

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing sub-committee
9 November 2011

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Report of Head of citywide services

Subject Licensing Act 2003:
Application to vary a Premises Licence -
Tao Club & Lounge 50 Prince of Wales Road
Norwich NR1 1LL

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application to vary a Premises Licence in respect of Tao Club & Lounge 50 Prince of Wales Road Norwich NR1 1LL following the receipt of an Interested Party representation.

Recommendation

That Members determine the application to vary a Premises Licence in respect of Tao Club & Lounge 50 Prince of Wales Road Norwich NR1 1LL in accordance with the:

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

Financial Consequences

The financial consequences for this report are nil.

Corporate Objective/Service Plan Priority

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

Contact Officer
Ian Streeter

Phone No 212439

Background Documents

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

1.0 The Application

1.1 The applicant is Tag Leisure Limited 50 Prince of Wales Road Norwich NR1 1LL.

1.2 The premises currently hold a premises licence authorising the licensable activities of:

- exhibition of films
- live music
- recorded music
- performances of dance
- provision of facilities for making music
- provision of facilities for dancing
- the sale by retail of alcohol for consumption on the premise
- late night refreshment

A copy of the current premises licence is attached to the report as Appendix A.

1.3 The application seeks to increase the hours for all existing licensable activities and the hours the premises are open to the public, as shown in the tables below:

Exhibition of films – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 03:00	08:00 – 06:00
Monday	10:00 – 03:00	08:00 – 04:00
Tuesday	10:00 – 03:00	08:00 – 04:00
Wednesday	10:00 – 03:00	08:00 – 04:00
Thursday	10:00 – 03:00	08:00 – 04:00
Friday	10:00 – 04:00	08:00 – 06:00
Saturday	10:00 – 04:00	08:00 – 06:00

Live music – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 03:00	08:00 – 06:00
Monday	10:00 – 03:00	08:00 – 04:00
Tuesday	10:00 – 03:00	08:00 – 04:00
Wednesday	10:00 – 03:00	08:00 – 04:00
Thursday	10:00 – 03:00	08:00 – 04:00
Friday	10:00 – 04:00	08:00 – 06:00
Saturday	10:00 – 04:00	08:00 – 06:00

Recorded music – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 03:00	08:00 – 06:00
Monday	10:00 – 03:00	08:00 – 04:00

Tuesday	10:00 – 03:00	08:00 – 04:00
Wednesday	10:00 – 03:00	08:00 – 04:00
Thursday	10:00 – 03:00	08:00 – 04:00
Friday	10:00 – 04:00	08:00 – 06:00
Saturday	10:00 – 04:00	08:00 – 06:00

Performances of dance – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 03:00	08:00 – 06:00
Monday	10:00 – 03:00	08:00 – 04:00
Tuesday	10:00 – 03:00	08:00 – 04:00
Wednesday	10:00 – 03:00	08:00 – 04:00
Thursday	10:00 – 03:00	08:00 – 04:00
Friday	10:00 – 04:00	08:00 – 06:00
Saturday	10:00 – 04:00	08:00 – 06:00

Provision of facilities for making music – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 03:00	08:00 – 06:00
Monday	10:00 – 03:00	08:00 – 04:00
Tuesday	10:00 – 03:00	08:00 – 04:00
Wednesday	10:00 – 03:00	08:00 – 04:00
Thursday	10:00 – 03:00	08:00 – 04:00
Friday	10:00 – 04:00	08:00 – 06:00
Saturday	10:00 – 04:00	08:00 – 06:00

Provision of facilities for dancing – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 03:00	08:00 – 06:00
Monday	10:00 – 03:00	08:00 – 04:00
Tuesday	10:00 – 03:00	08:00 – 04:00
Wednesday	10:00 – 03:00	08:00 – 04:00
Thursday	10:00 – 03:00	08:00 – 04:00
Friday	10:00 – 04:00	08:00 – 06:00
Saturday	10:00 – 04:00	08:00 – 06:00

Late Night Refreshment – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	23:00 – 03:00	23:00 – 05:00
Monday	23:00 – 03:00	23:00 – 04:00
Tuesday	23:00 – 03:00	23:00 – 04:00
Wednesday	23:00 – 03:00	23:00 – 04:00
Thursday	23:00 – 03:00	23:00 – 04:00
Friday	23:00 – 04:00	23:00 – 05:00
Saturday	23:00 – 04:00	23:00 – 05:00

Sale by retail of alcohol (for consumption both on and off the premises) – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 03:00	08:00 – 06:00
Monday	10:00 – 03:00	08:00 – 04:00
Tuesday	10:00 – 03:00	08:00 – 04:00
Wednesday	10:00 – 03:00	08:00 – 04:00
Thursday	10:00 – 03:00	08:00 – 04:00
Friday	10:00 – 04:00	08:00 – 06:00
Saturday	10:00 – 04:00	08:00 – 06:00

Hours premises are open to the public – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 03:30	08:00 – 06:30
Monday	10:00 – 03:30	08:00 – 04:30
Tuesday	10:00 – 03:30	08:00 – 04:30
Wednesday	10:00 – 03:30	08:00 – 04:30
Thursday	10:00 – 03:30	08:00 – 04:30
Friday	10:00 – 04:30	08:00 – 06:30
Saturday	10:00 – 04:30	08:00 – 06:30

1.4 In addition to the proposed standard hours shown in paragraph 1.3 above, the applicant is seeking the following non-standard timings:

- To allow for extended hours for sale of alcohol (and opening hours) for world class sporting events broadcast on television including primarily, but not exclusively, football, rugby, cricket, boxing, olympics, grand prix and racing to start one hour before transmission and up to hours after.
- To allow for a one hour extension for all licensable activities on the day 'A' level results are published.
- From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

1.5 The application also seeks to increase the existing provision of regulated entertainment by adding:

- anything of a similar description to live music, recorded music and performance of dance; and
- provision for entertainment of a similar description to providing facilities for making music or facilities for dancing.

