refresher training, in relation to compliance with the Licensing Act 2003, will be provided at 3 monthly intervals and training records will be maintained on the premises and made available for inspection by an authorised Police or Licensing Officer on request.

3 The Prevention of Crime and Disorder

- 4 During the last thirty minutes of trading:

- Volume levels will be reduced and the music tempo slowed, lighting levels will be raised to encourage the gradual dispersal of patrons during the last part of trading.
- The number of points of sale in each room will be reduced and staff reallocated to collecting glasses or offer customer service in the cloakroom to assist customer departure.
- DJ announcements will be used to both encourage a gradual dispersal and to remind customers of consideration for neighbours.
- Notices will be displayed in prominent positions at the exit of the premises requesting customers to leave quickly and quietly.

- 5 A CCTV system shall be installed and maintained to the reasonable satisfaction of Norfolk Police, which shall include cameras recording footage of evidential quality covering all main public areas, entrance and exit doors, the queues outside the premises and the smoking terrace.

Footage shall be retained from all cameras for a minimum of 31 days. At least one trained member of staff will be available at all times the premises is open for licensable activities to operate the CCTV system. Footage shall be made available to for viewing by a Police Officer immediately upon request during trading hours and recordings of footage will be provided, in a form agreed with Norfolk Police, as soon as is reasonably practicable and without unnecessary delay.

The system will be checked daily and a record made of the check, the person responsible conducting the check and the outcome. Any technical failings will be recorded and rectified as soon as possible and without unnecessary delay.

Notices stating that CCTV is in operation 24 hours a day will be displayed in the venue.

- 6 The venue will actively participate in the local Pubwatch or equivalent scheme.
- 7 All the conditions under which the premises operate during licensed hours will continue to be met during any additional hours of operation or trading under the authorisation of a Temporary Event Notice.
- 8 Toughened glass will be used.
- 9 Age Verification Policy:
A challenge 25 policy will operate at the premises. Acceptable identification for the purposes of age verification that issued by a government agency bearing the holders photograph, name and date of birth or identification bearing the UK PASS hologram.

Any person unable to produce acceptable means of identification will, unless attending a specific youth event or accompanied by a responsible adult for the purpose of dining, the person will not be permitted entry to the premises.

- 10 'Challenge 25' posters shall be displayed in a prominent position at the premises.
There will be no entry to persons under the age of 18 unless they are attending events aimed specifically at the youth market.

When holding events solely aimed at the youth market (under 18s):

- No alcohol is to be visible, sold or made available on the premises.
- No adult entertainment will be provided at any time a person under 18 is on the premises.
- AWP machines will be covered, unplugged and removed from use.

- Any youth found to have consumed any alcoholic beverage prior to entry will be given care and assistance with contacting family and arranging transportation, but will be refused entry to the event.

- Any youth found to have consumed alcohol preceding the event, after being permitted entry, will be given care and assistance with contacting family and arranging transportation, but will be required to leave with appropriate care and support.

- 11 On Sundays - Wednesdays when the front part of the premises marked on the plan as "Bar" is open after midnight, a minimum of 2 SIA door staff will be employed from midnight until the closure of the premises.

On Thursday, Friday and Saturday nights when the rear part of the premises is open which is marked "Beyond" on the plan, there will be a minimum of 2 SIA employed from 2200 hrs and an additional 2 SIA security employed from 2300 hrs. This is a total of 4 SIA door staff employed on the ground floor of the premises from 2300 hrs until close.

If the lower floor is open to the public, there will be an extra member of SIA security dedicated to manage this area giving a total of 5 SIA on Thursday, Saturday and Friday nights from 2300 hrs until close.

Door supervisors shall enter their full details in the daily register at the commencement of work.

This shall include their full name, home address, contact telephone number, SIA registration number, the time they commenced and concluded their shift. If the door supervisor was supplied by an agency, details of the agency must be recorded, including the name, registered business address and contact telephone number of the agency. The register will be available for inspection by an authorised Police or Licensing Officer on request.

- 12 One member of the current SIA security will monitor and manage the Conservatory and Courtyard area when the outside bar is in use.

- 13 Customers will not be permitted to leave the premises with any drinking vessel or open glass bottle, whether empty or containing any beverage.

- 14 No persons carrying open or sealed bottles will be admitted entry at any time during the licensable activities.

- 15 The premises will actively participate in the use of any Town Centre Radio Scheme that may exist. A responsible person will monitor the radio and make use of it to receive and share relevant information in respect of concerns or information relating to anti-social behaviour, crime, disorder or any threat thereof, with other users of the town centre radio system during the times licensable activities are taking place.

- 16 The premises will use the link radio scheme (Alert Project 150) operating in the City Centre Night time economy to report incidents of disorder at the premises. Use of the link radio does not negate the responsibility of the venue to also report incidents to Police via other channels if a Police response would be reasonably required. (This scheme is primarily intended as an information sharing mechanism between premises i.e details of any individuals ejected or turned away from the venue). The venue will ensure that all subscriptions charges are paid for the duration of the scheme. This condition is strictly only enforceable whilst the terms and conditions of Project 150 are available.

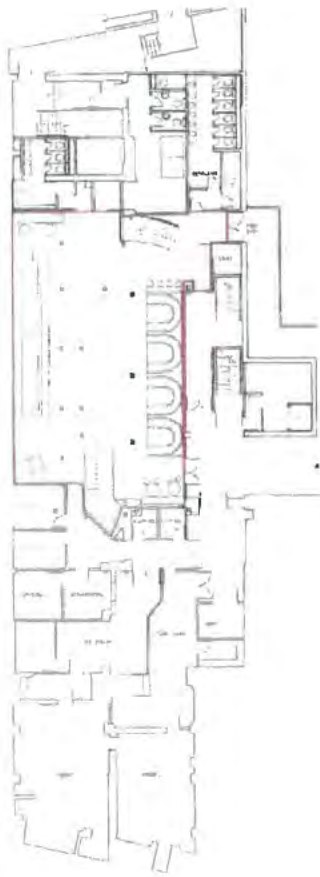
- 17 **Public Safety**

- 18 A person trained in first aid will be at the venue who will have received training in any problems associated with alcohol and drug misuse.

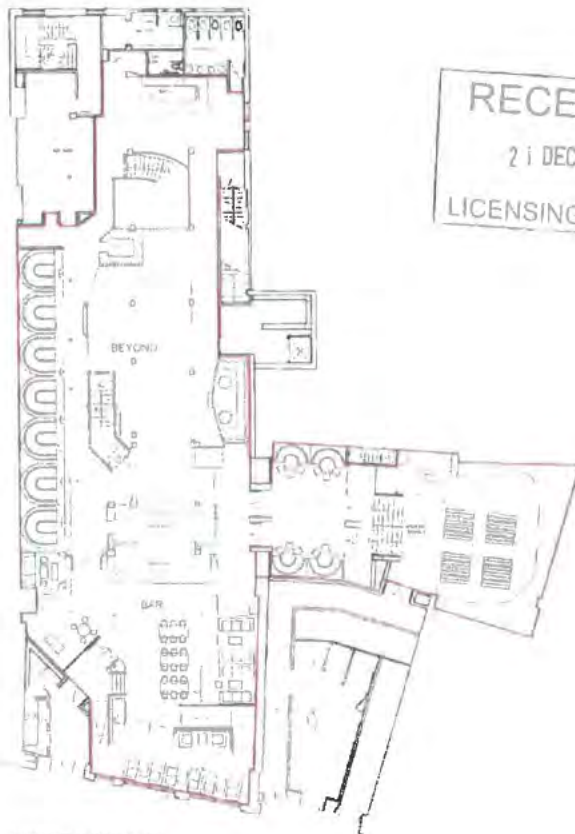
Annex 3 – Conditions attached after a hearing by the licensing authority

Received 040121

5



LOWER GROUND FLOOR PLAN



GROUND FLOOR PLAN

RECEIVED
21 DEC 2016
LICENSING OFFICE

[illegible]



NORWICH City Council

Premises Licence Summary

Premises Licence Number

20/01847/PREM

Premises Details

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

Bar and Beyond
24 - 28 Prince Of Wales Road
Norwich
Norfolk
NR1 1LG

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Films - Activity takes place indoors
Late Night Refreshment - Activity takes place indoors
Live Music - Activity takes place indoors
Performances of Dance - Activity takes place indoors
Sale by Retail of Alcohol
Recorded Music - Activity takes place indoors

The times the licence authorises the carrying out of licensable activities

Films Sunday 12:00 - 02:00
For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Films Monday to Saturday 11:00 - 03:00
For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Late Night Refreshment Sunday 23:00 - 02:00
For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Late Night Refreshment Monday to Saturday 23:00 - 03:00
For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Live Music Sunday 12:00 - 02:00
For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Live Music Monday to Saturday 11:00 - 03:00
For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any

international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Performances of Dance	Sunday	12:00 - 02:00
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For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Performances of Dance	Monday to Saturday	11:00 - 03:00
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For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Sale by Retail of Alcohol	Sunday	12:00 - 02:00
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For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Sale by Retail of Alcohol	Monday to Saturday	11:00 - 03:00
---------------------------	--------------------	---------------

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Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of

Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Sunday

12:00 - 02:00

For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

Monday to Saturday

11:00 - 03:00

For all licensable activities - An additional hour to the standard and non standard times on the day when British Summertime commences.

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

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The opening hours of the premises

Monday	11:00 - 03:30
Tuesday	11:00 - 03:30
Wednesday	11:00 - 03:30
Thursday	11:00 - 03:30
Friday	11:00 - 03:30
Saturday	11:00 - 03:30
Sunday	12:00 - 02:30

An additional hour to the standard and non standard times on the day when British Summertime commences.

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

Films, Late Night Refreshment and Sale by Retail of Alcohol only - In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on premises licence, to permit the showing of films, late night refreshment and sale by retail of alcohol commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

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

CC Stim UK Tradeco 2 Ltd
50 Fountain Street
Manchester
Greater Manchester
M2 2AS

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

Registered Business Number 13068585

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

Laurie Sherene Howard

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

Under 18s will not be allowed in the venue past 20:00, unless attending a specially organised youth event to which the Police give prior approval.

The regular schedule of entertainment at the premises is music and dancing, however, from time to time the premises licence holder would like to be able to host special events such as ladies nights and private hire hen parties, including male dance troupe entertainment in the form of cabaret show. While this style of entertainment falls under the definition of adult entertainment, it does not include full nudity or displays of a sexually gratifying nature.

Norwich City Council

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

We CC STIM UK Tradeco 2 Ltd

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Liquid			
24/26 Prince of Wales Road			
Post town	Norwich	Post code	NR1 1LF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£72,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current residential address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current residential address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

(B) OTHER APPLICANTS

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

Name: CC STIM Tradeco 2 Ltd

Address Aurora House Deltic Avenue Rooksley Milton Keynes MK13 8LW
Registered number (where applicable) 13068585
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A
P		

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

A

Please give a general description of the premises (please read guidance note1)

A nightclub in the City Centre situated within the nighttime economy area, trading over 2 floors with a ground floor entrance and a smoking terrace at second floor.

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

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 5)	
Thur				
Fri				
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon	11:00	04:00		
Tue	11:00	04:00		
Wed	11:00	04:00	State any seasonal variations for the exhibition of films (please read guidance note 5)	
Thur	11:00	04:00		
Fri	11:00	04:00		
Sat	11:00	04:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) On the day before a Bank Holiday 11:00 to 04:00 the following morning. An additional hour on the morning that British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
Sun	12:00	03:00		

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 4)	
Tue				
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Amplified and unamplified music through an in-house sound system		
Mon	11:00	04:00			
Tue	11:00	04:00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed	11:00	04:00			
Thur	11:00	04:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) On the day before a Bank Holiday 11:00 to 04:00 the following morning		
Fri	11:00	04:00			
Sat	11:00	04:00	An additional hour on the morning that British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sun	12:00	03:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Regulated Recorded Music will be restricted to 23:00 on the second floor terrace area		
Mon	11:00	04:00			
Tue	11:00	04:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	11:00	04:00			
Thur	11:00	04:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) On the day before a Bank Holiday 11:00 to 04:00 the following morning.		
Fri	11:00	04:00			
Sat	11:00	04:00	An additional hour on the morning that British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sun	12:00	03:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	11:00	04:00	By staff and performers throughout the premises.		
Tue	11:00	04:00			
Wed	11:00	04:00	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	11:00	04:00			
Fri	11:00	04:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11:00	04:00			
Sun	12:00	03:00	On the day before a Bank Holiday 11:00 to 04:00 the following morning. An additional hour on the morning that British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
Mon	11:00	04:00	Indoors <input checked="" type="checkbox"/>	
			Outdoors <input type="checkbox"/>	
			Both <input type="checkbox"/>	
Tue	11:00	04:00	Please give further details here (please read guidance note 4)	
Wed	11:00	04:00		
Thur	11:00	04:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Fri	11:00	04:00		
Sat	11:00	04:00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun	12:00	03:00	On the day before a Bank Holiday 11:00 to 04:00 the following morning. An additional hour on the morning that British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	11:00	04:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	11:00	04:00			
Wed	11:00	04:00			
Thur	11:00	04:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11:00	04:00			
Sat	11:00	04:00			
Sun	12:00	03:00			
			On the day before a Bank Holiday 11:00 to 04:00 the following morning.		
			An additional hour on the morning that British Summertime commences.		
			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Laurie Howard
Date of birth [REDACTED]
Address [REDACTED]
Postcode [REDACTED]
Personal Licence number (if known) [REDACTED]
Issuing licensing authority (if known) [REDACTED]

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)</p> <p>NONE</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p> <p>On the day before a Bank Holiday 11:00 to 04:30 the following morning.</p> <p>An additional hour on the morning that British Summertime commences.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
Mon	11:00	04:30	
Tue	11:00	04:30	
Wed	11:00	04:30	
Thur	11:00	04:30	
Fri	11:00	04:30	
Sat	11:00	04:30	
Sun	12:00	03:30	

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 10)

1. The sale of alcohol is ancillary to music and dancing.

b) The prevention of crime and disorder

1. On any day on which door 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. 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.
2. Any person who appears to be intoxicated, or who is behaving disorderly, will not be allowed entry to the venue. Any person within this venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue.
3. Toughened glass will be used for drinks vessels.
4. There will be one SIA door supervisor to monitor the smoking area.
5. A CCTV system shall be installed and maintained to the reasonable satisfaction of Norfolk Police, which shall include cameras recording footage of evidential quality covering all main public areas, entrance and exit doors, the queues outside the premises and the smoking terrace.

Footage shall be retained from all cameras for a minimum of 28 days. At least one trained member of staff will be available at all times the premises is open for licensable activities to operate the CCTV system. Footage shall be made available to for viewing by a Police Officer immediately upon request during trading hours, and recordings of footage will be provided in a form agreed with Norfolk Police, as soon as is reasonably practicable and without unnecessary delay.

The system will be checked daily and a record made of the check, the person responsible conducting the check and the outcome. Any technical failings will be recorded and rectified as soon as possible and without unnecessary delay.

6. There will be full CCTV coverage of smoking area.
7. Customers will not be permitted to leave the premises with any drinking vessel or open glass bottle, whether empty or containing any. beverage.
8. No persons carrying open or sealed bottles will be admitted entry at any time during the licensable activities.
9. The premises will actively participate in the local Pubwatch or equivalent scheme.
10. The premises will actively participate in the use of any Town Centre Radio Scheme that may exist. A responsible person will monitor the radio and make use of it to receive and share relevant information in respect of concerns or Information relating to anti-social behaviour, crime, disorder or any threat thereof, with other users of the town centre radio system during the times licensable activities are taking place.

c) Public safety

1. There shall be adequate provision made to account for the number of persons on the licensed premises during any entertainment authorised under the licence.
2. A person trained in first aid will be present at the venue during trading hours, who will have received training in any problems associated with alcohol and drug misuse.

d) The prevention of public nuisance

1. Reasonable steps will be taken to recognise the needs of local residents and businesses.
2. During the last thirty minutes of trading:
 - Volume levels will be reduced and the music tempo slowed, lighting levels will be raised to encourage the gradual dispersal of patrons during the last part of trading.
 - The number of points of sale in each room will be reduced and staff reallocated to collecting glasses or offer customer service in the cloakroom to assist customer departure.
 - DJ announcements will be used to both encourage a gradual dispersal and to remind customers of consideration for neighbours.
 - Notices will be displayed in prominent positions at the exit of the premises requesting customers to leave quickly and quietly.
3. A noise limiter will be fitted to the sound system on the second floor terrace area, and will be set at a level agreed with the Environmental Health Officer.
4. Regulated Entertainment will cease at 23:00 on the second floor terrace area.

e) The protection of children from harm

1. No person under the age of 18 will be allowed access to the premises during licensable activities.
2. A challenge 25 policy will operate at the premises. Acceptable Identification for the purposes of age verification that issued by a government agency bearing the holders photograph, name and date of birth or identification bearing the UK PASS hologram.