The hours sought for the additional activities are:

Monday to Thursday	08:00 – 04:00
Friday to Sunday	08:00 – 06:00

- 1.6 Additionally, the application seeks to remove condition 33 of Annex 2 to the licence, which reads:

Children under 18 will not be allowed access to the premises.

- 1.7 The remaining part of the application seeks to extend the licensed area to include the garden area for the sale of alcohol in accordance with the plan attached at Appendix B to the report.
- 1.8 The applicant had not proposed any additional steps to promote the licensing objectives as a result of the proposed variation, however, following discussions with Norfolk Constabulary the applicant has agreed to revise the operating schedule by adding the following conditions:
- There will be a last entry time into the premises of 04:30 hours.
 - The Police will be notified in writing 14 days prior to any events involving under 18's or to extend the opening hours to accommodate sporting events or A level results.

2. Relevant Representations

- 2.1 The responses from the Responsible Authorities are as follows:

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

- 2.2 A representation objecting to the application has been received from one Interested Party with concerns relating to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Copies of the representations are attached to the report at Appendix C.

- 2.3 A site plan showing the interested party address in relation to the application premises will be available at your meeting.

3.0 Norwich City Council Statement of Licensing Policy

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

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

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

5.0 Summary

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

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

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

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

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

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

- 5.5 The representations received from the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee is directed to paragraphs 20 and 24 of the local licensing policy at Appendix D which contain examples of factors that impact on the two licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken

into account in operating schedules having regard to the type of premises and/or the licensable activities.

- 5.6 The Sub-Committee is also reminded of the contents of appendix 4 of the local licensing policy (not re-produced in this report) which contains a pool of model conditions relating to the prevention of public nuisance.



Premises Licence Summary

Premises Licence Number

11/00962/PREMTR

Premises Details

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

Tao Lounge And Bar
50 Prince Of Wales Road
Norwich
Norfolk
NR1 1LL

Telephone number 01603 617977

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

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

The times the licence authorises the carrying out of licensable activities

Films	Sunday	10:00 - 03:00
Films	Monday to Thursday	10:00 - 03:00
Films	Friday and Saturday	10:00 - 04:00
Late Night Refreshment	Sunday	23:00 - 03:00
Late Night Refreshment	Monday to Thursday	23:00 - 03:00
Late Night Refreshment	Friday and Saturday	23:00 - 04:00
Live Music	Sunday	10:00 - 03:00
Live Music	Monday to Thursday	10:00 - 03:00
Live Music	Friday and Saturday	10:00 - 04:00
Performances of Dance	Sunday	10:00 - 03:00
Performances of Dance	Monday to Thursday	10:00 - 03:00
Performances of Dance	Friday and Saturday	10:00 - 04:00
Provision of Dance Facilities	Sunday	10:00 - 03:00
Provision of Dance Facilities	Monday to Thursday	10:00 - 03:00
Provision of Dance Facilities	Friday and Saturday	10:00 - 04:00
Provision of Music Facilities	Sunday	10:00 - 03:00

Provision of Music Facilities	Monday to Thursday	10:00 - 03:00
Provision of Music Facilities	Friday and Saturday	10:00 - 04:00
Sale by Retail of Alcohol	Sunday	10:00 - 03:00
Sale by Retail of Alcohol	Monday to Thursday	10:00 - 03:00
Sale by Retail of Alcohol	Friday and Saturday	10:00 - 04:00
Recorded Music	Sunday	10:00 - 03:00
Recorded Music	Monday to Thursday	10:00 - 03:00
Recorded Music	Friday and Saturday	10:00 - 04:00

Non Standard/Seasonal Timings

Late Night Refreshment and Sale by Retail of Alcohol – 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	10:00 - 03:30
Tuesday	10:00 - 03:30
Wednesday	10:00 - 03:30
Thursday	10:00 - 03:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
Sunday	10:00 - 03:30

Non Standard/Seasonal Timings

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

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

TAG Leisure Limited
Syringa
Chimney Lane
Cock Clarks
Chelmsford
Essex
CM3 6RQ

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

Registered Business Number 07425958

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

Sean Paul Smith

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

Occasional lap dancing and striptease.



Premises Licence

Premises Licence Number

11/00962/PREMTR

Part 1 – Premises Details

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

Tao Lounge And Bar
50 Prince Of Wales Road
Norwich
Norfolk
NR1 1LL

Telephone number 01603 617977

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

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

The times the licence authorises the carrying out of licensable activities

Films	Sunday	10:00 - 03:00
Films	Monday to Thursday	10:00 - 03:00
Films	Friday and Saturday	10:00 - 04:00
Late Night Refreshment	Sunday	23:00 - 03:00
Late Night Refreshment	Monday to Thursday	23:00 - 03:00
Late Night Refreshment	Friday and Saturday	23:00 - 04:00
Live Music	Sunday	10:00 - 03:00
Live Music	Monday to Thursday	10:00 - 03:00
Live Music	Friday and Saturday	10:00 - 04:00
Performances of Dance	Sunday	10:00 - 03:00
Performances of Dance	Monday to Thursday	10:00 - 03:00