Please tick yes

- I have made or enclosed payment of the fee or ☒
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy ☐
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒
- **[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]** I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO

EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 14) The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	[Redacted Signature]
Date	16 June 2021
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Angela Gardner
Poppleston Allen Solicitors, 37 Stoney Street
The Lace Market

Post town	Nottingham	Post code	NG1 1LS
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Telephone number (if any)	[Redacted Telephone Number]
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)

[Redacted E-mail Address]

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
 - **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
 - **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - **Live music:** no licence permission is required for:
 - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - **Recorded Music:** no licence permission is required for:
 - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds;
 - or
 - (iv) self-sufficient e.g. bank statements.

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

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

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;

- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

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

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

Home Office online right to work checking service

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

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

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

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



NORWICH
City Council

Premises Licence Summary

Premises Licence Number

08/01577/PREMTR

Premises Details

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

Liquid
24 - 28 Prince Of Wales Road
Norwich
Norfolk
NR1 1LG

Telephone number 01603 611113

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Films
Late Night Refreshment
Live Music
Performances of Dance
Provision of Dance Facilities
Provision of Music 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

Films	Sunday	12:00 - 02:00
Films	Monday to Saturday	11:00 - 04:00
Late Night Refreshment	Sunday	23:00 - 02:00
Late Night Refreshment	Monday to Saturday	23:00 - 04:00
Late Night Refreshment	New Years Eve to New Years Day	23:00 - 05:00
Live Music	Sunday	12:00 - 02:00
Live Music	Monday to Saturday	11:00 - 04:00
Performances of Dance	Sunday	12:00 - 02:00
Performances of Dance	Monday to Saturday	11:00 - 04:00
Provision of Dance Facilities	Sunday	12:00 - 02:00
Provision of Dance Facilities	Monday to Saturday	11:00 - 04:00
Provision of Music Facilities	Sunday	12:00 - 02:00
Provision of Music Facilities	Monday to Saturday	11:00 - 04:00
Sale by Retail of Alcohol	Sunday	12:00 - 02:00
Sale by Retail of Alcohol	Monday to Saturday	11:00 - 04:00
Recorded Music	Every Day	-

Non Standard/Seasonal Timings

An additional hour to the standard and non-standard times on the day when British Summertime commences; and

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

The opening hours of the premises

Monday	11:00 - 04:30
Tuesday	11:00 - 04:30
Wednesday	11:00 - 04:30
Thursday	11:00 - 04:30
Friday	11:00 - 04:30
Saturday	11:00 - 04:30
Sunday	12:00 - 02:30

Non Standard/Seasonal Timings

An additional hour to the standard and non-standard times on the day when British Summertime commences; and

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

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

Alcohol is supplied for consumption on the Premise

Name, (registered) address of holder of premises licence

The 3D Entertainment Group (CRC) Limited
Deltic Avenue
Rooksley
Milton Keynes
MK13 8DL

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

Registered Business Number 6002029

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

Catherine Quinn

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

A person under the age of 18 will only visit the premises with a responsible adult for the purpose of dining, unless there is an event especially organised for the youth market; and no person under the age of 18 will be allowed to use the AWP machine.



Schedule 12

Premises Licence

Regulation 33,34

Premises Licence Number

08/01577/PREMTR

Part 1 – Premises Details

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

Liquid
24 - 28 Prince Of Wales Road
Norwich
Norfolk
NR1 1LG

Telephone number 01603 611113

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Films
Late Night Refreshment
Live Music
Performances of Dance
Provision of Dance Facilities
Provision of Music 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

Films	Sunday	12:00 - 02:00
Films	Monday to Saturday	11:00 - 04:00
Late Night Refreshment	Sunday	23:00 - 02:00
Late Night Refreshment	Monday to Saturday	23:00 - 04:00
Late Night Refreshment	New Years Eve to New Years Day	23:00 - 05:00
Live Music	Sunday	12:00 - 02:00
Live Music	Monday to Saturday	11:00 - 04:00
Performances of Dance	Sunday	12:00 - 02:00
Performances of Dance	Monday to Saturday	11:00 - 04:00
Provision of Dance Facilities	Sunday	12:00 - 02:00
Provision of Dance Facilities	Monday to Saturday	11:00 - 04:00
Provision of Music Facilities	Sunday	12:00 - 02:00
Provision of Music Facilities	Monday to Saturday	11:00 - 04:00
Sale by Retail of Alcohol	Sunday	12:00 - 02:00
Sale by Retail of Alcohol	Monday to Saturday	11:00 - 04:00
Recorded Music	Every Day	-

Non Standard/Seasonal Timings

An additional hour to the standard and non-standard times on the day when British Summertime commences; and

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

The opening hours of the premises

Monday	11:00 - 04:30
Tuesday	11:00 - 04:30
Wednesday	11:00 - 04:30
Thursday	11:00 - 04:30
Friday	11:00 - 04:30
Saturday	11:00 - 04:30
Sunday	12:00 - 02:30

Non Standard/Seasonal Timings

An additional hour to the standard and non-standard times on the day when British Summertime commences; and

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

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

A person under the age of 18 will only visit the premises with a responsible adult for the purpose of dining, unless there is an event especially organised for the youth market; and no person under the age of 18 will be allowed to use the AWP machine.

Part 2

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

The 3D Entertainment Group (CRC) Limited
Deltic Avenue
Rooksley
Milton Keynes
MK13 8DL

Telephone Number 01908 544100

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

Registered Business Number 6002029

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

Catherine Quinn
7 Saracen Road
Hellesdon
Norwich
NR6 6PA

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

Party Reference: 196407/45005

Licensing Authority: Broadland District Council

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 No moving picture shall be exhibited unless: -
 - (i) it has received a "U", "PG", "12A", "15" or "18" certificate of the British Board of Film Classification; or
 - (ii) it is a current newsreel which has not been submitted to the British Board of Film Classification; or
 - (iii) the permission of the Licensing Authority is first obtained and any conditions of such permission are complied with.
- 4 No person under the age of 18 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received an "18" certificate from the British Board of Film Classification.
- 5 No person under the age of 15 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "15" certificate from the British Board of Film Classification.
- 6 No person under the age of 12 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "12A" certificate from the British Board of Film Classification.
- 7 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.
- 8 The sale of alcohol is ancillary to music and dancing
- 9 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.
- 10 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.
- 11 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.
- 12 The number of persons permitted to use the licensed premises at any one time (including staff and performers) shall not exceed the following limits:-

	CLUB TOTAL	FIRST FLOOR
SECOND FLOOR		

50	(i) When used for dancing -	800	750
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50	(ii) When used for functions utilising seating at tables -	340	290
50	(iii) When used for purposes combining (i) and (ii) above -	800	750
50	(iv) When used for closely seated audience (removable seating) -	800	750
13	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.		
14	There shall be adequate provision made to account for the number of persons on the licensed premises during any entertainment authorised under the licence.		
15	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.		
16	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.		
17	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.		
18	The public shall be permitted to leave by all doors marked "EXIT" after each performance.		
19	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.		
20	(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.		
21	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.		
22	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.		
23	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.		
24	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.		
25	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.		
26	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.		
27	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.
- 28 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.

- 29 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.
- 30 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.
- 31 The void beneath the stage shall not be used for the storage of combustible materials.

- 32 Decorations, artificial and dried foliage to be approved by the Fire Officer.
 33 Promotional displays in foyers and public areas to be approved by the Fire Officer.
 34 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 4m²)

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

- 35 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.

- 36 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.

- 37 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.

- 38 (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.

- 39 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.

- 40 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.

- 41 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.

- 42 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.
- 43 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.
- 44 (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.
- 45 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.
- 46 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.
- 47 (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.
- 48 (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.
- 49 The licensee shall ensure that the electrical installation for the premises is properly maintained and used in a safe manner.
- 50 (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.
- 51 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.
- 52 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.
- 53 All public parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Licensing Authority.
- 54 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.
- 55 An adequate number of hand wash basins shall be provided to the satisfaction of the Licensing Authority.
- 56 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.
- 57 Urinal stalls shall be fitted with automatic flushing devices. Closets, urinals and drains shall be constructed and fitted in accordance with the Building Regulations.
- 58 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.
- 59 (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.
- 60 Any application for a variation of a public entertainments licence must be advertised by displaying a notice of the application on or near the licensed premises to which the application relates in a prominent and conspicuous position where it will be seen by persons not frequenting those premises. The notice shall be in a standard form provided by the City Council and is to be displayed for at least 14 clear days starting not more than 28 days nor less than 20 days before the day of the Regulatory Committee at which the application is to be considered.
- 61 No person may be engaged on or in connection with the premises to vet customers and maintain public order, who is not currently registered with the Norwich Club/Pub Watch Registration Committee in accordance with that Committee's criteria.
- 62 (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.

63 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.

64 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).

65 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.

- 66 Before use commences, the building shall be insulated as necessary in accordance with a scheme approved by the Council in order to secure a reduction in the level of noise emanating from the premises, such that noise levels from the application premises shall not exceed 45dB at 63 Hz C.B.F., 40 dB at 125 Hz C.B.F. and NR30 over the frequency range from 250 Hz to 8 Hz as measured at a position 1 metre outside any noise sensitive premises and shall not exceed 37Db at 63 Hz C.B.F., 30Db at 125 Hz C.B.F. and NR20 over the frequency range from 250 Hz to 8 Hz as measured inside any adjoining noise sensitive premises.

- 67 Before any amplified music is first played in the licensed premises the Integral Noise Limiters must be set at such a level that the noise criteria set by the Council is fully met.

Annex 2 – Conditions consistent with the Operating Schedule

1 **General - all four licensing objectives**

2 Staff training required by relevant legislation will continue.

3 **The Prevention of Crime and Disorder**

4 If a DJ is used on any night then he/she must ask customers to leave the premises quietly.

5 The current level of lighting outside the premises will continue for the additional hours of trading.

6 A CCTV system will be in operation during the hours of trading.

7 Notices stating the CCTV is in operation 24 hours a day will be displayed throughout the venue.

8 Any person who appears to be intoxicated, or who is behaving disorderly, will not be allowed entry to the venue. Any person within this venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue.

9 The venue will actively participate in the local Pubwatch or equivalent scheme.

10 Text/radio pagers will continue to be used and their use will be monitored by a responsible member of staff.

11 Toughened glass will be used for drinks vessels

12 The venue will only accept Proof of Age from photographic driving licences, passports, or, in agreement with the Police, a form of identification with the PASS hologram.

13 Music and dancing will be a prominent feature of trading.

14 There will be full CCTV coverage of smoking area.

15 There will be one SIA door supervisor to monitor the smoking area and ensure that the no drinks policy is adhered to.

16 No glasses or drinks are to be taken into the smoking area.

17 **Public Safety**

18 Free drinking water will be available at all times.

19 A person trained in first aid will be present at the venue during trading hours, who will have received training in any problems associated with alcohol and drug misuse.

20 **The Prevention of Public Nuisance**

21 Reasonable steps will be taken to recognise the needs of local residents and businesses.

22 **The Protection of Children From Harm**

23 A person under the age of 18 will only visit the premises with a responsible adult for the purpose of dining, unless there is an event especially organised for the youth market. Unaccompanied persons under the age of 18 are not welcome in the venue except at events especially organised for the youth market.

24 A person under the age of 18 will not be allowed to use any of the AWP machines.

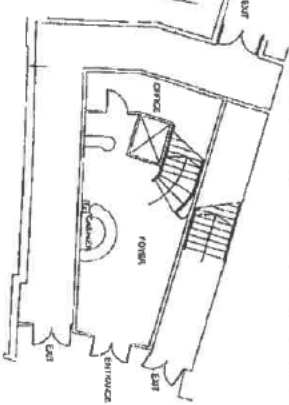
25 Where specially organised events for the youth market take place the following conditions will be adhered to :

- Upon admission supervisors will vet and search persons who wish to gain admission.
- If stewards have any doubt regarding the age of a customer or believe they may have used alcohol or an illegal substance, they will not admit that person to the venue.
- Any drink, weapon or illegal substance will be confiscated.
- Soft drinks only will be on sale
- No alcohol branding will be displayed, and all alcohol drinks will be removed from bars for the event.
- Cigarette machines will be disabled and turned round for the duration of the event.
- All gaming machines will be disabled and turned round for the duration of the event.
- The police will be informed that the event is taking place.
- Any persons that refuse to be searched before entry are not permitted entrance to the event.
- The age policy will be 13-17 (or other designated age range). Any person who does not look of age, or who looks overage, will be asked to produce ID.
- Those over the age of 18 will not be permitted entry to the event.
- Should a difficulty arise with a customer staff will only use physical contact if absolutely necessary and will avoid being alone with a young person at all times.
- A event Liaison Officer will be advised and asked to be present for each event.

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

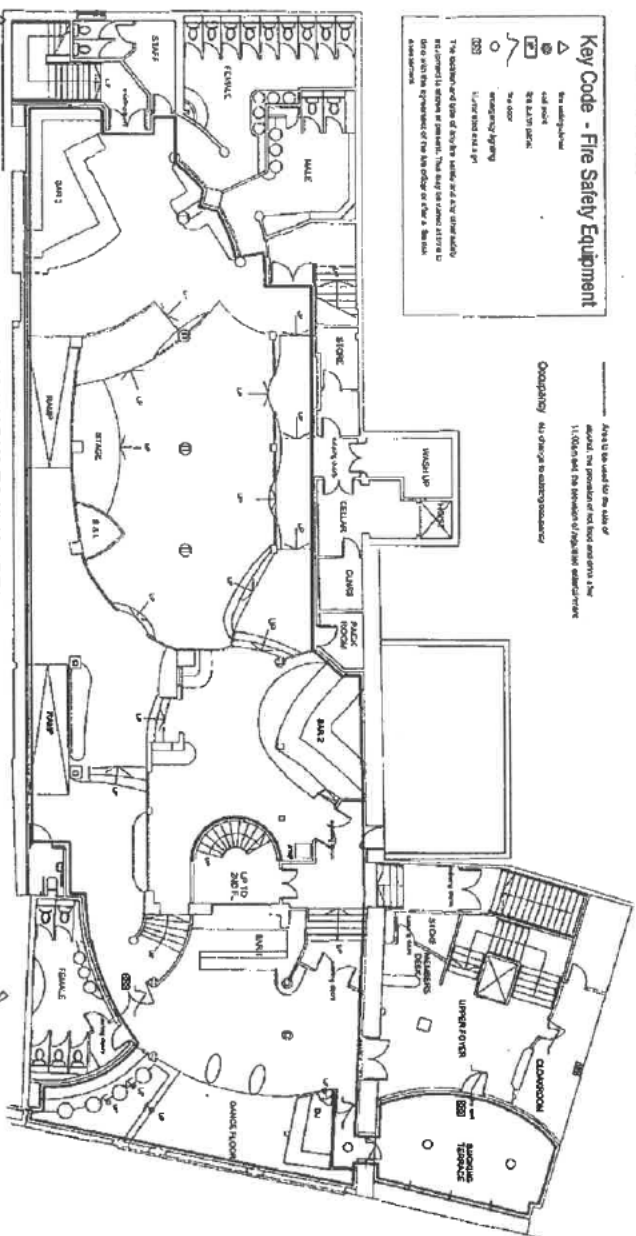
Annex 4 – Plans

1. All alterations are restricted to the floor, stairs and upper roof.
1. Repurpose roof over new structural elements and new roof element with integral fire rated floor. (Stairs will be finished)
2. Form new gabled roof with 12m, 500mm eaves and doors to smoking terrace
3. Repurpose existing raised metal floor and form new DJI Restaurant and dance floor, form new steps up to existing covered seating area.
4. Form new fire corridor to be 100.1
5. Form new wall and put double glass doors into to Form a Terrace.

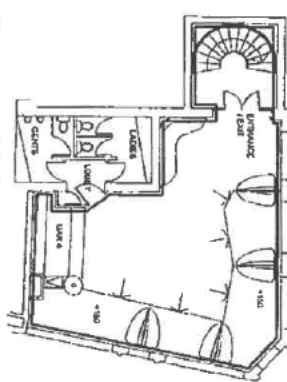


EXISTING GROUND FLOOR PLAN—no works to this area

The students and I took a day trip to the beach and a day to the water park. The students and I went to the beach and the water park. The students and I went to the beach and the water park. The students and I went to the beach and the water park.



PROPOSED FIRST FLOOR PLAN



NO WORKS TO THIS AREA

EXISTING SECOND FLOOR PLAN - no works to this area

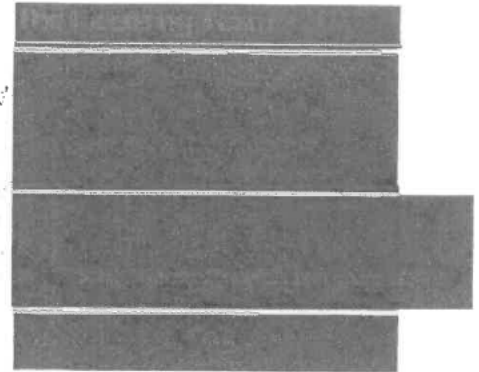
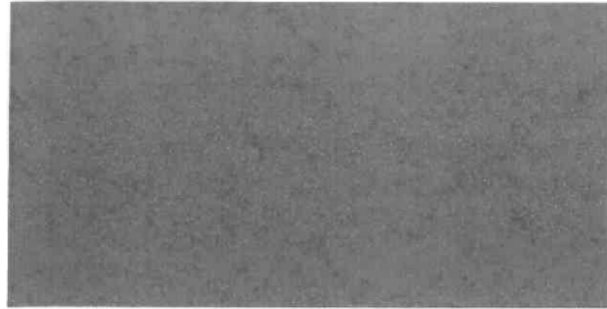
RECEIVED
29 JUL 1955
LICENSED OFFICE

A	408.5720	distillation deep alcohol

<p>S COTT DESIGN</p> <p>14-15 Colston Ave, London, SE1 3 Tel: 020 7403 1000 Fax: 020 7403 1001 E-mail: info@scott-design.co.uk</p>		<p>30 Entertainment Group</p>	<p>PRINCE Liquid Prince of Wales Road Northwich</p>	<p>BRAND T&L</p>
<p>ORDERING</p> <p>QUANTITY: 100 DATE: 08/13/03 CITY: A COUNTRY: A CITY: A COUNTRY: A</p>		<p>ORDERING</p> <p>QUANTITY: 100 DATE: 08/13/03 CITY: A COUNTRY: A CITY: A COUNTRY: A</p>		



NORFOLK
CONSTABULARY
Our Priority Is You



Dear Sir/Madam

Norfolk Police have been consulted in relation to the application for a new premises licence for 24-26 Prince of Wales Road, Norwich.

This application is requesting regulated entertainment until 4am, sale of alcohol for consumption on the premises until 4am Monday-Saturday and 3am Sundays. The opening hours requested are 1100-0430hrs Monday -Saturday and 0330 hrs on Sundays.

I understand that the current situation relating to the Cumulative Impact Policy is complicated however the premises did previously benefit from a licence with the same times requested under the old name Pure.

The applicant of this application is the same operator who operates Bar and Beyond and has a number of premises nationally including nightclubs.

Conditions proposed within the operating schedule include, CCTV, managing of the smoking area, patrons prevented from taking open vessels off the premises and the use of Security staff.

Norfolk Police request that further conditions are added to the premises licence in order to promote the licensing objective, the prevention of crime and disorder:

- **Staff will receive training in relation to the sale of alcohol. A record of this training will be kept at the premises and available to Police or Licensing Authority on request.**
- **There will be a minimum of 2 SIA door supervisors from 2200 until close on Friday and Saturday nights.**
- **The premises licence holder shall ensure that the provision of door supervisors at the premises is appropriate to ensure the safe control of the premises. A written risk assessment will be in place to assess the number of security staff required. This will be available to Police or Licensing Authority on reasonable request.**
- **There shall be a lockable "safe box" at the premises. All controlled drugs and items seized will be placed in this box as soon as it is practicable. All the contents of this will be provided to Norfolk Police.**

[Type text] [Type text] [Type text]

- A written Policy that aims to prevent patrons bringing illegal drugs, weapons or other illegal items onto the premises shall be in operation. A copy of this will be kept at the premises and available to Police or Licensing Authority on request.
- There shall be one SIA door supervisor to monitor the smoking area when it is in operation.
- There shall be no admittance or readmittance to the premises after 03:45 hrs.
- A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by Police or Licensing Authority on reasonable request.
- An incident log shall be kept at the premises and made available on request to Police or Licensing Authority. It will record the following:
 - All crime reported to the venue
 - All ejections of patrons
 - Any incidents of disorder
 - Any complaints concerning crime and disorder.
 - All seizures of drugs and offensive weapons
 - Any faults in the CCTV system.
- The Licence Holder shall ensure that any queue to enter the premises is orderly and supervised by security staff.
- All security staff engaged outside the premises shall wear hi-visibility clothing post 2am.
- Staff will monitor the capacity levels of the premises.
- A written dispersal policy will be kept at the premises and includes the dealing of vulnerable patrons. This will be available to Police or Licensing Authority on request.

With these conditions attached to the premises licence, there are no objections.

Yours faithfully,

Michelle Bartram
Licensing Officer

New Premises Licence

Composite Conditions

General

1. The sale of alcohol is ancillary to music and dancing.

The Prevention of Crime and Disorder

1. On any day on which door 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. 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.
2. Any person who appears to be intoxicated, or who is behaving disorderly, will not be allowed entry to the venue. Any person within this venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue.
3. Toughened glass will be used for drinks vessels.
4. A CCTV system shall be installed and maintained to the reasonable satisfaction of Norfolk Police, which shall include cameras recording footage of evidential quality covering all main public areas, entrance and exit doors, the queues outside the premises and the smoking terrace.

Footage shall be retained from all cameras for a minimum of 28 days. At least one trained member of staff will be available at all times the premises is open for licensable activities to operate the CCTV system. Footage shall be made available to for viewing by a Police Officer immediately upon request during trading hours, and recordings of footage will be provided in a form agreed with Norfolk Police, as soon as is reasonably practicable and without unnecessary delay.

The system will be checked daily and a record made of the check, the person responsible conducting the check and the outcome. Any technical failings will be recorded and rectified as soon as possible and without unnecessary delay.

5. There will be full CCTV coverage of smoking area.
6. Customers will not be permitted to leave the premises with any drinking vessel or open glass bottle, whether empty or containing any beverage.

7. No persons carrying open or sealed bottles will be admitted entry at any time during the licensable activities.
8. The premises will actively participate in the local Pubwatch or equivalent scheme.
9. The premises will actively participate in the use of any Town Centre Radio Scheme that may exist. A responsible person will monitor the radio and make use of it to receive and share relevant information in respect of concerns or Information relating to anti-social behaviour, crime, disorder or any threat thereof, with other users of the town centre radio system during the times licensable activities are taking place.
10. Staff will receive training in relation to the sale of alcohol. A record of this training will be kept at the premises and available to Police or Licensing Authority on request.
11. There will be a minimum of 2 SIA door supervisors from 2200 until close on Friday and Saturday nights.
12. The premises licence holder shall ensure that the provision of door supervisors at the premises is appropriate to ensure the safe control of the premises. A written risk assessment will be in place to assess the number of security staff required. This will be available to Police or Licensing Authority on reasonable request.
13. There shall be a lockable "safe box" at the premises. All controlled drugs and items seized will be placed in this box as soon as it is practicable. All the contents of this will be provided to Norfolk Police.
14. A written Policy that aims to prevent patrons bringing illegal drugs, weapons or other illegal items onto the premises shall be in operation. A copy of this will be kept at the premises and available to Police or Licensing Authority on request.
15. There shall be one SIA door supervisor to monitor the smoking area when it is in operation.
16. There shall be no admittance or readmittance to the premises after 03:45 hrs.
17. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by Police or Licensing Authority on reasonable request.
18. An incident log shall be kept at the premises and made available on request to Police or Licensing Authority. It will record the following:
 - a. All crime reported to the venue
 - b. All ejections of patrons
 - c. Any incidents of disorder
 - d. Any complaints concerning crime and disorder.
 - e. All seizures of drugs and offensive weapons
 - f. Any faults in the CCTV system.
19. The Licence Holder shall ensure that any queue to enter the premises is orderly and supervised by security staff.

20. All security staff engaged outside the premises shall wear hi-visibility clothing post 2am.
21. Staff will monitor the capacity levels of the premises.
22. A written dispersal policy will be kept at the premises and includes the dealing of vulnerable patrons. This will be available to Police or Licensing Authority on request.

Public Safety

1. A person trained in first aid will be present at the venue during trading hours, who will have received training in any problems associated with alcohol and drug misuse.

The Prevention of Public Nuisance

1. Reasonable steps will be taken to recognise the needs of local residents and businesses.
2. During the last thirty minutes of trading:
 - Volume levels will be reduced and the music tempo slowed, lighting levels will be raised to encourage the gradual dispersal of patrons during the last part of trading.
 - The number of points of sale in each room will be reduced and staff reallocated to collecting glasses or offer customer service in the cloakroom to assist customer departure.
 - DJ announcements will be used to both encourage a gradual dispersal and to remind customers of consideration for neighbours.
 - Notices will be displayed in prominent positions at the exit of the premises requesting customers to leave quickly and quietly.
3. A noise limiter will be fitted to the sound system on the second floor terrace area, and will be set at a level agreed with the Environmental Health Officer.
4. Regulated Entertainment will cease at 23:00 on the second floor terrace area.
5. A mobile number to contact the manager working when the premises are open will be made available to residents who have objected to the grant of the new Premises Licence.

The Protection of Children from Harm

1. No person under the age of 18 will be allowed access to the premises during licensable activities.
2. A challenge 25 policy will operate at the premises. Acceptable Identification for the purposes of age verification that issued by a government agency bearing the holders photograph, name and date of birth or identification bearing the UK PASS hologram.