Performances of Dance	Friday and Saturday	10:00 - 04:00
Provision of Dance Facilities	Sunday	10:00 - 03:00
Provision of Dance Facilities	Monday to Thursday	10:00 - 03:00
Provision of Dance Facilities	Friday and Saturday	10:00 - 04:00
Provision of Music Facilities	Sunday	10:00 - 03:00
Provision of Music Facilities	Monday to Thursday	10:00 - 03:00
Provision of Music Facilities	Friday and Saturday	10:00 - 04:00
Sale by Retail of Alcohol	Sunday	10:00 - 03:00
Sale by Retail of Alcohol	Monday to Thursday	10:00 - 03:00
Sale by Retail of Alcohol	Friday and Saturday	10:00 - 04:00
Recorded Music	Sunday	10:00 - 03:00
Recorded Music	Monday to Thursday	10:00 - 03:00
Recorded Music	Friday and Saturday	10:00 - 04:00

Non Standard/Seasonal Timings

Late Night Refreshment and Sale by Retail of Alcohol – 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	10:00 - 03:30
Tuesday	10:00 - 03:30
Wednesday	10:00 - 03:30
Thursday	10:00 - 03:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
Sunday	10:00 - 03:30

Non Standard/Seasonal Timings

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

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

Occasional lap dancing and striptease.

Part 2

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

TAG Leisure Limited
Syringa
Chimney Lane
Cock Clarks
Chelmsford
Essex
CM3 6RQ

Electronic Mail
829632

therese.stokes@tagleisure.org.uk Telephone Number 01621

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

Registered Business Number 07425958

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

Sean Paul Smith
10 Granville Road
Colchester
Essex
CO1 2EE

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: TDX 0810

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

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

 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

9 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

10 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

11 (with effect from 1 October 2010)

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

12 (with effect from 1 October 2010)

The responsible person shall ensure that -

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

(i) beer or cider: half pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

13 (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.

14 The music sound level shall not exceed 99dB Laeq (2 minutes) as measured at a position in the centre of the basement area.

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

Annex 2 – Conditions consistent with the Operating Schedule

1 General - all four licensing objectives

2 All bar staff will be trained in the basic law relating to the sale/supply of alcohol and a record of who has received this training will be kept at the premises.

3 There will be a 30 minute "chill out"/wind down period after all licensable activities have ended.

4 The Prevention of Crime and Disorder

5 The Licensee shall ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

6 There shall be provided at the premises radio communication equipment to be operated in conjunction and in liaison with the local police service.

Any radio communication system provided shall :

A) Be capable of sending and receiving messages to and from local police, and other licensees, designated premises supervisors, door supervisors, managers and club operators, incorporated into any joint and mutually beneficial scheme operating in the area.

B) Be maintained in good working order at all times when the premises are being used for a licensable activity.

C) Be activated, made available to, and monitored by the designated premises supervisor or a responsible member of staff at all times when the premises are being used for a licensable activity.

7 The Licensee, designated premises supervisor or other person having responsibility for monitoring the radio communication system shall comply with any instructions or directions received through the system from the police.

8 The Licensee, designated premises supervisor or other responsible person shall use the text and/or pager system provided under the aforementioned radio system to notify and report any incident of crime and disorder to the police as soon as practically possible, in accordance with the agreed protocols.

9 The Licensee and designated premises supervisor shall ensure that at all times the premises are open for any licensable activity there are employed at the premises an appropriate number of door supervisors who are security industry act badged.

10 The Licensee shall ensure that where physical searching of patrons is to be undertaken, that there are a sufficient number of appropriately trained staff to carry out such searches regardless of whether patrons are male or female.

11 Door supervisors shall be provided with 'two way' radios or similar systems capable of ensuring continuous communication between each other at all times that the premises are open for a licensable activity.

12 Door supervisors shall wear clothing of the same style, type and colour, which may be appropriate to the nature of the venue, but which will ensure they are clearly distinguishable and identifiable as door supervisors having regard to the events and activities taking place at the licensed premises.

13 The Licensee shall keep an incident book which must be available for inspection by the police or authorised officer at all times when the premises are open.

14 No persons carrying open or sealed glass bottles shall be admitted to the premises from Prince of Wales Road whilst the premises are open for any licensable activity.

15 No patrons shall be able to leave the premises onto Prince of Wales Road whilst in possession of any drinking vessel or open glass bottle.

16 All members of staff at the premises, including door supervisors, shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises.