2 E K M
UNITED KINGDOM

STAGE

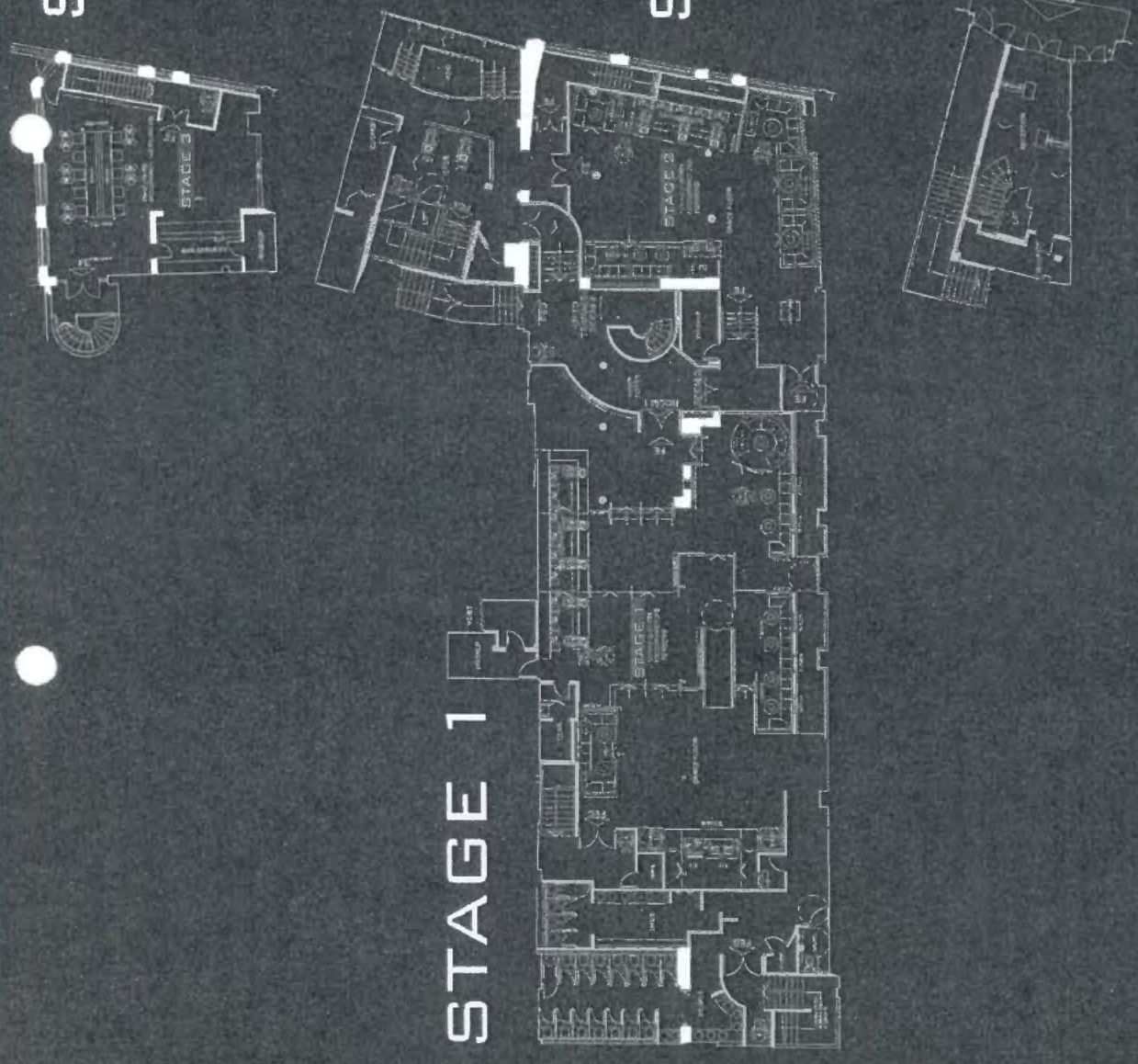
STAGE 3

SECOND FLOOR

STAGE 2

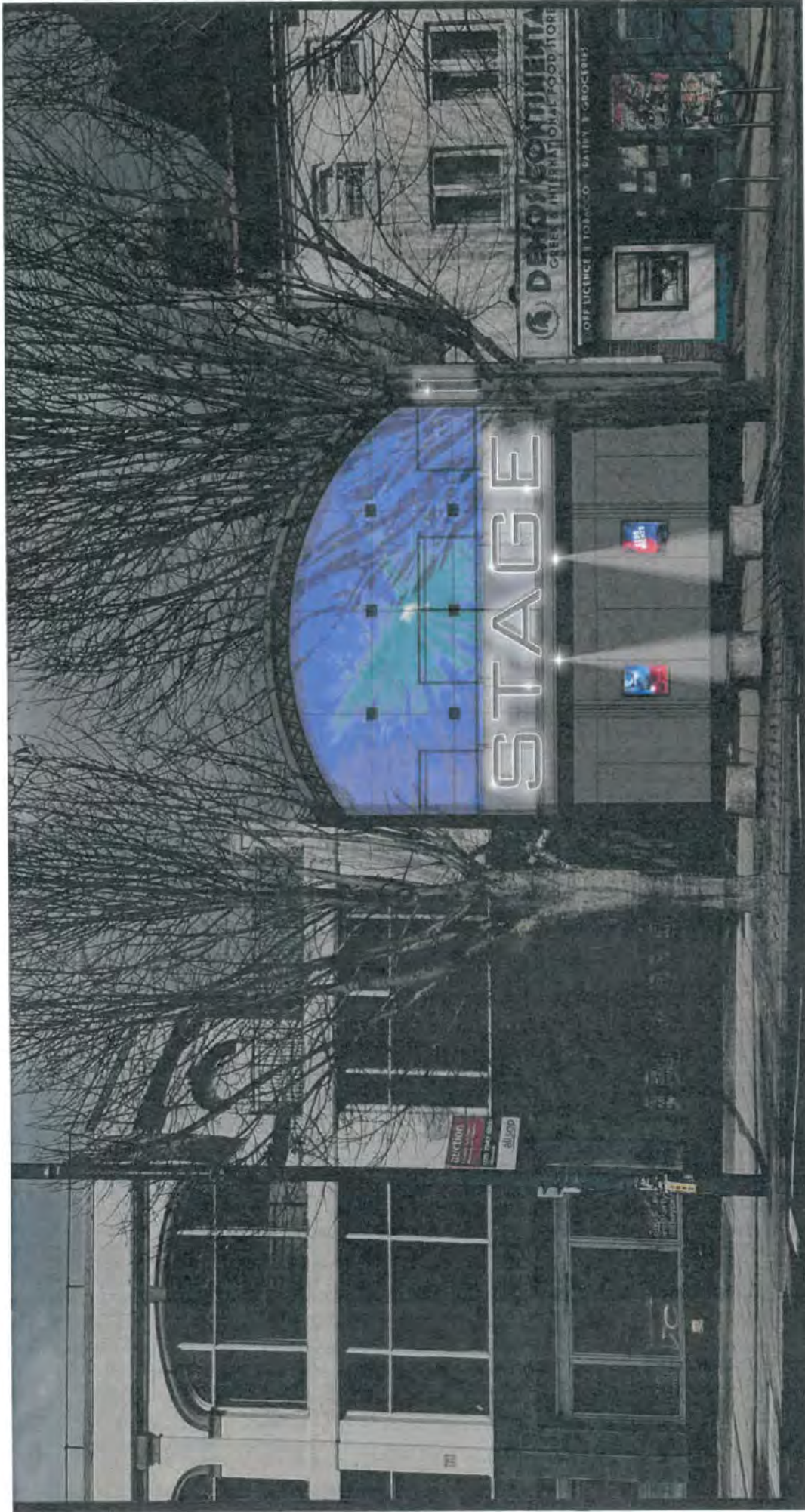
FIRST FLOOR

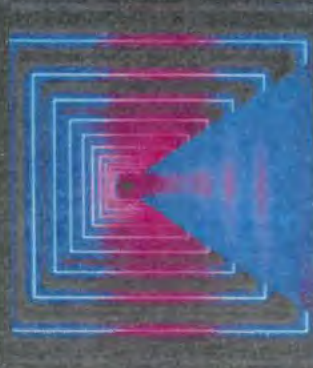
GROUND FLOOR



PROPOSED PLAN

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SOMETHING TO TALK ABOUT

POLYCHROME PLAYGROUND

CLASSICALLY KITSCH

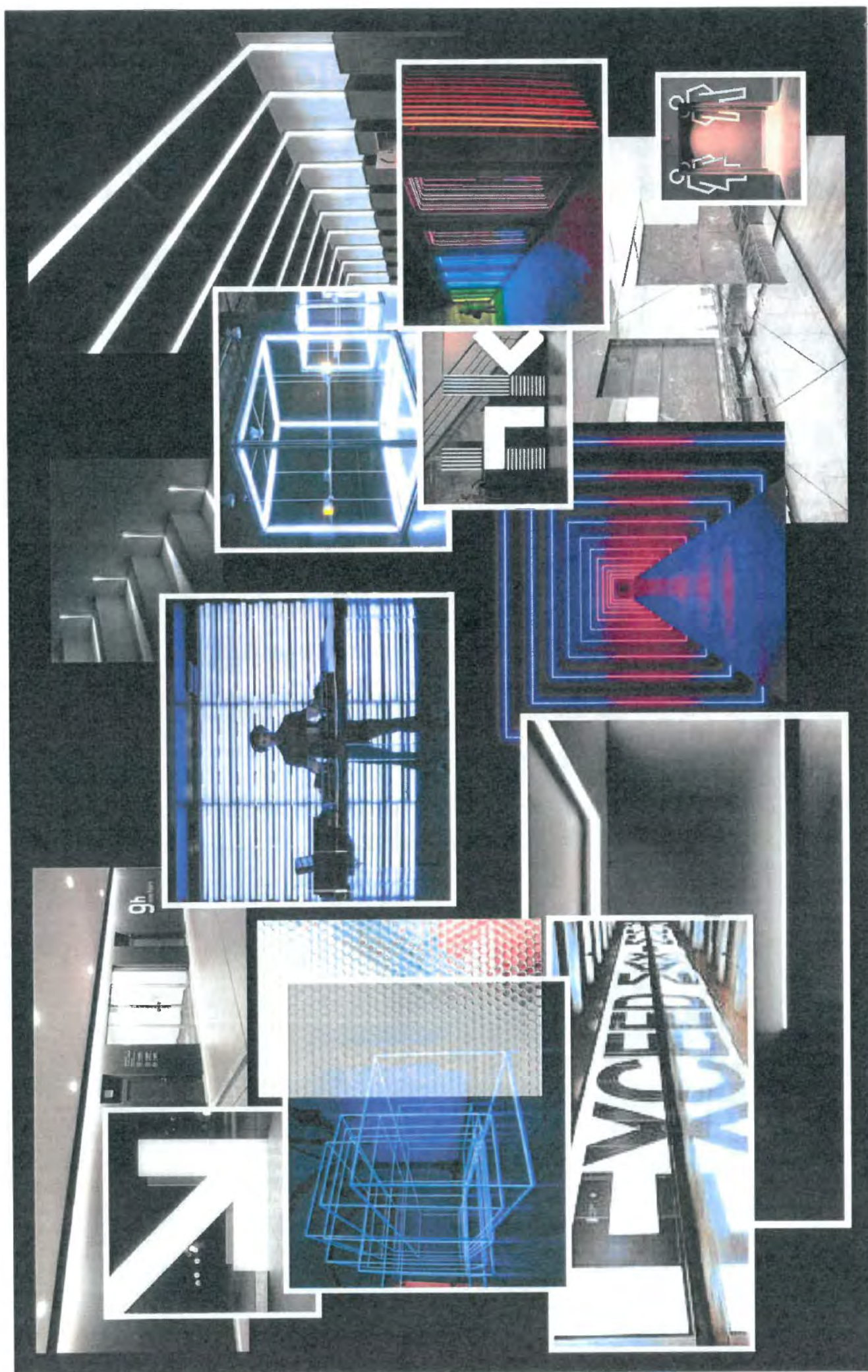
ARCHITECTURE OF LIGHT

STAGE 1

STAGE 2

STAGE 3

TOILETS



INCLUDING ENTRANCE & CIRCULATION

STAGE 1 DESIGN DIRECTION

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STAGE 1 CGI
© DESIGN AT SOURCE 2021 JOB 2068 VISUAL DIRECTION PAGE 7



STAGE 2 CGI

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STAGE 3 CGI

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Door Search Policy ATIK Norwich

Searches are carried out not only to enforce the law but to reduce the risk of weapons and illegal substances from entering the premises. As the manager of a venue, you have the right to refuse entry to any person who refuses a search, but you can only insist on searching outside clothes, pockets and bags. Intimate searches are not permitted.

1. When?

- 1.1 Every Trading Session at ATIK Norwich.

2. Who?

- 2.1 Searches are to be undertaken at random throughout the night for the purposes of deterring drugs, weapons and terrorist attacks. All customers wearing large coats or carrying large bags in which prohibited items could be easily concealed must be searched.
- 2.2 A search should also be undertaken on persons who are acting suspiciously and who are suspected to have taken drugs.
- 2.3 Intimate searches can only be undertaken by the police and should never be undertaken by door supervisors or REKOM UK employees.

3. What?

- 3.1 The customer should be searched, including any pockets, hats, bags, cases, holdalls or rucksacks.
- 3.2 Door staff should continue to remain alert for abandoned bags, cases, holdalls or rucksacks in the venue during the trading session.

4. Where?

- 4.1.1 On Entry through the main doors a dedicated area has been assigned to conduct searches. This includes the use of metal detectors.
- 4.2 Searches are under taken in view of CCTV cameras.

5. How?

- 5.1.1 Guests are asked to place all contents into a plastic tray before they go through the metal detectors. A pat search of the customer should be



undertaken if the alarm goes off and a wand can also be used. The contents of the tray are to be examined by the security.

- 5.1.2 Pat down searches must only be carried out by door staff of the same gender as the customer. If no female door supervisors are available, or vice versa, a male door supervisor can ask a female customer to empty the contents of her handbag and pockets out onto a table so that her property can be checked, and use a metal detection wand to search the customer but he should not carry out a pat down.
- 5.2 If a weapon or drugs are found they must be confiscated, placed in evidence bags, recorded in the drugs register and stored in the venue's drugs safe and, if the manager deems it appropriate to contact the police, the customer should be detained until the police arrive.
- 5.3 There should be a clearly visible notice displaying the club's searching and complaints policy at the entrance to the venue (as attached at Appendix 1).
- 5.4 All persons carrying out searches must wear disposable plastic, latex, or vinyl gloves to reduce the risk of injury or infection.
- 5.5 Searches should be conducted in a friendly, polite and courteous manner to reduce any feelings of embarrassment that the customer might feel. The person conducting the search should explain to the customer how the search will be performed and the consequences of any prohibited items being found, i.e. the items being confiscated and passed to the police, admission being declined and, where appropriate, the police being called.
 - 5.5.1 Random searches of customers should be carried out at a frequency and in a manner, that is likely to enhance the deterrent factor, and to increase the rates of detecting illegal and unauthorised items. The selection of customers to be searched may not be made on racial grounds, or on any other grounds that could be viewed as discriminatory.
 - 5.5.2 Before the door supervisor physically touches the customer, they should ask the customer if:
 - they have anything in their possession that they should not have;
 - a customer has anything on them which could result in injury being sustained; and
 - they have any knives, needles or other sharps in their possession.If a customer indicates that he has an illegal or unauthorised item in his or her possession, the door supervisor must not let him put his hands in his pocket to get it for them. The customer should then be asked to:
 - keep his hands where you can see them; and
 - tell the door supervisor exactly where the item is.The door supervisor should then lightly pat or feel the area he has indicated so that they can ascertain where the item is and in which position. Only when they are sure that they can retrieve the item safely should the door supervisor attempt to do so. As soon as the door supervisor has taken the item from the customer they should secure it away from him by either passing it to another door supervisor, or by safely placing it out of his reach so that the customer cannot reach it.If, on the other hand, the customer says that they have no unauthorised items in their possession, then the door supervisor can commence the search, still



being aware of obvious dangers. Body searches need to be made in a thorough and systematic way in order that nothing is missed.

6. Reasonable Force

- 6.1 Section 3 of the Criminal Law Act 1967 give all persons, including door supervisors, the authority to use:

"such force as is reasonable in the circumstances in the prevention of crime, or in effecting (or assisting in) the lawful arrest of offenders, suspected offenders or persons unlawfully at large."

This law allows door supervisors to use force to stop a crime from being committed and allows door supervisors to use force if needed to arrest someone and to stop them from running away before the police arrive. Reasonable force should only be used as a last resort if the door supervisor believes that a crime may be committed.

This policy shall apply to all REKOM UK venues unless the venue has a specific search policy set out in its premises license.



Appendix 1

Search Policy and Complaints Procedure Notice

Search

1. Customers are liable to be searched prior to entry.
2. Entry is conditional on customers consenting to a search.
3. Customers refusing to be searched will be refused entry.
4. Searches are made to detect illegal drugs, weapons and other unauthorised items.
5. The police may be called if customers are found with such items.

Complaints

If you wish to make a complaint, please contact our Customer Services Team on:

Customer.services@REKOM.uk

0330 333 8004



WE CARE OUTLINE

REK  M
UNITED KINGDOM



Guest care

Our guests have the right not only to be safe during their nights out but to experience the highest degree of guest care available.

As a business our strength is often in the care we offer our guests, however what we are not so good at is communicating to our guests that they can ask for help and we will do what we can.

We are consequently launching a joint guest care and safety policy to provide the care to ensure our guests have the best possible night knowing that "We Care". We will combine this with a communication campaign so guests are aware of the help we will offer.

This "We Care" approach also includes a 'safety net' system, where when things do go wrong every possible step is taken to look after every guest.

We also aim to ensure that the vulnerable are recognised and dealt with sympathetically, preserving their dignity and safety at every opportunity.

“
**As a business
our strength
is often in the
care we offer
our guests”**



Key points in our policy

The following steps will be adhered to, to ensure we take a responsible approach to the safety, protection and care of all our guests, but in particular ensuring that the venue gives special care to those who may become vulnerable.



Guest Care Ambassadors

Key to the initiative and easily recognisable, these ambassadors will be stationed to welcome in our guests. They will be available to help with all queries, questions and problems, ensuring at all times that there is a friendly approachable face our guests can come to if in difficulty.



SIA Trained and Registered Security Operatives

REKOM UK employs security operatives with the legally required SIA registration. However, in addition to this, we will not open without the presence of security to look after our patrons, one of which will always be female.



Free Bottles/Glasses of Water

Anyone showing signs of intoxication will be offered a free glass or bottle of water before they leave the venue.



Qualified First Aiders

These will be available on every session we open.



Chaperones

We will provide a same gender chaperone if a same gender first aider is not available.



Key points in our policy



Medical Room

Whenever possible first aid will be administered in the equipped medical room under coverage of the CCTV system.



Taxi Escort

If a vulnerable person needs an escort to the licensed taxi rank our security will provide this. It is also important to ensure that the person has someone to meet them at the end of their journey – we will ask the question. We can give them contact numbers for the venue should they need them.



Phone Charging Station

REKOM UK cloakrooms will hold a set of phone chargers which guests can use free of charge to ensure they can stay in contact with their friends at all times.



Use of a phone

In the event a vulnerable person needs to use a phone to ensure their safety when leaving the venue, a manager must be called and they will be given access to the venue's landline.



Handbag Cloakroom Service

All females can place their handbags in our cloakroom free of charge every night, to ensure the safe keeping of their belongings whilst in the venue.



Key points in our policy



Refuge Area

In addition to allowing vulnerable guests to wait inside the venue for a taxi, we will also offer a refuge area for any guest who needs time to compose themselves before leaving the venue.



Staff Training

All staff will be trained in what to do if they spot a vulnerable guest and will be empowered to step in and intervene to make sure the guest is safe.



Lost Property

As well as a logging system with a receipt bearing the club contact details and an incident number for anyone reporting lost items, a Guest Care Ambassador will help organise a search for lost property.



Ask Angela

By telling guests that they can 'Ask for Angela' we are giving them a discreet codeword that they can give to staff if they feel unsafe or threatened.

Awareness of the programme will be provided through a social media campaign as well as posters and print in the venues.



Dispersal Plan – ATIK Norwich

General Statement

The purpose of this document is to set out the steps ATIK, Norwich and its Management take at the end of the trading session to minimise the potential for disorder and disturbance as guests leave the premises.

How:

Room Closure

- Rooms shall be closed on a stagger close in order to assist on the dispersal volumes.

Internally

- During the last half hour of trading, some frontliners are to be reallocated to collect glasses or work in other areas. This will assist guest departure and reduces the potential for people to cause disturbance on exiting the venue.

Minimising Noise on Exit

- When appropriate, a manager will be in the area close to the main exit to oversee the end of night departure period. Announcements to remind customers to be considerate on leaving the premises. Visible notices are placed in the foyer/front door/Smoking Terrace requesting exiting guests to leave quietly and to respect neighbours and their properties.

Litter

- 'Rubbish Patrol' following closure. This patrol picks up bottles, flyers, food wrappings etc. in the immediate vicinity of the premises (Prince of Wales Road) outside the venue. As well as clearing rubbish, the patrol acts as another set of eyes and ears identifying potential disorder. The Manager will inspect the area at end of each night.

Lost Property

- Any possessions that are found left behind at the end of an event will be held at ATIK for a period of 1 month, unless claimed by their owner. If you believe you have left something behind at the venue, there will be clear communication on the venues website of how to claim it back.

Mobile Phone Number

- A mobile phone number for the Manager will be provided by us to residents, should there be any issues during all trading hours.

Outside

- Door Supervisors will be in place externally in high visibility clothing to guide guests away from the front doors & towards the taxi rank.
- At least 1 Door Supervisor will have a body camera in operation to record the dispersal.
- Guests getting pre booked Taxi's will be encouraged to cross the road & wait on the other side rather than congregating outside the front doors. They will also be encouraged to wait near the pull in point outside Tesco Supermarket further down the street.
- Door Security to be located in the following positions until dispersal complete:



- 2 @ Front Door – 1 to prevent any drinks leaving the premises and 1 to stop loitering around the exit.
- 1 @ over the road to encourage guests to move along to Tesco for taxis.
- 1 roving between the 2 areas keeping guests moving and not loitering.
- Once dispersal has been achieved venue doors can be closed & secured.

Our door security play a key role in the implementation of several aspects of our dispersal policy:

- Encouraging guests to progress to the exits within the venue.
- Drawing the attention of existing guests to the notices in the foyer/Front Door and asking them to be considerate.
- Ensuring the removal of all bottles and glasses from departing customers.
 - (a) Glass collection baskets in the main reception and area at the front.
 - (b) Door Supervisors at main reception stopping people taking drinks out
- Actively encouraging guests not to congregate outside the venue
- Directing customers to the nearest taxi ranks or other transportation away from the area.

Points to note

- Radio communication to be maintained at all times throughout dispersal.
- Use of the Norwich City link radio must be maintained during dispersal.
- In cases of large numbers failing to disperse the area additional Door Security to be located outside as directed by venue management.

CC Stim UK Holdco Limited

REK M
UNITED KINGDOM

APPLICATION NO. IS 21/00737/F
24 - 28 Prince Of Wales Road
Norwich

Acoustics Report

July 2021

 **Aria Acoustics**

Prepared by:	David Leversedge	Director		29/07/21
Reviewed & checked by:	Sarah Kingsmill	Director		29/07/21
Authorised by:	David Leversedge	Director		29/07/21
Date of issue:	29/07/21			
Revision:	3			
Project number	1320			

Revision History				
Rev	Date	Status	Reason for revision	Additional comments
0	28/06/21	Draft		
1	01/07/21	Final	Client's comments	
2	16/07/21	Final	Clarification of control; of operating sound levels	See 5.3
3	29/07/21	Final	Response to NCC EHO included	

DISCLAIMER

Aria Acoustics Ltd has used reasonable skill and care in completing this work and preparing this report, within the terms of its brief and contract and taking account of the resources devoted to it by agreement with the client. We disclaim any responsibility to the client and others in respect of any matters outside the stated scope. This report is confidential to the client and we accept no responsibility to third parties to whom this report, or any part thereof, is made known. The opinions and interpretations presented in this report represent our reasonable technical interpretation of the data made available to us. Aria Acoustics Ltd accepts no responsibility for data provided by other bodies and no legal liability arising from the use by other persons of data or opinions contained in this report.

Except for the provision of professional services on a fee basis, Aria Acoustics Ltd does not have a commercial arrangement with any other person or company involved in the interests that are the subject of this report.

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Aria Acoustics Limited, Windlesham Cottage, College Hill, Steyning, West Sussex, BN44 3GB

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References

1. Introduction

- 1.1 Aria Acoustics Limited (Aria) has been appointed by CC Stim Holdco UK Limited (CCS) to provide an assessment of sound transmission from alterations including a proposed second floor terrace to a club, formerly known as Liquid at 24-28 Prince of Wales Road Norwich. The proposal will remove the existing roof light and part of the flat roof above the second floor to create a customer external area. The application number 21/00737/F and the planning authority is Norwich City Council (NCC).
- 1.2 Aria contacted NCC by email and received the following response from Environmental Health:
- 'I have visited the site for their licence application and the area of the roof terrace does have a direct line of sight to residential bedrooms.*
- As long as the proposed walls are retained and the windows in those walls retain the current double glazed features then it is possible that the area can operate with acoustic measures to reduce the noise released from the area.*
- We have discussed and as they want recorded musical entertainment in this area it is proposed that this needs to be controlled, I am suggesting a noise limiting device is installed. This may be able to operate with two levels for daytime and later evening levels, to be advise by the acoustic assessment.*
- The acoustic consultant has recognised the main noise indices, an assessment of person noise and L_AMAX events (such as loud intermittent person noise) needs to be included.'*
- It is understood that the sight lines referred to are of an oblique nature only though the existing glazing to be retained on the northern elevation.
- 1.3 To address any noise effects that may arise from the use of the terrace the sound levels arising were predicted using SoundPLAN 8.2 acoustic software, based on information provided by Design At Source, architects for the project.
- 1.4 The site plan for the proposed development is shown in Figures 1 of this report.
- 1.5 A glossary of acoustic terms is provided in the next section together with an abstract of the guidance relevant to this study.

2. Site and Environs

- 2.1 24-28 Prince of Wales Road Norwich was formerly known as Liquid, Norwich and operated as a club. The area is best described as inner city and comprises a mix of entertainment, commercial, hospitality, retail with residential above some of these uses. The surrounding properties are generally between 3 and 5 storeys in height. The surrounding road network is not restricted to traffic.
- 2.2 It is proposed that the building will continue to be used as a club. Among the alterations and refurbishments being made to the building, it is proposed that a smoking area will be created on the second floor of the building. This will be achieved by removing the existing roof light and part of the existing roof. The existing brick walls and glazing to the second floor will be retained and refurbished. A lobbied fire escape will be constructed along most of the length of the second floor Prince of Wales Road elevation. The operating hours of the terrace are proposed to extend beyond 23:00. The assessment has concentrated on this period. A site plan is included as Figure 1 and a plan of the terrace as Figure 2.
- 2.3 The closest noise sensitive premises in the area have been identified as residential uses above the retail, entertainment and commercial uses in Prince of Wales Road. The glazing configurations of these residences is not known. For the purposes of this assessment they are assumed to be not more than 4 mm single glazing although as the street forms part of the night time economy, this basic level of glazing may have been upgraded. The sound attenuation that can be anticipated from the glazing at each receptor has been calculated using Insul 8.0 software.

3. Standards and Guidance

British Standard 8233 'Sound insulation and noise reduction for buildings – Code of Practice', 2014

- 3.1 British Standard 8233 'Sound insulation and noise reduction for buildings' (BS 8233) [1] draws on the results of research and experience to provide information on the design of buildings to provide internal acoustic environments appropriate to their functions. It deals with control of noise from outside the building, noise from plant and services within it, and room acoustics in non-critical situations.

- 3.2 BS 8233 defines a range of indoor ambient noise levels for spaces in dwellings. A summary of the levels recommended in BS 8233 Table 4 for rooms used for resting and sleeping is provided in Table 3.1 below.

The noise levels defined within BS 8233 are based on guidance published by the World Health Organisation (WHO).

Table 3.1: BS 8233 Indoor Ambient Noise Levels for Dwellings

Activity	Location	07:00 – 23:00	23:00 -07:00
Resting	Living Room	35 dB LAeq, 16 hr	-
Dining	Dining Room (area)	40 dB LAeq, 16 hr	-
Sleeping (daytime resting)	Bedroom	35 dB LAeq, 16 hr	30 dB LAeq, 8 hr

- 3.3 The Standard also makes reference to the World Health Organisation Guidelines on Community Noise.

World Health Organisation Guidelines for Community Noise

- 3.4 The World Health Organisation (WHO) published guidance on the desirable levels of environmental noise in 2000 [2]. In this document the authors consider that sleep disturbance criteria should be taken as an internal noise level of 30 dB LAeq,8hr or an external level of 45 dB LAeq,8hr, measured at 1 m from the façade. It is also suggested that internal LAmax levels of 45 dB and external LAmax levels of 60 dB, should not be exceeded.

4. SoundPLAN acoustic modelling

- 4.1 To determine the potential effects of the use of the roof terrace on nearby receptors, sound levels have been predicted using SoundPLAN 8.2 noise modelling software. International Organization for Standardization 9613 'Acoustics: Attenuation of sound during propagation outdoors', 1996 (ISO 9613) [3] has been used within this software to determine sound levels at the representative noise sensitive receptors.
- 4.2 the site drawing and OS mapping, together with design details for the roof terrace screens and roofing were provided by Design At Source. The terrain data has been taken from the Ordnance Survey Open Data website and used with full acknowledgement of the OS copyright on these data.
- 4.3 The model assumes the construction of the second floor terrace to be as follows:
- Prince of Wales Road elevation – 4mm glazing plus 12 mm plasterboard/1200 mm void (fire escape)/half hour fire resistant plasterboard partition 2x 12mm boards with 100mm of fibre quilt in the cavity
 - north elevation - 4mm/100mm/6mm double glazing
 - west elevation – 225mm brick plastered
 - south elevation – 225mm brick plastered
 - roof - open
- 4.4 A combined source term from the SoundPLAN library using 'speaking, raised voices (beer garden)' as updated in 2017 used as an area source over the entire area of the terrace. A music level of L_{Aeq} 70 dB to represent the highest level at which music may be played in this area has been added to this and external L_{Amax} façade levels calculated for neighbouring premises.
- 4.5 Tables 4.1 and 4.2 below contain the resultant levels within and at the façade of the receivers. A grid noise map with sound contours is included as Figure 3:

Table 4.1: SoundPLAN modelling results inside premises after 23:00 (L_{Aeq})

Address	First Floor	Second Floor	Third Floor	Fourth Floor
13 Prince of Wales Rd	25	26	27	-
14 Prince of Wales Rd	22	23	-	-
15 Prince of Wales Rd	29	30	-	-
16 Prince of Wales Rd	24	26	-	-
17 Prince of Wales Rd	30	31	-	-
18 Prince of Wales Rd	30	32	-	-

19 Prince of Wales Rd	30	31	-	-
21-22 Prince of Wales Rd	28	29	-	-
25 Prince of Wales Rd	27	27	-	-
30 Prince of Wales Rd	29	32	-	-
32 Prince of Wales Rd	27	29	-	-
18 – 30 Maidstone Rd	20	25	26	26

Table 4.2: SoundPLAN modelling results facade after 23:00 (L_{Amax})

Address	First Floor	Second Floor	Third Floor	Fourth Floor
13 Prince of Wales Rd	53	54	55	-
14 Prince of Wales Rd	51	52	-	-
15 Prince of Wales Rd	56	58	-	-
16 Prince of Wales Rd	52	53	-	-
17 Prince of Wales Rd	57	59	-	-
18 Prince of Wales Rd	55	58	-	-
19 Prince of Wales Rd	57	58	-	-
21-22 Prince of Wales Rd	56	57	-	-
25 Prince of Wales Rd	55	55	-	-
30 Prince of Wales Rd	55	58	-	-
32 Prince of Wales Rd	53	56	-	-
18 – 30 Maidstone Rd	46	52	55	55

5. Assessment

- 5.1 The guidance contained in BS8233 relating to rooms used for sleeping, also given as guidance in the WHO Guidelines is that between 23:00 and 07:00 the ambient indoor sound levels should not exceed $L_{Aeq, 8 \text{ hours}}$ 30 dB.
- 5.2 In Table 4.1 at 17,18,19 and 30 Prince of Wales Street the sound levels arising from the roof terrace are predicted to lead to an increase of indoor ambient sound levels above those recommended for rooms used for sleeping by BS8233 and to prevent sleep disturbance as stated in the WHO guidance by 1 -2 dB. If the level of the background music is reduced by 2 dB to L_{Aeq} 58 dB after 23:00 the sound levels within rooms used for sleeping will meet the requirements of BS8233. The levels predicted at the other receivers used meet the requirements of BS8233.
- 5.3 A sound limiting device will be used to control the music levels pre and post 23:00.
- 5.4 In Table 4.2 L_{Amax} levels including the sound of raised voices from the roof terrace are all predicted to be less than the WHO requirement of a façade level of 60 dB.
- 5.5 With the suggested level of background music, these results give a strong indication that the use of the terrace will not cause a nuisance.

6. Clarification for Public Protection

- 6.1 On 14th June 2021, Aria contacted the NCC to outline the scope of the assessment and the method by which it was to be carried out. The following is an extract from that email:

'We have been appointed as acoustic consultants for this project. I wanted to let you know the criteria we are intending to use for the assessment and would be grateful if you could pass this to your colleagues in Environmental Health for their comments before we start the assessment.'

'We shall use the prevention of sleep disturbance within dwellings as the criterion to determine the likelihood of nuisance arising from use of the second floor as modified in the application. With reference to the WHO Guidelines for Community Noise' and BS8233 'Guidance on sound insulation and noise reduction for Buildings.' We recognise that to seek to prevent sleep disturbance the sound level within rooms used for sleeping should not exceed $L_{Aeq, 8hours}$ 30 dB between 23:00 and 07:00. We propose that this is the criterion used.'

'We shall be using SoundPLAN 8.2 to model the sound from 24-28 Prince of Wales Street.'

- 6.2 On 14th June 2021, the following reply was received from NCC Planning, forwarded from NCC Environmental Health:

'I have visited the site for their licence application and the area of the roof terrace does have a direct line of site to residential bedrooms.'

'As long as the proposed walls are retained and the windows in those walls retain the current double glazed features then it is possible that the area can operate with acoustic measures to reduce the noise released from the area.'

'We have discussed and as they want recorded musical entertainment in this area it is proposed that this needs to be controlled, I am suggesting a noise limiting device is installed. This may be able to operate with two levels for daytime and later evening levels, to be advise by the acoustic assessment.'

'The acoustic consultant has recognised the main noise indices, an assessment of person noise and L_{Amax} events (such as loud intermittent person noise) needs to be included.'

'Please proceed with the methodology outlined in your previous email.'

- 6.3 In an email to Mr Jonathan Smith of Poppleston Allen sent by Mr Alex Grimmer, Public Protection Officer from NCC on 29th July 2021, several matters were made regarding the acoustics assessment contained in this report. These points are presented and clarified here:

NCC: 'No background noise level has been provided and therefore I am unable to draw a comparison between the current background and modelled noise levels.'

Clarification: Unlike assessments for other classes of noise such as industrial noise, an assessment using BS8233, as proposed and agreed in June does not require a background sound level survey. This is because the sound

levels are compared directly with a defined sound level in the standard, in this case $L_{Aeq, 8 \text{ hours}}$ 30dB for rooms used for sleeping after 23:00 and externally L_{Amax} 60 dB also to prevent sleep disturbance (from the WHO Guidelines). The purpose of this assessment is to show the effect of the premises under consideration and was agreed with NCC before the assessment was started.

NCC: 'The software modelling has used 'beer garden' data from the SoundPLAN library. I do not consider this to be suitable as this data set is unlikely to take into consideration the amplified music and prolonged nighttime hours associated with the proposed development. If SoundPLAN does not have a more suitable data set, other means of modelling should be used.'

Clarification: The use of the beer garden data has proved a successful way of estimating for raised voices in areas where alcohol is sold, such as pubs and clubs as it can be increased as an area source to represent the size of the premises under consideration. This was not used in isolation and music sources were also included (see section 4.4 of this report). The modelling therefore is a correct representation of the most prominent sound sources from the second floor.

NCC: 'While the suggestion of Limiter will be useful in regulating the level of amplified music, I still have concerns over the noise impact of people talking/shouting/laughing in the external area until late at night/ early morning. I am not confident this issue has been sufficiently addressed in the noise report.'

Clarification: the assessment has used the recognised criteria in British Standard and the WHO Guidelines. No additional standards or guidance was listed as required from the contents of the email reply from NCC dated 14th June before the assessment was commenced and Aria is not aware of any other standards that NCC wished to apply.

NCC: Due to the proposed layout, high capacity of the area (140 people) and the presence of music, I am concerned that reverberation and the Lombard effect will result in significantly high noise levels, especially with inebriated patrons.'

Clarification: The acoustic model requires that the reverberation within enclosed spaces be taken into account by adding in the absorption provided by the walls and floor. These are hard surfaces and add to the reverberant sound in the space and so has been accounted for as has the effect of raised voices from the patrons.

NCC: The noise impact assessment estimates that the noise at the façade is modelled to be 59dB. This would indicate that the noise levels inside the premises of the sensitive receptor would be between 49dB and 44dB for L_{Amax} events. Given the nature of the proposed development, the L_{Amax} events would probably be significant in number and would continue until the early hours of the morning. This could potentially result in sleep disturbance and a statutory nuisance occurring.

Clarification: In Table 1 from the WHO Guidelines, the critical health effects cited which are to be protected by the use of L_{Amax} 60 dB are 'Sleep disturbance, windows open (outdoor values). The level of L_{Amax} 59 dB complies with this. There is no internal L_{Amax} level stated in BS8233 for rooms used for sleeping.