17 A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

18 CCTV will be provided at the premises and there will be both internal and external coverage.

19 Queuing areas will be patrolled by door supervisors.

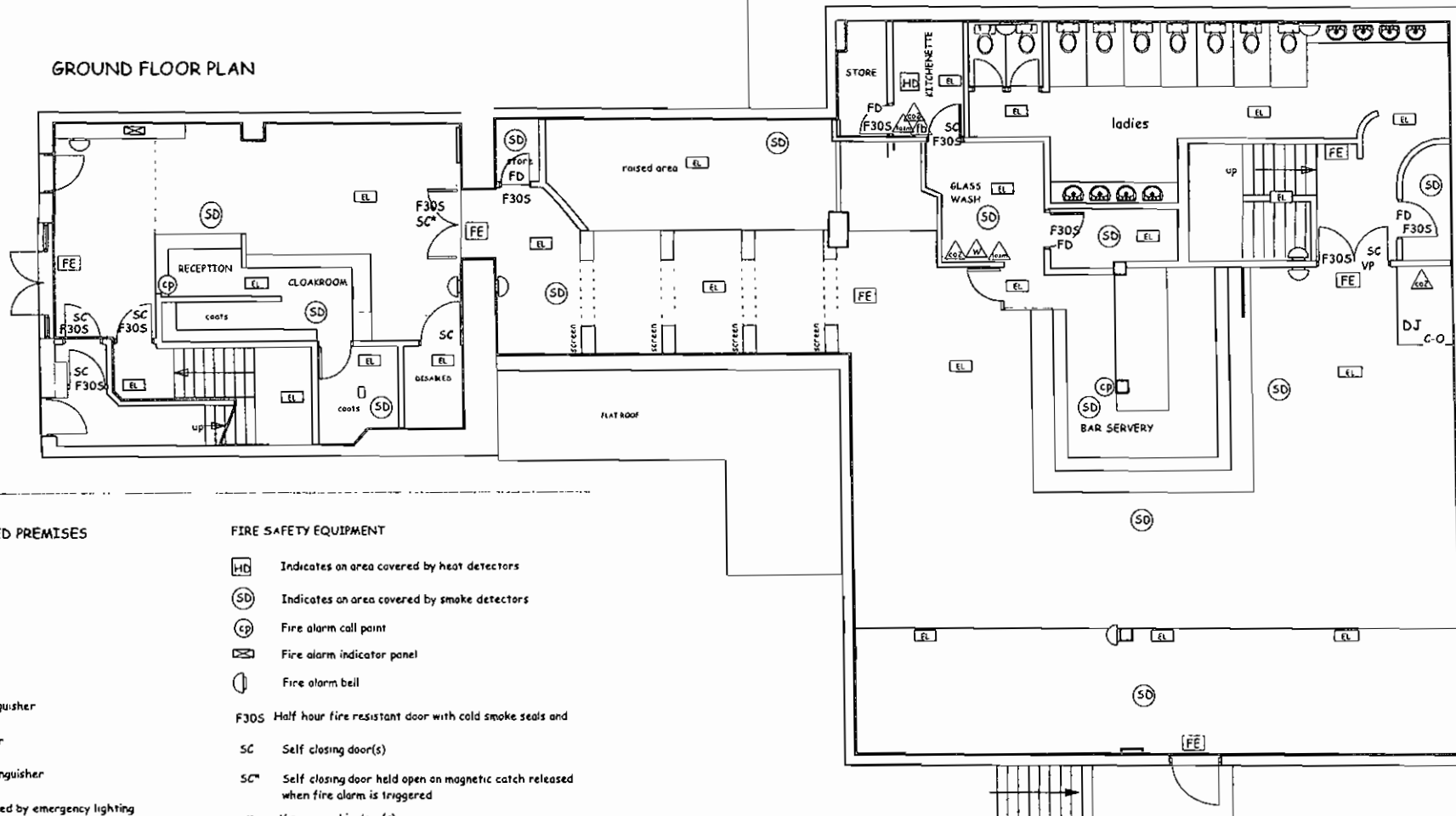
20 Public Safety

21 Adequate and appropriate equipment and materials must be provided for enabling first aid to be rendered to members of the public if they are injured or become ill whilst at the licensed premises.

- 22 No alterations must be made to premises which make it impossible to comply with an existing
licence condition without first seeking a variation of the premises licence proposing the deletion of
the condition in question. The applicant will need to propose a new operating schedule reflecting
the proposed alteration to the premises and how he or she intends to take alternative steps to
promote the public safety objective and amend the risk assessment accordingly.
- 23 **The Prevention of Public Nuisance**
- 24 There will be a sound limiter on the amplification system, which will have a level set by
Environmental Health Officer.
- 25 The lobby doors at the premises must be kept closed except for access and egress. Door staff must
supervise to ensure that the doors are maintained closed as far as possible when entertainment is
taking place.
- 26 Internal and external lighting provided for the purpose of customer and staff safety and for the
security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining
properties.
- 27 Lighting associated with the activities of entertainment must be positioned so as not to cause
nuisance to neighbouring or adjoining properties.
- 28 Lighting provided externally to promote advertising of the premises or activities associated with the
premises must be of an intensity such as not to cause nuisance to neighbouring or adjoining
properties.
- 29 The premises must remove their waste and refuse in a timely manner to a licensed waste disposal
facility.
- 30 There must be clear and legible notices displayed at exits and other circulatory areas requesting
patrons to leave the premises having regard to the needs of local residents, in particular
emphasising the need to refrain from shouting and slamming car doors. The sounding of car horns
must also be discouraged.
- 31 The premises licence holder and/or designated premises supervisor and/or any door supervisors
must monitor the activity of persons leaving the premises and remind them of their public
responsibilities where necessary.
- 32 **The Protection of Children From Harm**
- 33 Children under 18 years will not allowed access to the premises.
- 34 All members of staff at the premises including door supervisors shall seek "credible photographic
proof of age evidence" from any person who appears to be under the age of 18 years and who is
seeking access to the premises or is seeking to purchase or consume alcohol on the premises.
- 35 A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the
premises and in a suitable location at any points of sale, advising customers that they may be asked
to provide evidence of their age.

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

GROUND FLOOR PLAN



LICENCE KEY



AMBIT OF LICENSED PREMISES

FIRE SAFETY EQUIPMENT



Foam fire extinguisher



9 litre water fire extinguisher



Fire blanket in container



Carbon dioxide fire extinguisher



Indicates an area covered by emergency lighting



Illuminated suspended sign with "FIRE EXIT" sign

FIRE SAFETY EQUIPMENT



Indicates an area covered by heat detectors



Indicates an area covered by smoke detectors



Fire alarm call point



Fire alarm indicator panel



Fire alarm bell

F30S Half hour fire resistant door with cold smoke seals and

SC Self closing door(s)

SC* Self closing door held open on magnetic catch released when fire alarm is triggered

VP Vision panel in door(s)