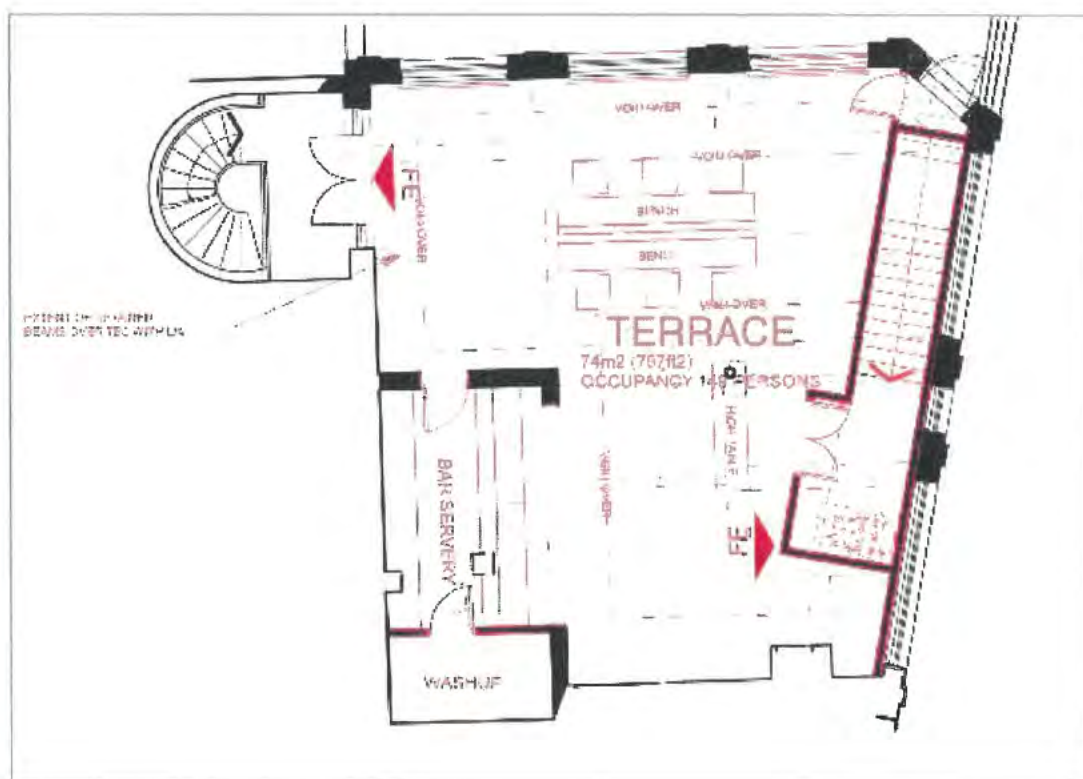
NCC: I understand the need for the venue to have an external smoking area, however the proposed development with the presence of a bar and music will encouraged prolonged usage rather than patrons briefly visiting the area.

Clarification: I cannot comment on this assertion. If it is the case, it makes no difference to the assessment however which was done assuming the full capacity of the second floor.

7. Conclusions


- 7.1 Aria Acoustics Ltd has been appointed by CC Stim UK Holdco Ltd to undertake an assessment of potential noise from the use of a second floor roof terrace to be provided at 24 -28 Prince of Wales Road, Norwich
- 7.2 Aria has contacted NCC to determine the scope of the assessment. To demonstrate that the use of the roof terrace would not cause a nuisance, the study has been carried out using guidance relating to prevention of sleep disturbance given in BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' and World Health Organisation Guidelines for community noise.
- 7.3 SoundPLAN 8.2 acoustic modelling and Insul 8.2 have been carried out to predict the resultant sound levels within rooms used for sleeping in the two noise sensitive receptors identified by NCC.
- 7.4 The results of the assessment are included in Section 5 of this report and give a strong indication that the use of the terrace will not cause a nuisance.
- 7.5 An email received from Alex Grimmer, Public Protection Officer from NCC by Jonathan Smith of Poppleston Allen and dated 29th July 2021 has raised several matters in relation to this assessment. These have been answered in Section 6 of this report. No items raised have affected the result of the assessment.

Figures



Date: June 2021
© Design At Source

Figure 2: Proposed second floor terrace

 Aria Acoustics

References

1. BS8233: 2014 'Guidance on sound insulation and noise reduction for buildings' (BSI), 2014
2. Guidelines for community noise (WHO): 2000
3. International Organization for Standardization 9613: 'Acoustics: Attenuation of sound during propagation outdoors' (ISO), 1996

Court of Appeal

A

**Regina (Hope and Glory Public House Ltd) v City of
Westminster Magistrates' Court**

[2011] EWCA Civ 31

2010 Nov 9;
2011 Jan 26

Sir Nicholas Wall P, Laws, Toulson LJ

B

Licensing — Licensed premises — Appeal to magistrates' court — Licensing authority's decision on review of licence — Whether appeal only to be allowed if magistrates' court satisfied original decision wrong — Whether onus on appellant to prove case on appeal breaching right to fair trial — Whether appeal process Convention compliant — Whether magistrates' court having power to correct error of law by licensing authority — Human Rights Act 1998 (c 42), Sch 1, Pt I, art 6.1¹ — Licensing Act 2003 (c 17), s 181, Sch 5, para 8² — Magistrates' Courts Rules 1981 (SI 1981/552), rr 14, 34³

C

The claimant appealed to the magistrates' court under section 181 of and Schedule 5 to the Licensing Act 2003 against the decision of the licensing authority, on a review of the premises licence granted in respect of the claimant's public house, to attach conditions to the licence. At a preliminary hearing in the magistrates' court the district judge ruled that he should reverse the licensing authority's decision only if he was satisfied that it was wrong, and that the claimant should put forward its case first. After conducting a full rehearing on the evidence, the district judge concluded that decision of the licensing authority had been correct and he dismissed the appeal. The claimant sought permission to claim judicial review of the district judge's decision on the ground, inter alia, that his ruling was wrong in law. The judge upheld the ruling, refused permission and dismissed the claim.

D

E

On the claimant's appeal and on the question whether the 2003 Act appeal process complied with article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms—

Held, dismissing the appeal (1) that although an appeal from the decision of a licensing authority to a magistrates' court under section 181 of and Schedule 5 to the 2003 Act was a full rehearing on the evidence and the court had to make its decision on the material before it, the licensing authority's decision was a relevant matter to be taken into consideration and should only be reversed if the magistrates' court was satisfied that the original decision was wrong; that the magistrates' court should pay careful attention to the reasons given by a licensing authority for arriving at the decision under appeal and the weight which should ultimately be attached to those

F

¹ Human Rights Act 1998, Sch 1, Pt I, art 6.1: "In the determination of his civil rights and obligations . . . everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."

G

² Licensing Act 2003, s 181: "(1) Schedule 5 (which makes provision for appeals against decisions of licensing authorities) has effect. (2) On an appeal in accordance with that Schedule against a decision of a licensing authority, a magistrates' court may—(a) dismiss the appeal, (b) substitute for the decision appealed against any other decision which could have been made by the licensing authority, or (c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court, and may make such order as to costs as it thinks fit."

Sch 5, para 8: see post, para 23.

³ Magistrates' Court Rules 1981, r 14: "(1) On the hearing of a complaint, except where the court determines under section 53(3) of the [Magistrates' Courts Act 1980] to make the order with the consent of the defendant without hearing evidence, the complainant shall call his evidence, and before doing so may address the court."

H

R 34: "Where under any enactment an appeal lies to a magistrates' court against the decision or order of a local authority or other authority, or other body or person, the appeal shall be by way of complaint for an order."

- A reasons was a matter of judgment in all the circumstances taking into account the fullness and clarity of the reasons, the nature of the issues and the evidence given on appeal; and that, accordingly, the judge had not erred in dismissing the claim (post, paras 34, 45, 46, 53).

Stepney Borough Council v Joffe [1949] 1 KB 599 and *Sagnata Investments Ltd v Norwich Corpn* [1971] 2 QB 614 applied.

- B (2) That the form of appeal under section 181 of and Schedule 5 to the 2003 Act amply satisfied the requirements of article 6.1 of the Convention; and that it was not incompatible with article 6.1 that under the Magistrates' Courts Rules 1981 the claimant, as the complainant on his statutory appeal, bore the responsibility of establishing his case on the appeal (post, paras 36–38, 48, 50, 53).

Semble. Judicial review may be a proper way of mounting a challenge to a decision of the licensing authority on a point of law, but it does not follow that it is the only way. There is no such express limitation in the 2003 Act, and the power given to the magistrates' court under section 181(2)(c) of the 2003 Act to "remit the case to the licensing authority to dispose of it in accordance with the direction of the court" is a natural remedy in the case of an error of law by the authority (post, para 52).

- C Decision of Burton J [2009] EWHC 1996 (Admin) affirmed.

The following cases are referred to in the judgment of the court:

- D *Ali v Birmingham City Council (Secretary of State for Communities and Local Government intervening)* [2010] UKSC 8; [2010] PTSR 524; [2010] 2 AC 39; [2010] 2 WLR 471; [2010] 2 All ER 175, HL(E)
- Kingsley v United Kingdom* (2002) 35 EHRR 177
- R (*Alconbury Developments Ltd*) v *Secretary of State for the Environment, Transport and the Regions* [2001] UKHL 23; [2003] 2 AC 295; [2001] 2 WLR 1389; [2001] 2 All ER 929, HL(E)
- R (*Chief Constable of the Lancashire Constabulary*) v *Crown Court at Preston* [2001] EWHC 928 (Admin); [2002] 1 WLR 1332, DC
- E *Runa Begum v Tower Hamlets London Borough Council (First Secretary of State intervening)* [2003] UKHL 5; [2003] 2 AC 430; [2003] 2 WLR 388; [2003] 1 All ER 731, HL(E)
- Sagnata Investments Ltd v Norwich Corpn* [1971] 2 QB 614; [1971] 3 WLR 133; [1971] 2 All ER 1441, CA
- Stepney Borough Council v Joffe* [1949] 1 KB 599; [1949] 1 All ER 256, DC
- F *Tsfayo v United Kingdom* [2007] LGR 1; 48 EHRR 457

The following additional cases were cited in argument:

- Evans v Conway Justices* [1900] 2 QB 224, CA
- Kirkham v Chief Constable of the Greater Manchester Police* [1990] 2 QB 283; [1990] 2 WLR 987; [1990] 3 All ER 246, CA
- R v *Essex Quarter Sessions, Ex p Thomas* [1966] 1 WLR 359; [1966] 1 All ER 353, DC
- G *Subesh v Secretary of State for the Home Department* [2004] EWCA Civ 56; [2004] Imm AR 112, CA
- Whiffen v Malling Justices* [1892] 1 QB 362, CA

The following additional cases, although not cited, were referred to in the skeleton arguments:

- H *Adan v Newham London Borough Council* [2001] EWCA Civ 1916; [2002] 1 WLR 2120; [2002] 1 All ER 931, CA
- Bryan v United Kingdom* (1995) 21 EHRR 342
- National Assistance Board v Wilkinson* [1952] 2 QB 648; [1952] 2 All ER 255, DC
- R (*Hammersmith and Fulham London Borough Council*) v *Food City Express Ltd* [2008] EWHC 3520 (Admin)

R (Murco Petroleum) v Bristol City Council [2010] EWHC 1992 (Admin); 174 JP 425 A
 Zumtobel v Austria (1993) 17 EHRR 116

APPEAL from Burton J

The claimant, Hope and Glory Public House Ltd, applied for permission to claim judicial review of (i) the preliminary ruling on 7 May 2009 of District Judge Snow, sitting at the City of Westminster Magistrates' Court, as to his correct approach and the correct procedure on the claimant's appeal under section 181 of and Schedule 5 to the Licensing Act 2003 against the decision of the licensing authority, Westminster City Council, by its licensing committee, to attach conditions to the premises licence in respect of "The Endurance", a public house owned by the claimant; and (ii) of the district judge's decision on 30 June 2009 to dismiss the appeal. The licensing authority was served with the proceedings as an interested party. On 21 July 2009 Burton J dismissed the claimant's application and held that the district judge had been right in his approach when he directed himself that he should only reverse the decision of the licensing sub-committee if satisfied that the decision was wrong. B C

By an appellant's notice dated 11 August 2009, and pursuant to permission granted by the Court of Appeal (Sir Mark Waller) on 19 May 2010, the claimant appealed on the grounds, inter alia, that (1) the judge had erred in upholding the district judge's determination that he should only reverse the licensing committee's decision if satisfied that it was wrong; and (2) the district judge had wrongly placed the burden on the claimant to disprove that the noise caused by the claimant's customers was such as to amount to a nuisance and that the conditions imposed by the licensing authority were necessary and proportionate, resulting in a breach of the claimant's rights under article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. D E

The facts are stated in the judgment of the court.

Ian Glen QC and *Gordon Bishop* (instructed by *Jeffrey Green Russell*) for the claimant. F

David Matthias QC and *Emma Dring* (instructed by *Head of Legal and Democratic Services, Westminster City Council*) for the licensing authority.

The defendant magistrates' court did not appear and was not represented.

The court took time for consideration.

26 January 2011. TOULSON LJ handed down the following judgment of the court. G

Introduction

1 This appeal raises a question about how a magistrates' court hearing an appeal from a decision of a licensing authority under the Licensing Act 2003 should approach the decision. H

Background

2 The claimant owns "The Endurance" public house in Berwick Street, Soho. The premises are licensed for the sale and supply of alcohol and for

A the provision of entertainment and late night refreshment. The licence was granted on 12 March 2007 by Westminster City Council ("the council") as the local licensing authority.

3 On 15 April 2008 the council's environmental health consultation service ("EHCS") applied under section 51(1) of the 2003 Act for a review of the licence after complaints were made by residents about the level of noise caused by customers taking their drinks out of the pub and congregating on the street during the evenings.

4 The hearing of the review took place before the council's licensing sub-committee on 26 and 27 June 2008. The sub-committee heard submissions and evidence lasting about five hours. It decided to attach a number of conditions to the licence, the main condition being that no customer should be permitted to take drink from the premises in an open container after 6.00 p.m. The decision and the sub-committee's reasons were notified to the claimant's solicitors by a letter dated 4 July 2008. The sub-committee stated:

"We have no policy to ban outside drinking, and we have accordingly not approached the case on that basis. We were not referred to the council's statement of licensing policy by any party. We have had regard, as we must, to the policy . . . but we have reached our decision based on the evidence that has been put before us in relation to these premises, and not on any policy ground. The application was made on the grounds of public nuisance, and we first consider whether it was established that a public nuisance for the purposes of the [2003] Act exists. The evidence we heard was that large numbers of customers of 'The Endurance' congregate on a daily basis outside the public house in Kemps Court in the evening, the numbers involved ranging from very few (five to ten) to very many (180 or more). Those customers drinking and talking outside the premises make a noise. The noise is amplified by the configuration of buildings in the area. The noise causes public nuisance to surrounding residents, including, in particular residents directly opposite the public house. The licensee argued that the noise was not so bad as to constitute a nuisance and that the complaints . . . were exaggerated. He called expert evidence in support of that proposition. We are completely satisfied that the noise is indeed a serious nuisance . . . A number of local residents and other customers of the premises gave evidence about the way in which the premises were run, and we accept that the premises are valued by its customers and that a number of people enjoy being able to drink outside. We reject however the argument that a licensee has a fundamental right to, in effect, appropriate a part of the public realm for his own commercial purposes, if the effect of doing so is to cause serious public nuisance to his neighbours. Accordingly, we are persuaded that it is appropriate to take steps to prevent that public nuisance from continuing. We recognise that steps should only be taken where they are necessary and that it cannot be necessary to take disproportionate steps . . ."

5 The sub-committee then considered the conditions proposed by the EHCS and additional conditions proposed by the police. It concluded that most of the proposed conditions were required.

6 The claimant appealed against the decision to the City of Westminster Magistrates' Court under section 181 of and Schedule 5 to the 2003 Act.

7 At a preliminary hearing on 7 May 2009 District Judge Snow heard argument about how he should approach the decision of the sub-committee on the hearing of the appeal. He held that he was bound by the decision of the Court of Appeal in *Sagnata Investments Limited v Norwich Corp'n* [1971] 2 QB 614, in the light of which he ruled:

"I will therefore: (1) note the decision of the licensing sub-committee. (2) Not lightly reverse their decision. (3) Only reverse the decision if I am satisfied it is wrong. (4) I will hear evidence. (5) The correct approach is to consider the promotion of the licensing objectives. To look at the Licensing Act 2003, the guidance made under section 182 of the 2003 Act, Westminster's statement of licensing policy and any legal authorities. (6) I am not concerned with the way in which the licensing sub-committee approached their decision or the process by which it was made. The correct appeal against such issues lies by way of judicial review."