FD 'Fire Door Keep Locked Shut' sign

C-O Cut-out to sound system

Revisions: REV A - MINOR AMENDMENTS AS AGREED WITH FIRE SAFETY CONSULTANT - APRIL 11

Project: TAO NIGHT CLUB, 50 PRINCE OF WALES ROAD,
NORWICH, NR1 1LL

Drawing: GROUND FLOOR PLAN - license

Client: TAG LTD

1:100 @ A3

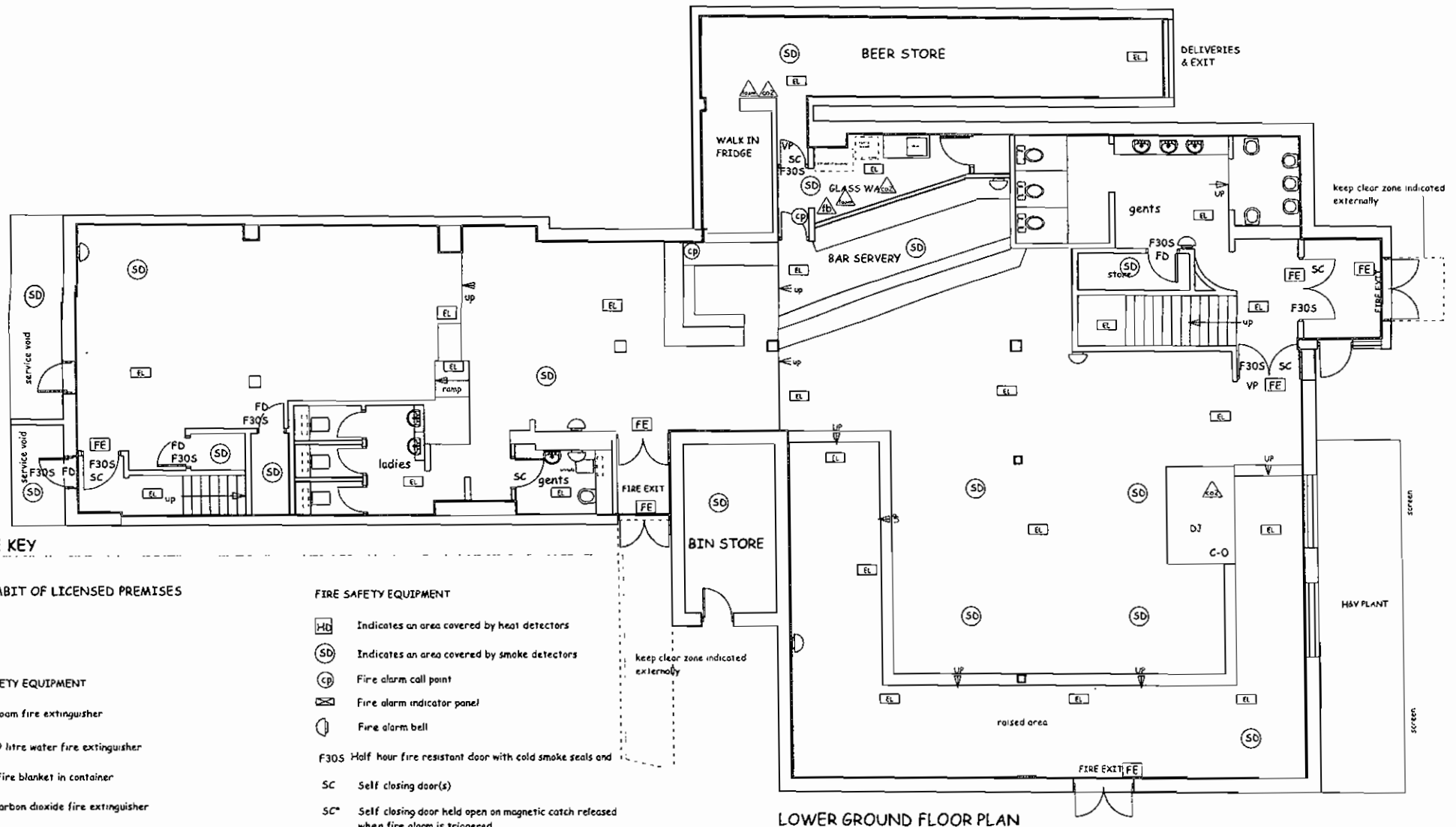
Org no:
2011-152 : L02B

Date: APR 11

mcarthur tring architects llp
MADDERMARKET STUDIO 7 ST JOHNS ALLEY NORWICH NR2 1OR
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




LICENCE KEY

AMBIT OF LICENSED PREMISES

FIRE SAFETY EQUIPMENT

-  Foam fire extinguisher
-  9 litre water fire extinguisher
-  Fire blanket in container
-  Carbon dioxide fire extinguisher
-  Indicates an area covered by emergency lighting
-  Illuminated suspended sign with "FIRE EXIT" sign

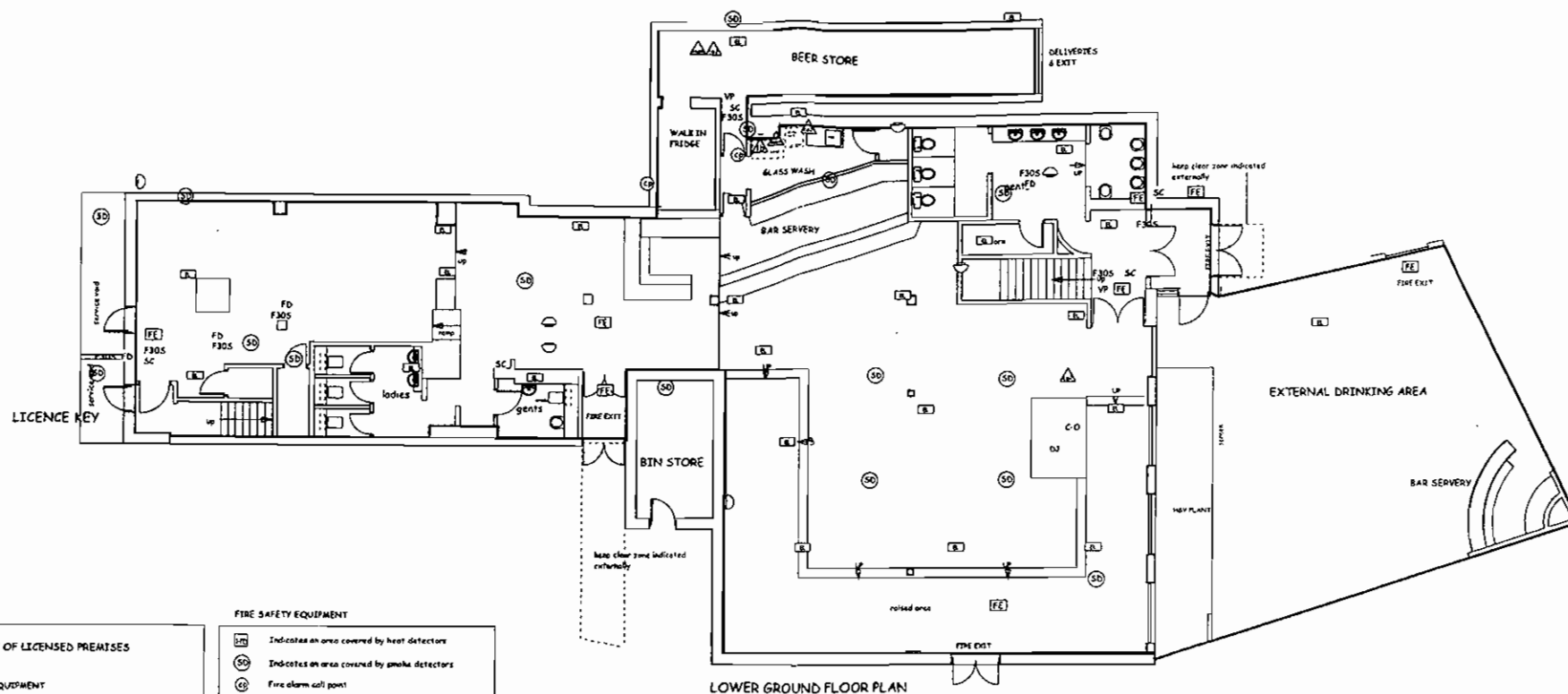
FIRE SAFETY EQUIPMENT

-  Indicates an area covered by heat detectors
-  Indicates an area covered by smoke detectors
-  Fire alarm call point
-  Fire alarm indicator panel
-  Fire alarm bell
- F30S** Half hour fire resistant door with cold smoke seals and
- SC** Self closing door(s)
- SC*** Self closing door held open on magnetic catch released when fire alarm is triggered
- VP** Vision panel in door(s)
- FD** 'Fire Door Keep Locked Shut' sign
- C-O** Cut-out to sound system

LOWER GROUND FLOOR PLAN

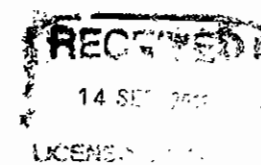
Revisions: REV A - MINOR AMENDMENTS AS AGREED WITH FIRE SAFETY CONSULTANT: APRIL 11

Project: TAO NIGHT CLUB, 50 PRINCE OF WALES ROAD, NORWICH, NR1 1LL	Drawing: LOWER GROUND FLOOR PLAN - license		
Client: TAG LTD	1:100 @ A3	Org no: 2011-152 : L01B	Date: APR 11
mcarthur tring architects llp MADDERMARKE STUDIO 7 ST JOHNS ALLEY NORWICH NR2 1DR telephone 01603 766 750 fax 01603 662 678 http://www.mcarthurtring.co.uk mail@mcarthurtring.co.uk			



LOWER GROUND FLOOR PLAN

<p>AMBIT OF LICENCED PREMISES</p> <p>FIRE SAFETY EQUIPMENT</p> <p>▲ Foam fire extinguisher</p> <p>▲ 9 litre water fire extinguisher</p> <p>▲ Fire blanket in customer</p> <p>▲ Carbon dioxide fire extinguisher</p> <p>Ⓛ Indicates an area covered by emergency lighting</p> <p>FE Illuminated suspended sign with "FIRE EXIT" sign</p>	<p>FIRE SAFETY EQUIPMENT</p> <p>SD Indicates an area covered by heat detectors</p> <p>SD Indicates an area covered by smoke detectors</p> <p>CA Fire alarm call point</p> <p>MD Fire alarm indicator panel</p> <p>1 Fire alarm bell</p> <p>F305 Half hour fire resistant door with cold smoke seals and</p> <p>SC Self closing door(s)</p> <p>SC Self closing door held open on magnetic catch released when fire alarm is triggered</p> <p>VP Vision panel in door(s)</p> <p>FD "Fire Door Keep Locked Shut" sign</p> <p>C-O Cut-out to sound system</p>
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APPENDIX B