8 The district judge heard the appeal over five days between 11 and 25 June 2009, during which he heard four days of evidence, considered 1,797 pages of statements and exhibits and visited the site. On 30 June 2009 he delivered a 22-page written judgment. His conclusions in summary were:

"I find, on the balance of probabilities, that given the number of residents, students and teachers affected, and given the geographical spread, that the nuisance clearly is a public nuisance . . . The evidence is clear, that the public nuisance arises between 6.00 p.m. and 11.00 p.m. The conditions imposed by the licensing sub-committee are necessary and proportionate to ensure the promotion of the licensing objectives . . . On 7 May 2009 I set out that I would only interfere with the decision of the sub-committee if I was satisfied that it was wrong. In fact I am satisfied that it was right. This appeal is dismissed."

9 The claimant applied for judicial review of the district judge's decision on various grounds. The primary argument was that the district judge's ruling about how he should approach the decision of the sub-committee was wrong in law.

10 The claimant's application for permission to claim judicial review was dismissed by Burton J [2009] EWHC 1996 (Admin) in a judgment dated 21 July 2009.

11 Permission to appeal was refused by Moses LJ on paper but was granted by the Court of Appeal (Sir Mark Waller) after an oral hearing on 19 May 2010. The permission was limited to the single question whether the district judge's self-direction was correct. As to that, Sir Mark Waller observed:

"So far as the direction is concerned, the position may well be covered by the authority *Sagnata Investments Ltd v Norwich Corp'n* [1971] 2 QB 614, but it seems to me that the question of whether it is an appropriate direction and the question of whether that is the right way in which a magistrate should approach an appeal in which he is hearing all the evidence de novo is a matter of some importance. We can spend a great deal of time arguing about the arguability of the point and it is better to have a decision which clarifies the position, which at present there is not."

A *Fresh evidence*

- 12 In addition to the ground on which leave to appeal was granted, Mr Ian Glen QC sought leave on behalf of the claimant to introduce fresh evidence. The purpose of the fresh evidence was to rebut evidence given by a witness, Ms Bailey, at the hearing before the district judge to the effect that noise from "The Endurance" disturbed lecturers and students at the nearby Westminster Kingsway College. Ms Bailey had provided a witness statement on 15 January 2009, which had been disclosed to the claimant's representatives soon afterwards, i.e. several weeks prior to the hearing before the district judge. The fresh evidence came from others at the college and was obtained in October 2010, i.e. several months after Sir Mark Waller granted limited permission to appeal. We can see no basis on which the late discovery of this evidence could provide a proper ground for judicial review of the district judge's decision and we refuse the application for permission to introduce it.

Licensing Act 2003

- 13 The short title of the Licensing Act 2003 is:
- D "An Act to make provision about the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment, about offences relating to alcohol and for connected purposes."
- 14 The Act brought about major changes to the licensing system in England and Wales. The background, nature and purpose of its provisions are summarised in the explanatory notes to the Act.
- E 15 Essentially, the Act integrated alcohol, public entertainment, theatre, cinema, night café and late night refreshment licensing. Previously there was a patchwork system under which liquor licences were granted by licensing magistrates but other licensing functions, such as public entertainment licensing, were the responsibility of local authorities. The Act followed the publication of a White Paper entitled: *Time for Reform: Proposals for the Modernisation of Our Licensing Laws* (2001) (Cm 4696).
- F 16 The Act created a unified system of regulation of the activities of the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment, referred to in the Act as the "licensable activities". The White Paper proposed that the licensing authority under the new scheme should be the local authority; and the Act follows that proposal. The Government explained its reasons in the White Paper, at paras 117, 123 and 124:
- G "117. The current responsibility of magistrates for liquor licensing reflects their traditional role in maintaining the peace and the association of alcohol with crime. Entertainment licensing came on the scene at a time when the magistrates' role had moved a long way from law enforcement towards the administration of justice. With an integrated system of licensing it is necessary to decide if the responsibilities should fall to the magistrates or the local authorities or some third body which might involve both."
- H "123. There are three compelling reasons in favour of giving the local authority (at district level) the responsibilities we have described in

this White Paper. They are: accountability: we strongly believe that the licensing authority should be accountable to local residents whose lives are fundamentally affected by the decisions taken. Accessibility: many local residents may be inhibited by court processes, and would be more willing to seek to influence decisions if in the hands of local councillors. Crime and disorder: local authorities now have a leading statutory role in preventing local crime and disorder, and the link between alcohol and crime persuasively argues for them to have a similar lead on licensing.

“124. In reaching our conclusion, we do not in any way seek to devalue the importance of the wider contribution the local licensing justices have made for so many years. While in our proposals they would be relieved of administrative licensing responsibilities, they would retain, in their capacity as magistrates, the responsibility for dealing with people charged with offences under licensing law and for the imposition of sanctions and penalties in respect of personal licence holders.”

17 Magistrates also have an appellate function, which lies at the heart of this appeal.

18 Section 4 sets out general duties of licensing authorities. It identifies “licensing objectives” which licensing authorities are to promote. These include the prevention of public nuisance. Section 5 requires licensing authorities to produce statements of licensing policy for three-year periods. In carrying out its licensing functions, a licensing authority must have regard to its licensing statement and to any guidance issued by the Secretary of State for Culture, Media and Sport under section 182. Before determining its policy for a three-year period, a licensing authority must go through a process of public consultation: section 5(3). Section 6 provides for licensing authorities to conduct their licensing functions through licensing committees. Section 9 deals with proceedings before licensing committees and empowers the Secretary of State to make regulations about them.

19 There are various types of “personal licence” and “premises licence” which a licensing authority may grant. The present case concerns a premises licence granted under section 18. It is open to a licensing authority to attach such conditions to a licence under section 18 as it considers necessary for the promotion of the licensing objectives identified in section 4.

20 Under section 51 an “interested party” or a “responsible authority” may apply to the licensing authority for a review of a premises licence. An interested party includes anyone living or involved in a business in the vicinity: section 13(3). A responsible authority includes the local authority which has statutory responsibilities in relation to the protection of the environment and human health: section 13(4)(e). In the present case the applicant for the review was the council, acting through the EHCS. Section 53 expressly permits a local authority to make an application under section 51 for a review of a premises licence in its capacity as a responsible authority and to determine the application in its capacity as the licensing authority.

21 Section 52(3) provides that a licensing authority which receives an application under section 51 may, after holding a hearing to consider it and any relevant representations, “take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the

A licensing objectives". The steps mentioned in subsection (4) include modifying the conditions of the licence.

22 Section 52(10) requires the licensing authority to notify its determination, and its reasons for making it, to the holder of the licence, the applicant, any person who made relevant representations and the local chief officer of police.

B 23 Section 181 and Schedule 5 provide a system for appeals from decisions of a licensing authority to a magistrates' court. Paragraph 8 of Schedule 5 deals with appeals against decisions made under section 52. It provides:

"(1) This paragraph applies where an application for review of a premises licence is decided under section 52.

C "(2) An appeal may be made against that decision by—(a) the applicant for the review; (b) the holder of the premises licence; or (c) any other person who made relevant representations in relation to the application."

D 24 The powers of a magistrates' court on an appeal from a decision of the licensing authority are to dismiss the appeal, to substitute any other decision which could have been made by the licensing authority, or to remit the case to the licensing authority to dispose of it in accordance with the direction of the court: section 181(2).

E 25 The Magistrates' Courts Rules 1981 (made under the Magistrates' Court Act 1980) provide that where a statutory appeal lies to a magistrates' court against a decision or order of a local authority or other authority, the appeal shall be by way of complaint for an order: rule 34. The rules also provide that on the hearing of a complaint, it is for the complainant to go first in calling evidence: rule 14.

The claimant's submissions

F 26 Mr Glen submitted that the district judge wrongly placed the burden on the claimant to disprove that the noise caused by customers of "The Endurance" was such as to amount to a public nuisance and that the conditions imposed by the licensing authority were necessary and proportionate. He submitted that it was for the EHCS to prove its allegation of public nuisance and to establish that the modifications to the licence were necessary and proportionate. The hearing before the district judge was a hearing de novo, at which evidence was given and tested by cross-examination. Mr Glen pointed out that the licensing sub-committee itself G stated that its decision was not based on any policy ground. Rather, it turned on the sub-committee's assessment of the facts. On factual issues of that kind, it undermined the nature of an appeal process by way of rehearing if the court started with a presumption in favour of the licensing authority. Moreover, such an approach did not comply with the requirement of H article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms that in the determination of his civil rights everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. In support of this submission he relied on the following passage from *Paterson's Licensing Acts*, 117th ed (2009), vol 1, p 1454, para 5.4:

"Assuming we are correct in saying that the hearing in the magistrates' court needs to be article 6 compliant, then the magistrates would not be an 'independent and impartial' tribunal if the court starts off from a position favouring the decision of the licensing authority. The licensing authority will be a party to any appeal and the success or failure of the appeal should depend on the evidence which is given and the arguments which are put forward."

27 Mr Glen also cited the decision of the Divisional Court in *R (Chief Constable of the Lancashire Constabulary) v Crown Court at Preston* [2002] 1 WLR 1332. That case concerned an appeal from licensing justices to the Crown Court under the Licensing Act 1964. It was argued that there was a breach of article 6 because the composition of the court included two members who belonged to the same licensing committee as the magistrates whose decision was under appeal. The argument was rejected, but Mr Glen relied on a passage where Laws LJ, who delivered the main judgment, referred, at para 18, to the Crown Court conducting "a rehearing in the full and proper sense". If it was to be a rehearing in that sense, Mr Glen submitted that it must follow that the burden of proof on the appeal was the same as on the original hearing.

28 Mr Glen cited a number of other authorities for the proposition that an appeal against a licensing decision has long been recognised to be a rehearing. It is not necessary to refer to them, because it is not in dispute that the appeal is a rehearing at which the affected parties are all entitled to call evidence, and that the court must make its decision on the full material before it. The issue is what is the proper approach to the original decision and, in particular, the reasons given for it. Mr Glen did not submit that they should be disregarded. He accepted that the court hearing the appeal could properly take into consideration the reasons given by the licensing authority, but not to the point of placing a legal burden on the appellant.

29 Mr Glen submitted that the district judge went wrong in attaching too much significance to a sentence from a judgment of Lord Goddard CJ in *Stepney Borough Council v Joffe* [1949] 1 KB 599 cited by Edmund Davies LJ in *Sagnata Investments Ltd v Norwich Corp'n* [1971] 2 QB 614. In the *Sagnata* case an application was made under the Betting Gaming and Lotteries Act 1963 for a permit to open an amusement arcade in Norwich. The application was refused by the local authority and the applicant appealed to quarter sessions. The recorder who heard the appeal had written reasons for the refusal furnished by the town clerk and evidence of witnesses on both sides as to the merits of the application. He did not have any information about what had happened before the licensing committee. He allowed the appeal. The local authority appealed to the Divisional Court (whose judgment is not reported) and then to the Court of Appeal (Lord Denning MR, Edmund Davies and Phillimore LJJ). Its appeal was dismissed by the majority, Lord Denning MR dissenting. Lord Denning MR considered that the local authority was entitled to its opinion that it was socially undesirable to have such arcades in Norwich and that the recorder was wrong to substitute his view for those of the elected body responsible for making such decisions.

30 The majority considered that the recorder had been entitled to conclude that the local authority had effectively decided that it would not

A grant any permit under the 1963 Act for an amusement place in Norwich and that there was no error of law in his decision to allow the appeal. Edmund Davies LJ quoted Lord Denning MR in the course of argument as summarising the issue in this way, at p 633:

B “Is the hearing to be treated as a new trial to be determined on evidence de novo, without being influenced by what the local authority has done? Or is the hearing to be treated as an appeal proper, in which the local authority’s decision is to be regarded as of considerable weight, and is not to be reversed unless their decision is shown to be wrong?”

C 31 Edmund Davies LJ considered that this was a false antithesis. From the reasons which he gave for preferring an intermediate position, he must have understood the second of Lord Denning MR’s alternatives (“an appeal proper”) as confined to deciding whether the local authority’s decision was wrong in law on the material before it. He went on to say, at p 636:

D “The provision for an appeal to quarter sessions seems to me largely, if not entirely, ‘illusory’ if the contention of the appellant council is right. If it is, I am at a loss to follow how the recorder would set about discharging his appellate functions. Lacking all information as to what had happened before the local authority, save the bare knowledge that they had refused the application and their written grounds for refusal, he would be powerless, as I think, to make any effective examination of the validity of those reasons.”

32 Edmund Davies LJ expressed his conclusion, at pp 636–637:

E “I hold that the proceedings before this recorder were by way of a complete rehearing. But, contrary to what has been contended, this conclusion does *not* involve that the views earlier formed by the local authority have to be entirely disregarded by quarter sessions. It is true that in *Godfrey v Bournemouth Corp’n* [1969] 1 WLR 47, after observing that an appeal to quarter sessions under Schedule 6 to this same Act was by way of a complete rehearing, Lord Parker CJ said, at p 52: ‘the discretion is a discretion which the recorder in the present case had to arrive at himself uninfluenced by what the local authority had done’. But with respect, I do not accept this. It went much too far, it was in direct conflict with the view which Lord Parker had earlier expressed in *R v Essex Quarter Sessions, Ex p Thomas* [1966] 1 WLR 359, 363, it was contrary to the approach adopted both by the recorder and by Lord Parker CJ himself in the instant case, and it was, with deference, an uncalled-for observation. Here again, *Stepney Borough Council v Joffe* [1949] 1 KB 599 establishes what I regard as the proper approach, for, having made the point that there was in that case an unrestricted appeal, Lord Goddard CJ continued, at pp 602–603: ‘That does not mean to say that the court of appeal, in this case the metropolitan magistrate, ought not to pay great attention to the fact that the duly constituted and elected local authority have come to an opinion on the matter, and ought not lightly, of course, to reverse their opinion. It is constantly said (although I am not sure that it always sufficiently remembered) that the function of a court of appeal is to exercise its powers when it is satisfied that the judgment below is wrong, not merely because it is not satisfied that the judgment was right.’ ”

H

Phillimore LJ's judgment was to similar effect.

33 Mr Glen observed that that case was one in which the local authority's decision had been based on a general policy, and that it was therefore right for the recorder to attach weight to the local authority's policy, although he still had to form his own judgment on the evidence whether a permit should be granted. The decision, he submitted, provided no support for taking a similar approach where (as the licensing sub-committee recognised in the present case) no question of licensing policy was involved. The core question in this case was whether the noise caused by the customers of "The Endurance" amounted to a public nuisance, and this was a matter for the EHCS to establish on the evidence called before the district judge.

The council's submissions

34 Mr David Matthias QC submitted that Burton J was right in his approach to *Stepney Borough Council v Joffe* [1949] 1 KB 599 and *Sagnata Investments Limited v Norwich Corp'n* [1971] 2 QB 614 and his dismissal of the claimant's claim. Burton J said [2009] EWHC 1996 (Admin) at [43]–[45]:

"43. I conclude that the words of Lord Goddard CJ approved by Edmund Davies LJ are very carefully chosen. What the appellate court will have to do is to be satisfied that the judgment below '*is wrong*', that is to reach its conclusion on the basis of the evidence put before it and then to conclude that the judgment below *is wrong*, even if it *was not wrong* at the time. That is what this district judge was prepared to do by allowing fresh evidence in, on both sides.

"44. The onus still remains on the claimant, hence the correct decision that the claimant should start, one that cannot be challenged as I have indicated.

"45. At the end of the day, the decision before the district judge is whether the decision of the licensing committee is wrong. Mr Glen has submitted that the word 'wrong' is difficult to understand, or, at any rate, insufficiently clarified. What does it mean? It is plainly not '*Wednesbury unreasonable*' [*Associated Provincial Picture Houses Ltd v Wednesbury Corp'n* [1948] 1 KB 223] because this is not a question of judicial review. It means that the task of the district judge—having heard the evidence which is now before him, and specifically addressing the decision of the court below—is to give a decision whether, because he disagrees with the decision below in the light of the evidence before him, it is therefore wrong." (Original emphasis.)

35 Mr Matthias submitted that as a matter of principle, as well as precedent, there are good reasons why the magistrates' court should pay great attention to the decision of the licensing authority and should only allow an appeal if satisfied, on the evidence before it, that the decision was wrong. He pointed out that Parliament had chosen to make the local authority central to the promotion in its area of the licensing objectives set out in the 2003 Act, because local councillors are accountable to the local electorate and are expected to be sensitive to the needs and concerns of the local populace. In licensing matters there is often no single "right answer". Mr Matthias pointed to the conditions which the licensing authority

- A attached to the licence on the review in the present case as an example. The ban imposed on customers taking drink from the premises in an open container after 6.00 p.m. might equally have been imposed somewhat earlier or somewhat later. It is normal for an appellant to have to show that the order challenged was wrong. The only unusual feature about this type of appeal is that all parties have *carte blanche* to call evidence. It does not, however, follow that the respondent to the appeal should bear the responsibility of showing that the order should be upheld and so should be required to present its case first.

- B 36 On the article 6 issue, Mr Matthias's propositions may be paraphrased as follows: (1) the decision of the licensing authority was an administrative decision, which admittedly involved a determination of the claimant's "civil rights" within the meaning of article 6, as it has been interpreted in the case law of the European Court of Human Rights ("Strasbourg"). (2) The extent to which article 6 requires such a decision to be subject to review by an independent and impartial tribunal depends greatly on the nature of the decision. Article 6 is an important expression of the rule of law, but the rule of law itself allows proper scope for democratic process in administrative decision-making. (3) Administrative decisions often involve making judgments and assessing priorities on matters of social and economic policy. It accords with democratic principles for such decisions to be taken primarily by democratically accountable bodies. The power of the High Court in judicial review proceedings to review the legality of such decisions and the procedures followed is sufficient to ensure compatibility with article 6. (4) Some administrative decisions, although not necessarily involving wide issues of policy, call for particular knowledge or experience on the part of the decision-maker. Often such decisions will involve an evaluative judgment and the exercise of discretion. In such cases, too, the availability of judicial review in the High Court is sufficient to meet the requirements of article 6. It would be perverse if article 6 were to require a full fact-finding appeal to a tribunal which lacked the degree of knowledge and expertise of the original decision-maker. (5) There may be cases where an administrative decision does not depend on what may be described as democratic questions (questions of local or national policy, such as belong to the political forum), but which depends essentially on a question of fact requiring no special knowledge or experience on the part of the decision-maker. In such a case article 6 may require that an aggrieved person whose civil rights are determined by the decision should be entitled to have it reviewed by a tribunal whose power includes whatever factual review is necessary for justice to be done. (6) There is nothing in domestic or Strasbourg case law to suggest that there is a general principle that it is incompatible with article 6 for a person aggrieved by an administrative decision to bear the responsibility of establishing his complaint.

- C 37 Mr Matthias's concession that article 6 is engaged in the present case followed from the decision in *Kingsley v United Kingdom* (2002) 35 EHRR 177, para 34, where it was held that article 6 is engaged in proceedings which determine whether or not an individual is entitled to undertake licensable activities. For his other submissions he cited a number of authorities including particularly *R (Alconbury Developments Ltd) v Secretary of State for the Environment, Transport and the Regions* [2003] 2 AC 295, *Runa Begum v Tower Hamlets London Borough Council* (First

Secretary of State intervening) [2003] 2 AC 430, *Tsfayo v United Kingdom* [2007] LGR 1, and *Ali v Birmingham City Council (Secretary of State for Communities and Local Government intervening)* [2010] PTSR 524; [2010] 2 AC 39. A

38 Mr Matthias submitted that in this case the claimant's right of appeal to the district judge amply satisfied the requirements of article 6.

Conclusion B

39 Since Mr Glen accepted (in our view rightly) that the decision of the licensing authority was a relevant matter for the district judge to take into consideration, whether or not the decision is classified as "policy based", the issues are quite narrow. They are: (1) how much weight was the district judge entitled to give to the decision of the licensing authority? (2) More particularly, was he right to hold that he should only allow the appeal if satisfied that the decision of the licensing authority was wrong? (3) Was the district judge's ruling compliant with article 6? C

40 We do not consider that it is possible to give a formulaic answer to the first question because it may depend on a variety of factors: the nature of the issue, the nature and quality of the reasons given by the licensing authority and the nature and quality of the evidence on the appeal. D

41 As Mr Matthias rightly submitted, the licensing function of a licensing authority is an administrative function. By contrast, the function of the district judge is a judicial function. The licensing authority has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure, but the decision itself is not a judicial or quasi-judicial act. It is the exercise of a power delegated by the people as a whole to decide what the public interest requires: see the speech of Lord Hoffmann in the *Alconbury* case [2003] 2 AC 295, para 74. E

42 Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. Although such questions are in a sense questions of fact, they are not questions of the "heads or tails" variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact. F G

43 The statutory duty of the licensing authority to give reasons for its decision serves a number of purposes. It informs the public, who can make their views known to their elected representatives if they do not like the licensing sub-committee's approach. It enables a party aggrieved by the decision to know why it has lost and to consider the prospects of a successful appeal. If an appeal is brought, it enables the magistrates' court to know the reasons which led to the decision. The fuller and clearer the reasons, the more force they are likely to carry. H

44 The evidence called on the appeal may, or may not, throw a very different light on matters. Someone whose representations were accepted

A by the licensing authority may be totally discredited as a result of cross-examination. By contrast, in the present case the district judge heard a mass of evidence over four days, as a result of which he reached essentially the same factual conclusions as the licensing authority had reached after five hours.

B 45 Given all the variables, the proper conclusion to the first question can only be stated in very general terms. It is right in all cases that the magistrates' court should pay careful attention to the reasons given by the licensing authority for arriving at the decision under appeal, bearing in mind that Parliament has chosen to place responsibility for making such decisions on local authorities. The weight which magistrates should ultimately attach to those reasons must be a matter for their judgment in all the circumstances, taking into account the fullness and clarity of the reasons, the nature of the issues and the evidence given on the appeal.

C 46 As to the second question, we agree with the way in which Burton J dealt with the matter in paras 43–45 of his judgment: see para 34 above.

D 47 We do not accept Mr Glen's submission that the statement of Lord Goddard CJ in *Stepney Borough Council v Joffe* [1949] 1 KB 599, 602 applied by Edmund Davies LJ in *Sagnata Investments Ltd v Norwich Corp'n* [1971] 2 QB 614 is applicable only in a case where the original decision was based on "policy considerations". We doubt whether such a distinction would be practicable, because it involves the unreal assumption that all decisions can be put in one of two boxes, one marked policy and the other not. Furthermore, the *Stepney Borough Council* case was not itself a case where the original decision was based on "policy considerations". In that case three street traders had their licences revoked by the London County Council after they were convicted of selling goods at prices exceeding the maximum fixed by statutory regulations. On appeal the magistrate decided that they were still fit to hold the licences. The county council unsuccessfully argued before the Divisional Court that the magistrate's jurisdiction was limited to considering whether or not there was any material on which the council could reasonably have arrived at its decisions to revoke the licences. The court held that the magistrate's power was not limited to reviewing the decision on the ground of an error of law, but that he was entitled to review also the merits. It was in that context that Lord Goddard CJ went on to say that the magistrate should, however, pay great attention to the decision of the elected local authority and should only reverse it if he was satisfied that it was wrong.

G 48 It is normal for an appellant to have the responsibility of persuading the court that it should reverse the order under appeal, and the Magistrates' Courts Rules 1981 envisage that this is so in the case of statutory appeals to magistrates' courts from decisions of local authorities. We see no indication that Parliament intended to create an exception in the case of appeals under the Licensing Act 2003.

H 49 We are also impressed by Mr Matthias's point that in a case such as this, where the licensing sub-committee has exercised what amounts to a statutory discretion to attach conditions to the licence, it makes good sense that the licensee should have to persuade the magistrates' court that the sub-committee should not have exercised its discretion in the way that it did

rather than that the magistrates' court should be required to exercise the discretion afresh on the hearing of the appeal. A

50 As to article 6 of the Convention, we accept the propositions advanced by Mr Matthias and we agree that the form of appeal provided by section 181 of and Schedule 5 to the 2003 Act amply satisfies the requirements of article 6.

51 Although the point is academic in the present case, we doubt the correctness of part of the district judge's ruling where he said: B

"I am not concerned with the way in which the licensing sub-committee approached their decision or the process by which it was made. The correct appeal against such issues lies by way of judicial review."

52 Judicial review may be a proper way of mounting a challenge to a decision of the licensing authority on a point of law, but it does not follow that it is the only way. There is no such express limitation in the 2003 Act, and the power given to the magistrates' court under section 181(2)(c) to "remit the case to the licensing authority to dispose of it in accordance with the direction of the court" is a natural remedy in the case of an error of law by the authority. We note also that the guidance issued by the Government under section 182 and laid before Parliament on 28 June 2007 states, in para 12.6: "The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both." However, this point was not the subject of any argument before us. C D

53 For the reasons which we have given, the appeal is dismissed.

Appeal dismissed. E

JEANETTE BURN, Barrister

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August 2015

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Approved by Norwich City Council
23 June 2015



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Section D – cumulative impact special policy

- 29.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.
- 29.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the licensing authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement. (see paragraph 7 of Section A).
- 29.3. Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:
- planning controls;
 - positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others;
 - the provision of CCTV;
 - powers to designate parts of the city as places where alcohol may not be consumed publicly;
 - confiscation of alcohol from adults and children in designated areas;
 - police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices;
 - enforcement action against those selling alcohol to people who are drunk;
 - police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise; and
 - the power of police, local businesses or residents to seek a review of the licence or certificate.

Adopted special policy on cumulative impact

- 29.4 The licensing authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises

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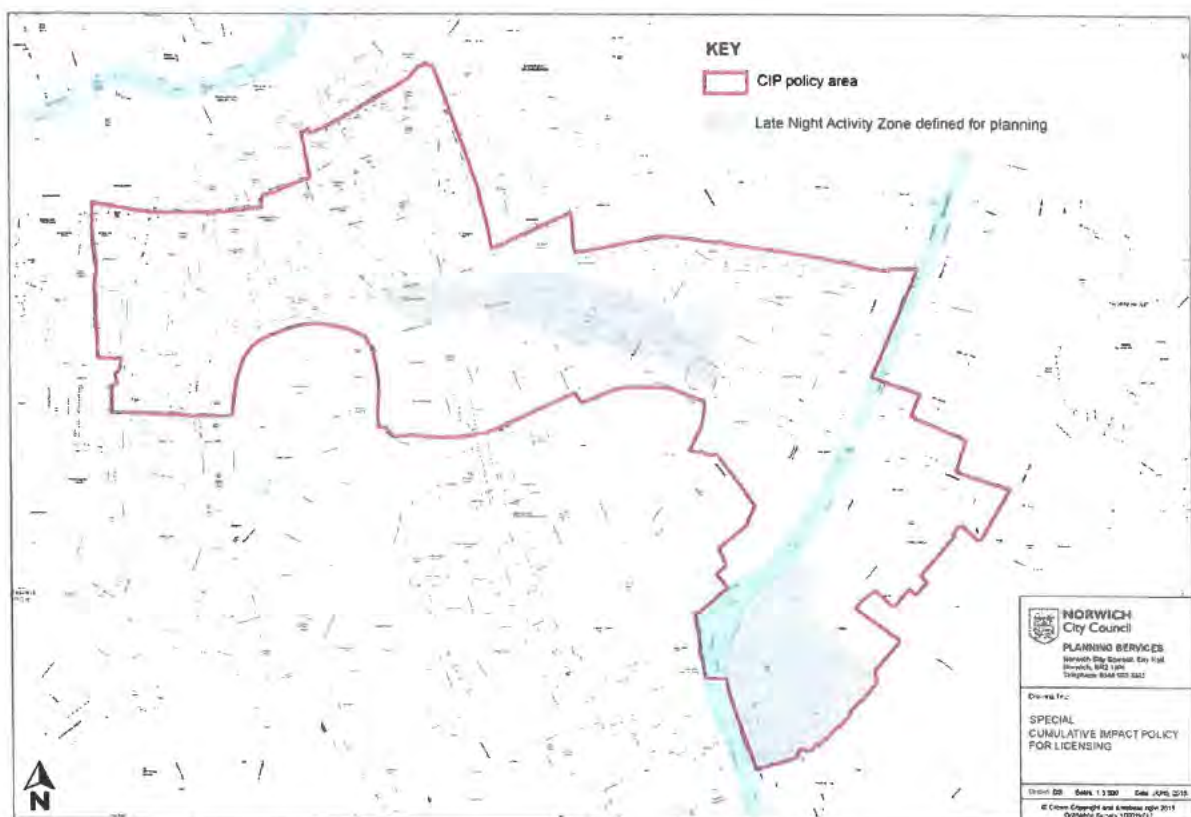
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concentrated in one area are causing a cumulative impact on one or more of the licensing objectives.

- 29.5 The licensing authority received representations from Norfolk Constabulary that the high concentration of premises licensed to sell alcohol and/or provide late night refreshment between the hours of 2100 and 0600 within the police's late night economy public order policing zone produced a detrimental impact upon the licensing objectives.
- 29.6 The special cumulative impact policy applies to those premises applying for the grant or variation of a licence seeking any of the following licensable activities, between the hours of 2100 and 0600 and within the area indicated on the map shown below:
- the sale by retail sale of alcohol;
 - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - the provision of late night refreshment.



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Applications

- 29.7 The cumulative impact policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates in respect of premises that fall within the designated cumulative impact area will normally be refused if relevant representations are received, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
- 29.8 An applicant wishing to obtain a new or varied licence for premises falling within the cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.
- 29.9 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their site. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.
- 29.10 Despite the presumption against grant or variation, responsible authorities and other persons will still need to make a relevant representation before the council may lawfully consider giving effect to its cumulative impact policy.
- 29.11 The council recognises that a cumulative impact policy should not be absolute. The circumstances of each application will be considered properly and application for licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.
- 29.12 This special policy will not be used:
- as a ground for revoking an existing licence or certificate when representations are received about problems with those premises;

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

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



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subcommittee will deal with the application. At that hearing, the subcommittee will consider carefully whether the grant of the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances, but refusal of the application will be the normal course unless there are, in the opinion of the sub-committee, exceptional and compelling circumstances that justify granting the application.

28.6 Personal licences have no expiry but holders of personal licences are reminded of the duty to notify the licensing authority who granted the licence of:

- any change in his/her name and/or address
- any conviction of a relevant offence or foreign offence.

Section D – cumulative impact

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

29.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the licensing authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement. (see paragraph 7 of Section A).

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

- planning controls
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others

- the provision of CCTV
- powers to designate parts of the city as places where alcohol may not be consumed publicly (Public Spaces Protection Orders)
- confiscation of alcohol from adults and children in designated areas
- police enforcement of the law regarding disorder and antisocial behaviour, including the issuing of fixed penalty notices
- Community Protection Notices
- enforcement action against those selling alcohol to people who are drunk
- police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise; and
- the power of police, local businesses or residents to seek a review of the licence or certificate.

29.4 Cumulative impact assessments (CIA) were introduced to the Licensing Act 2003 by the Policing and Crime Act 2017 with effect from 6th April 2018. A CIA may be published by a licensing authority to help limit the number or types of licence applications in areas where there is evidence of a cumulative impact from licensed premises. Section 5A of the Licensing Act 2003 sets out what a licensing authority needs to do to publish a CIA, which includes setting out the evidential basis. The s182 Guidance gives examples of sources to examine for evidence. The decision to publish a CIA is one to for the licensing committee and subject to the consultation and approval process.

29.5 An area of Norwich was previously subject to a cumulative impact special policy (the precursor of the cumulative impact assessment in place before the legislative change) but this now has no legal basis. The licensing authority, having regard to the evidence currently available and being aware of other means available to the police and the local authority to address problems, consider that there is not currently evidence of a particular location causing a cumulative impact on any of the licensing objectives at the time of writing.

29.6 Due to the current Covid-19 pandemic and the changing restrictions on licensed premises, it is not possible to carry out an appropriate cumulative impact assessment at this time. It is the intention of this authority to perform a cumulative impact

assessment at an appropriate time. This committee will review the possible introduction at a six monthly interval from the introduction of this policy.

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

Section E – hours of trading

- 30.1 This section primarily relates to premises where alcohol is sold/supplied, with or without any other licensable activity (e.g. provision of regulated entertainment). That is not to say that hours of trading at other types of licensed premises is of lesser importance, and all applicants for all types of licensed premises should consider hours of trading, as an important issue, when preparing their operating schedules.
- 30.2 In determining its policy on the hours of trading, the council has considered those parts of the secretary of state's guidance to the act that relate to hours of trading. These are covered in paragraphs 10.13 – 10.15 of the guidance, as replicated below.

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

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