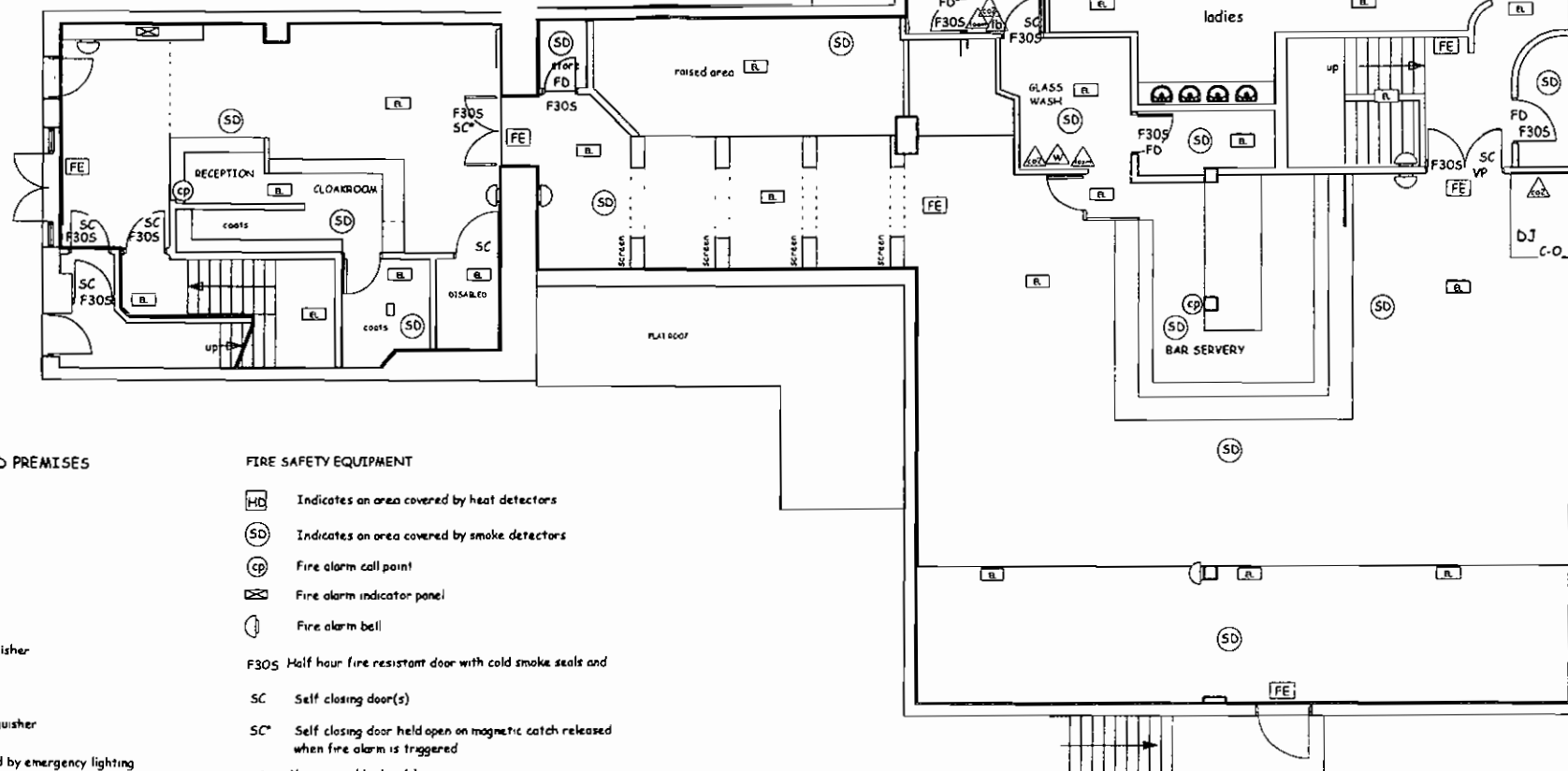
<p>Project: TAO NIGHT CLUB, 50 PRINCE OF WALES ROAD, NORWICH, NR1 1LL</p>	<p>Drawing: LOWER GROUND FLOOR PLAN - license</p>	<p>mcarthur tring architects llp HADDERSFIELD STUDIO 7 ST JOHNS ALLEY NORWICH NR2 1QR telephone 01603 766 750 fax 01603 662 676 info@mcarthurtring.co.uk mail@mcarthurtring.co.uk</p>
<p>Client: TAG LTD</p>	<p>1:100 @ A2</p>	<p>Rev no 2011-152 : L601 Date SEPT 11</p>

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RECEIVED
14 SE
LICENCE

GROUND FLOOR PLAN



LICENCE KEY

AMBIT OF LICENSED PREMISES

FIRE SAFETY EQUIPMENT

- Foil fire extinguisher
- 9 litre water fire extinguisher
- Fire blanket in container
- Carbon dioxide fire extinguisher
- Indicates an area covered by emergency lighting
- Illuminated suspended sign with "FIRE EXIT" sign

FIRE SAFETY EQUIPMENT

- Indicates an area covered by heat detectors
- Indicates an area covered by smoke detectors
- Fire alarm call point
- Fire alarm indicator panel
- Fire alarm bell
- Half hour fire resistant door with cold smoke seals and
- Self closing door(s)
- Self closing door held open on magnetic catch released when fire alarm is triggered
- Vision panel in door(s)
- 'Fire Door Keep Locked Shut' sign
- Cut-out to sound system

Revisions: REV A - MINOR AMENDMENTS AS AGREED WITH FIRE SAFETY CONSULTANT - APRIL 11

Project	TAO NIGHT CLUB, 50 PRINCE OF WALES ROAD, NORWICH, NR1 1LL	Drawing	GROUND FLOOR PLAN - license	mcarthur tring architects llp MADOERMARKET STUDIO 7 ST JOHNS ALLEY NORWICH NR2 1DR telephone 01603 766 750 fax 01603 662 678 http://www.mcarthurtring.co.uk mail@mcarthurtring.co.uk	
Client	TAG LTD	1:100 @ A3	Org no 2011-152 : L02B	Date	APR 11

APPENDIX



Norwich City Council Licensing Authority
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	Richard Wilkes & Lauren Jenkins
Postal address	Flat 3, 54 PRINCE OF WALES ROAD NR1 1LL
Email address	r
Contact telephone number	0

Name of the premises you wish to support or object to	Tao Club & Lounge
Address of the premises you wish to support or object to.	50 Prince of Wales Road Norwich NR1 1LL

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	* see attached sheet
Public safety	
To prevent public nuisance	* see attached sheet
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Closure of the Garden early, increase sound proofing or decrease music volume
--	---

Signed:

Date: 09.10.11

decibel checks

Please see notes on reverse

To Prevent Crime and Disorder

We recently had an incident at around 1.30 am, where two people who stated they had been in TAO got entry into our building and smashed at our door until I opened it. They were very aggressive and took a while to reason with. It turned out to be a mistaken identity that we had nothing to do with and should not have been involved with. on top of this we often hear arguing and aggressive people in the area behind our flat which stands between us and TAO. Our cars are parked here, It is very disruptive and also worrying. I feel that a later opening time would just exasperate the situation.

To prevent public nuisance. Our bedroom backs on to the back of TAO. we have lived here for three years and had no problem with the volume of Optic which was the club before. Since TAO opened, there has not been any quiet nights. every night we sleep with ear plugs in and even then the sound can still be heard. on occasions the music has been so loud that our windows have rattled to the bass and the vibrations can be felt through the bed frame. of course living in the city centre we expect noise and put up with it for years although these levels we feel are unacceptable. As well as this, the addition of the beer garden or out door area means that we can hear people shouting, talking and screaming until 3am. If the hours were extended the disruption to our evenings would be horrendous and we would be forced to leave somewhere we love living. there are quite a few residential areas around TAO so this would cause disruption to a number of people.

APPENDIX D

Local Policy considerations

1.0 Introduction

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

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

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

(a) 2.0 Consultation and Links to other Policies and Strategies

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

3.0 Applications for Licences

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

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

4.0 Representations

- 4.1 “Responsible Authorities” (see Appendix 7) will be asked to consider all applications and to make representations to the Council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.
- 4.2 The Council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation, will only be accepted by the Council if it is ‘relevant’, ie it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the Council.

5.0 Conditions attaching to Licences

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

8.0 The Impact of Licensed Premises

- 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
 - the proposed hours of operation;

- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises including the location of customer entrances and exits;
- the provision of toilet facilities;
- the frequency of the licensable activity.

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

13.0 Management of Licensed Premises

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

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

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

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

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

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

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Keeping Illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.
- Preventing disorderly and potentially violent behaviour on and outside the premises.
- Reducing Anti-social behaviour and Disorder inside and outside the premises
- Litter
- Unauthorised advertising
- Protecting people and property from theft, vandalism and assault
- Guard against glasses and bottles being used as weapons or causing accidents.

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

- Effective and responsible management of premises;
- Training and supervision of staff;
- Employ sufficient numbers of staff to keep numbers down of people awaiting service;
- Provide sufficient seating for customers;
- Patrols of staff around the premises;
- Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity;

Introduce an entry policy – making people aware of it – and apply it consistently and fairly;
 Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises;
 Implement effective management of entrance queues – incorporating barriers if necessary;
 Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;
 Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;
 Provision of effective CCTV in and around premises;
 Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;
 Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;
 Provision of toughened or plastic drinking vessels and bottles;
 Provision of 'bottle bins' inside the premises and near exits;
 Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;
 Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;
 Provision of litterbins and other security measures, such as lighting, outside premises;
 Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;
 Responsible advertising;
 Distribution of promotional leaflets, posters etc;
 Drug Seizure Kits (available from Norfolk Police Operation Enterprise);
 Member of the 'NiteLink' radio scheme;
 Working in partnership with the SOS Bus scheme;
 Ban known offenders and share information with other licensed premises in the area;
 Implement a dispersal policy;
 Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

24.0 Objective - Prevention of Public Nuisance

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

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

24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

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

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

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

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

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
- the hours of opening, particularly between 11pm and 7am
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport
- wind down period between the end of the licensable activities and closure of the premises
- last admission time
- preventing litter and refuse becoming an eyesore

- consideration of local residents that they are not upset by loud or persistent noise or by excessive light
- preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces
- avoid early morning or late night refuse collections
- avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning
- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

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

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

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

SECTION E - Hours of Trading

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

APPENDIX E

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

CRIME AND DISORDER

2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities may be carried on. Licensing authorities should therefore look to the police as the main source of advice on these matters.

2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave.

2.5 Licence conditions should not replicate licensing offences that are set out in the 2003 Act. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour on his premises would be superfluous because this is already a criminal offence. A condition that states that a licence holder shall not permit the sale of controlled drugs on the premises would be similarly superfluous.

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

2.7 Similarly, the provision of requirements for door supervision may be necessary to ensure that people who are drunk or drug dealers or carrying firearms do not enter the premises, reducing the potential for crime and disorder, and that the police are kept informed.

2.8 Text and radio pagers allow premises licence holders, designated premises supervisors and managers of premises and clubs to communicate instantly with the local police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The Secretary of State recommends that text or radio pagers should be considered appropriate necessary

conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.

2.9 Some conditions primarily focused on the prevention of crime and disorder will also promote other licensing objectives. For example, a condition requiring that all glasses used on the premises for the sale of alcoholic drinks should be made of plastic or toughened glass or not allowing bottles to pass across a bar may be necessary to prevent violence by denying assailants suitable weapons, but may also benefit public safety by minimising the injury done to victims when such assaults take place (for example, facial injuries resulting from broken glass).

2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only necessary but both practical and achievable.

PUBLIC NUISANCE

2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

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

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

2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the

Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.

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

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

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

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

Proposed Conditions

10.7 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule which must also set out the proposed hours of opening.

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

Imposed Conditions

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

10.12 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

Proportionality

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

Fundamental principles

13.16 "...licensing is about regulating licensable activities on licensed premises...and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity."

13.17 "...whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case."

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

Standardised Conditions

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

Licensing Hours

13.41 "...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies...providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet."