

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee
7 January 2010

Report of Head of Legal, Regulatory & Democratic Services

Subject Licensing Act 2003:
Application to vary a Premises Licence -
Essence 63-67 Prince of Wales Road Norwich NR1 1DG

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 Essence 63-67 Prince of Wales Road Norwich NR1 1DG following the receipt of an Interested Party representation.

Recommendation

That Members determine the application to vary a Premises Licence in respect of Essence 63-67 Prince of Wales Road Norwich NR1 1DG 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 Anglia Restaurants Limited of 107 Salhouse Road Sprowston Norwich NR7 9AW.
- 1.2 The premises currently hold a premises licence, the summary of which is attached to the report as Appendix A.
- 1.3 The conditions attached to the current premises licence are attached as Appendix B.
- 1.4 This variation application seeks to:

- Amend the existing premises licence plan to include the rear enclosed outdoor smoking area for the consumption of alcohol only and to increase the size of the first floor bar.

- Remove the following conditions:-

(9) The licensee shall not sell or supply alcoholic drinks at a reduced price during any limited period on any day. Reduced price means: i) at no cost to the customer ii) by way of exchange for any ticket or voucher ii) by inclusion of the price for an alcoholic drink in some other charge or payment for a product, goods or services such as with a mixer, food or entrance / cloakroom charge iv) at price less than that being charged either during an earlier or later period of the same day (i.e. Happy Hour) or v) in such a way whereby types, brands and mixtures of drinks are sold either singly or in multiples at a price for greater measures or quantities than those sold for the same price but in smaller measures and quantities during an earlier or later period of the same day (i.e. stacked drinks);

(19) No person shall be allowed to leave the premises or tables and chairs area while in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage.

(20) The outside area will be clearly marked with a form of barrier when it is being used for smoking after 22:00 hours.

(31) Music and other amplified sound will be inaudible 8 metres from the façade of the building and at the nearest noise sensitive premises.

(32) Use of the outside seating area will be restricted to: 08:00 to 22:00 Monday to Saturday and 08:00 to 22:30 Sunday.

- To add a new condition (31) as follows:

“Music and other amplified sound will not be permitted to cause a nuisance to adjoining occupiers or those in the vicinity of the premises”.

1.5 Attached at Appendix C is a plan showing the current licensed area (indicated as proposed ground and first floor plan). A plan of the area sought under the current variation application is attached at Appendix D.

2. Relevant Representations

2.1 The responses from the Responsible Authorities are as follows:

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

2.2 A representation has been received from an Interested Party objecting to the application and this is attached as Appendix E to the report. The objections relate mainly to the licensing objectives of crime and disorder and the prevention of public nuisance.

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

3.0 Norwich City Council Statement of Licensing Policy

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

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

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

5.0 Summary

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

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

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

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

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

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

- 5.5 The representations received from the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance. The Sub-Committee is directed to paragraphs 21 and 25 of the local licensing policy at Appendix E which contain examples of factors that impact on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.

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

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

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



NORWICH
City Council

APPENDIX
A

Premises Licence Summary

Premises Licence Number

09/02039/PREMTR

Premises Details

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

Essence
63 - 67 Prince Of Wales Road
Norwich
Norfolk
NR1 1DG

Telephone number 01603 762763

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

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

Late Night Refreshment

Sunday 23:00 - 05:00
Monday to Thursday 23:00 - 04:00
Friday and Saturday 23:00 - 05:00

Non Standard Timings

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

Live Music

Sunday 09:00 - 03:00
Monday to Thursday 09:00 - 03:00
Friday and Saturday 09:00 - 04:00

Non Standard Timings

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

Performances of Dance

| | |
|---------------------|---------------|
| Sunday | 09:00 - 03:00 |
| Monday to Thursday | 09:00 - 03:00 |
| Friday and Saturday | 09:00 - 04:00 |

Non Standard Timings

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

Provision of Dance Facilities

| | |
|---------------------|---------------|
| Sunday | 09:00 - 03:00 |
| Monday to Thursday | 09:00 - 03:00 |
| Friday and Saturday | 09:00 - 04:00 |

Non Standard Timings

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

Provision of Music Facilities

| | |
|---------------------|---------------|
| Sunday | 09:00 - 03:00 |
| Monday to Thursday | 09:00 - 03:00 |
| Friday and Saturday | 09:00 - 04:00 |

Non Standard Timings

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

Sale by Retail of Alcohol

| | |
|---------------------|---------------|
| Sunday | 09:00 - 03:00 |
| Monday to Thursday | 09:00 - 03:00 |
| Friday and Saturday | 09:00 - 04:00 |

Non Standard Timings

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

Recorded Music

| | |
|---------------------|---------------|
| Sunday | 09:00 - 03:00 |
| Monday to Thursday | 09:00 - 04:00 |
| Friday and Saturday | 09:00 - 03:00 |

Non Standard Timings

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

The opening hours of the premises

| | |
|--------|---------------|
| Monday | 07:00 - 04:00 |
|--------|---------------|

| | |
|-----------|---------------|
| Tuesday | 07:00 - 04:00 |
| Wednesday | 07:00 - 04:00 |
| Thursday | 07:00 - 04:00 |
| Friday | 07:00 - 05:00 |
| Saturday | 07:00 - 05:00 |
| Sunday | 07:00 - 04:00 |

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

Alcohol is supplied for consumption both on and off the Premise

Name, (registered) address of holder of premises licence

Anglia Restaurants Limited
107 Salhouse Road
Sprowston
Norwich
NR7 9AW

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

Registered Business Number 3683288

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

Benjamin Gleason

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

No children under the age of 18 will be allowed to remain in that part of the premises when adult entertainment is being performed.

APPENDIX B

Annex 1 – Mandatory conditions

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

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

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

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

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 60 minute chill out period after all licensed activities (except late night refreshment) cease before the premises are closed.

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 for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

6 All members of staff at the premises 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 to purchase or consume alcohol on the premises.

7 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.

8 The licensee shall not advertise, promote, sell or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.

9 The licensee shall not sell or supply alcoholic drinks at a reduced price during any limited period on any day. Reduced price means: i) at no cost to the customer ii) by way of exchange for any ticket or voucher ii) by inclusion of the price for an alcoholic drink in some other charge or payment for a product, goods or services such as with a mixer, food or entrance / cloakroom charge iv) at price less than that being charged either during an earlier or later period of the same day (i.e. Happy Hour) or v) in such a way whereby types, brands and mixtures of drinks are sold either singly or in multiples at a price for greater measures or quantities than those sold for the same price but in smaller measures and quantities during an earlier or later period of the same day (i.e. stacked drinks).

10 All signs required under these conditions shall be illuminated or positioned in well lighted locations.

11 A CCTV system shall be designed, installed and maintained in proper working order to the satisfaction of the Licensing Authority and in consultation with Norfolk Police. Such a system shall cover all entrances and exits to and from the premises. External coverage is provided by Norwich City Council CCTV. There shall be continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or otherwise) for a period of one month and shall be supplied to the Licensing Authority or Police Officer on request.

12 The premises will be fitted with a burglar alarm.

13 The licence holder, designated premises supervisor or other suitable representative will attend at least three meetings per annum of the Norwich Pubwatch and Norwich Licensing Forum or an equivalent scheme to promote the licensing objectives, if such a scheme is in operation within the area of the relevant licensing authority.

14 CCTV to cover the main dance floor area, main entrance/exits and external seating area.

15 A minimum of 2 SIA registered door supervisors will be on duty from 21:00 hours until close on Fridays and Saturdays.

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

17 These door supervisors will monitor the capacity and seek "credible photographic proof of age evidence" from anyone who appears to be under the age of 21.

18 An incident book will be kept to record any incidents. This book will also record the log on/off of door supervisors and will be available to Police or an authorised Licensing Officer on request.

19 No person shall be allowed to leave the premises or tables and chairs area while in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage.

20 The outside area will be clearly with a form of barrier when it is being used for smoking after 22:00 hours.

21 There will be a random search policy to search patrons on entry for drugs and weapons.

22 Public Safety

23 The entire premises are subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005 and appropriate risk assessments will be implemented.

24 **The Prevention of Public Nuisance**

25 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.

26 Premises must remove their waste and refuse in a timely manner to a licensed waste disposal facility.

27 An adequate number of staff must monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

28 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 be also discouraged.

29 Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.

30 Premises must have a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of the agreement.

31 Music and other amplified sound will be inaudible 8 metres from the façade of the building and at the nearest noise sensitive premises.

32 Use of the outside seating area will be restricted to: 08:00 to 22:00 Monday to Saturday and 08:00 to 22:30 Sunday

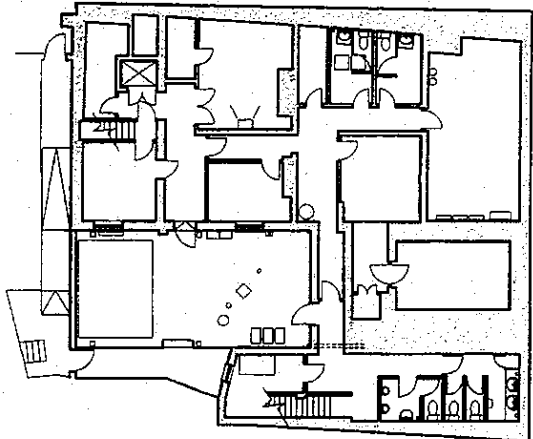
33 **The Protection of Children From Harm**

34 All members of staff at the premises 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 to purchase or consume alcohol on the premises.

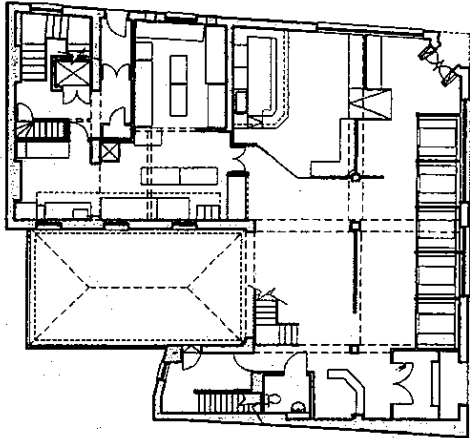
35 A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

36 No children under the age of 18 to be allowed in that part of the premises where adult entertainment is being performed.

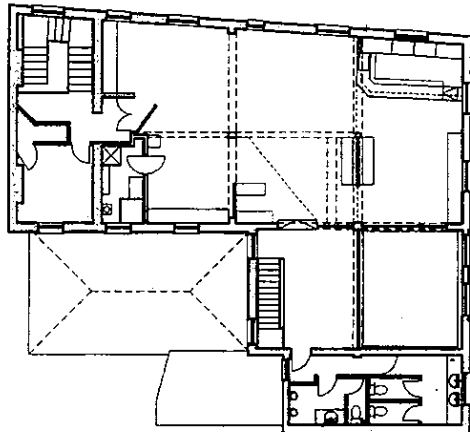
APPENDIX C



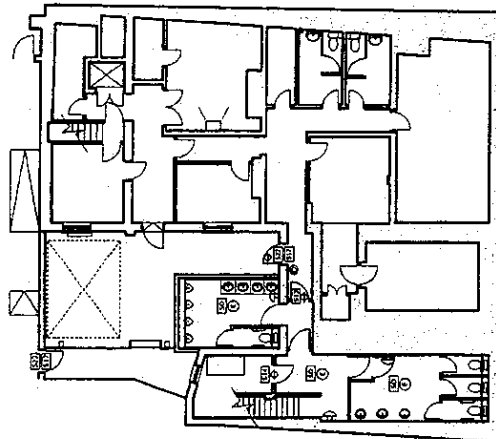
Existing Basement Plan
Scale 1:100



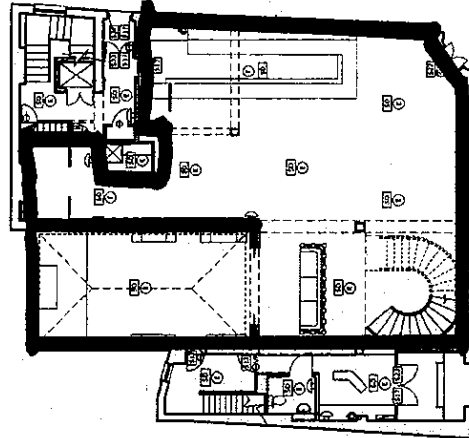
Existing Ground Floor Plan
Scale 1:100



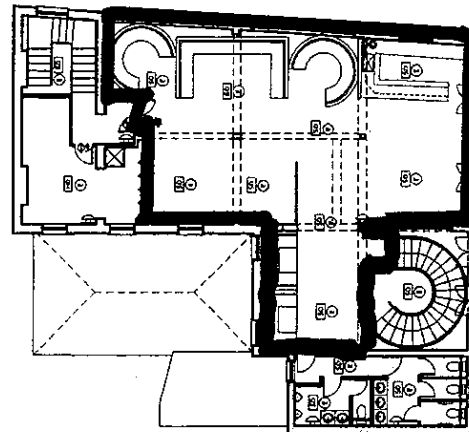
Existing First Floor Plan
Scale 1:100



Proposed Basement Plan
Scale 1:100



Proposed Ground Floor Plan
Scale 1:100



Proposed First Floor Plan
Scale 1:100

ASSEMBLIES
Ref: B1 Date: 05/12/08

| Ref | Date | Description |
|-----|----------|----------------|
| B1 | 05/12/08 | Initial Design |

Licensing Key

| Symbol | Description |
|--------|--------------------------|
| 1 | Fire alarm system |
| 2 | Fire alarm control panel |
| 3 | Fire alarm bell |
| 4 | Fire alarm call point |
| 5 | Fire alarm control panel |
| 6 | Fire alarm bell |
| 7 | Fire alarm call point |
| 8 | Fire alarm control panel |
| 9 | Fire alarm bell |
| 10 | Fire alarm call point |
| 11 | Fire alarm control panel |
| 12 | Fire alarm bell |
| 13 | Fire alarm call point |
| 14 | Fire alarm control panel |
| 15 | Fire alarm bell |
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| 44 | Fire alarm control panel |
| 45 | Fire alarm bell |
| 46 | Fire alarm call point |
| 47 | Fire alarm control panel |
| 48 | Fire alarm bell |
| 49 | Fire alarm call point |
| 50 | Fire alarm control panel |

Licensed Area

See and supply of alcohol, late night refreshment and
entertainment.

Notes: Items shown on this plan which are not part of the
statutory requirements are shown for indicative purposes
only. The licensee is responsible for ensuring that all
requirements are met. The licensee is also responsible for
ensuring that the plan is accurate and up to date. The
licensee is also responsible for ensuring that the plan is
accurate and up to date. The licensee is also responsible
for ensuring that the plan is accurate and up to date.

The current location of the safety equipment is shown.
These may be added to or removed from the plan as
required. The licensee is responsible for ensuring that the
plan is accurate and up to date. The licensee is also
responsible for ensuring that the plan is accurate and up
to date.

HARRISON DESIGN CO

15 CHESHAM ST, LONDON, ENGLAND E3 3LH
Tel: 020 7252 2000 Fax: 020 7252 2005
Email: info@harrisondesign.co.uk

Anglia Restaurants

Falso's Diner
Prince of Wales Road

Licensing Plan

All Floors

Scale 1:100

Date 05.12.08

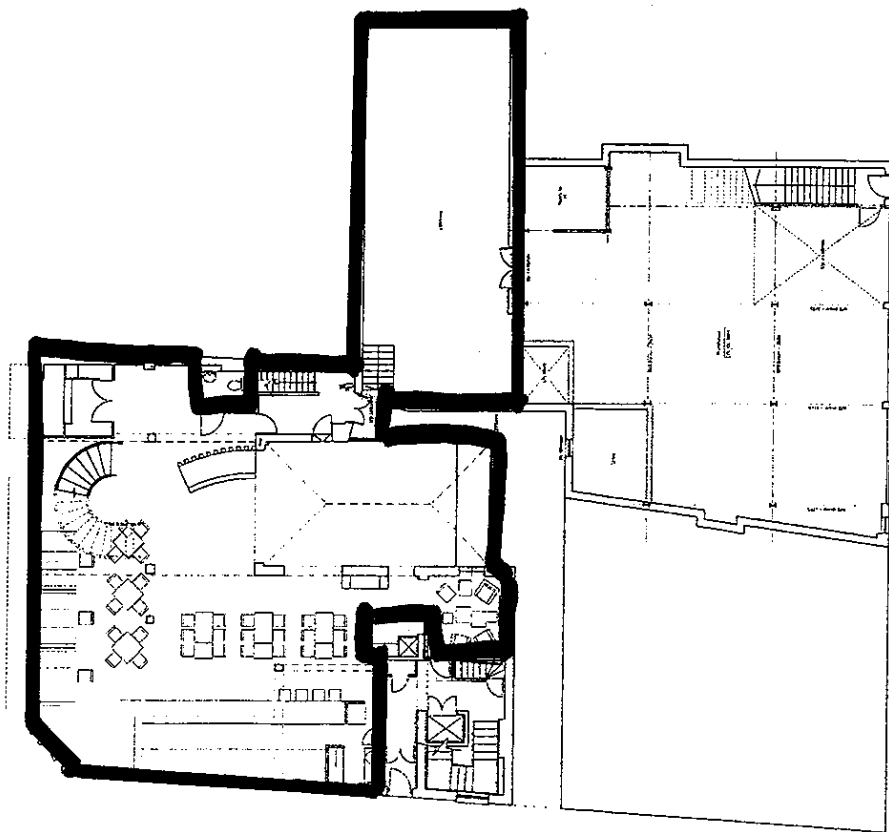
Rev A

Page 16

Office of the Licensing Authority
The Licensing Authority is responsible for the
issuance of licenses for the sale of alcohol and
entertainment. The Licensing Authority is also
responsible for ensuring that the plan is accurate
and up to date. The Licensing Authority is also
responsible for ensuring that the plan is accurate
and up to date.

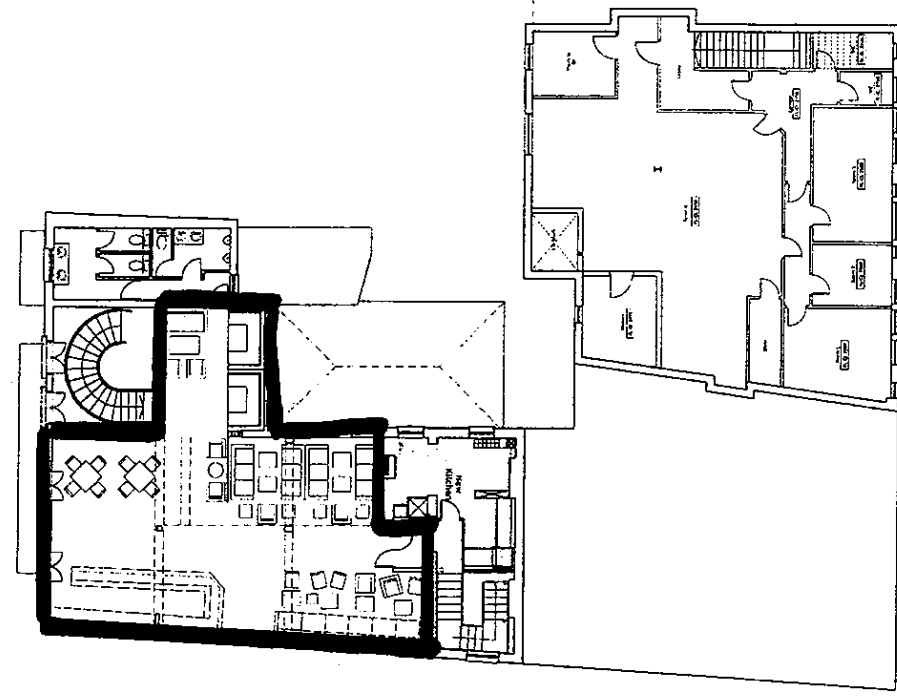
APPENDIX 0

Plan 1



Ground Floor
Scale 1:100

Plan 2



First Floor
Scale 1:100

| APPROVALS | Ref. | By: | Date | Description |
|-----------|------|-----|------|-------------|
| | | | | |
| | | | | |

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09 NOV 2009
LICENSING OFFICE

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www.harrisondesign.co.uk

| | |
|-----------|--------------------|
| CLIENT | Anglia Restaurants |
| PROJECT | Essence 2 |
| ADDRESS | Rose Lane, Norwich |
| DWG TITLE | Floor Plans |
| SCALE | GF - FF |
| DATE | Aug 09 |
| DRAWN | AD |
| CHECKED | XX |

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APPENDIX E

Licensing
Legal & Democratic Services
Norwich City Council
City Hall
St Peter's Street
Norwich
NR2 1NH

Friday 4th December 2009

FAO: Ian Streeter

Name: Peris Leisure

Postal Address: 90 – 96 Prince of Wales Road, Norwich, NR1 1NJ

Contact Telephone No: 01603

Name of Premises to which we would like to object: Essence Bar

Address of premises: 63 – 67 Prince of Wales Road, NR1 1DG

I write with regard to recent notification received regarding Essence Bar and its application to vary its premises License. I would initially like to discuss the nature of the proposed variation followed by the requested removal of conditions:

Nature of proposed variation: Amend the premises License Plan to include a rear enclosed outdoor smoking area for consumption of alcohol only and to increase the size of the first floor bar.

Although already operating as a licensed area of the property, the rear outdoor seated section has been a constant topic of discussion amongst licensees and local residents alike. The noise that emanates from Essence bar has been an ongoing issue for some time, whether due to open doors, patrons situated at the front of the property or the continual shouting from the rear outside area. As landlord to a Residential Rose Lane property we are receiving what seems now, habitual complaint and dissatisfaction from our tenants.

I would like to raise the point that smokers are well catered for with the enclosed area on the front facade and would suggest/implore the enforcement of a condition that would limit its accessibility and opening hours.

- i) Annex 2, Condition 9 - The licensee shall not sell or supply alcoholic drinks at a reduced price during any limited period on any day.

Will this request even be Entertained? Surely the removal of this condition will only encourage Essence to further flout the limitations issued, encourage irresponsible drinking and act in complete contravention to the first 3 of the 4 Licensing Objectives (Prevention of Crime and Disorder, Public Safety and the prevention of public nuisance.)

- ii) Annex 2, Condition 19 – No person shall be allowed to leave the premises or tables and chairs area while in possession of any drinking vessel or open glass bottle whether empty or containing a beverage.

Again, the requested removal of the above condition is ludicrous. I have no doubt that the Licensing department will decline such a ridiculous request.

- iii) Annex 2, Condition 20 – The outside area will be clearly indicated with a form of barrier when it is being used for smoking after 22:00 hours.

As discussed in numerous correspondence to the council in the past, Prince of Wales Road has upwards of 19,000 revellers passing through on an average Saturday evening. The removal of this limitation only serves to further saturate the small paving area in place, creating the increased possibility of Anti Social behaviour, Crime & Disorder. Surely a more adequate amendment to the condition would be enforcement restricting the size of the area enclosed?

- iv) Annex 2, Condition 31 – Music and other amplified sound will be inaudible 8 metres from the facade of the building and at the nearest noise sensitive premises.

I can only assume that the requested removal of this condition is with a view to having the front Bi-Fold Opening doors open without limitation. As an operator of 4 Licensed premises within the vicinity, we actively comply with the 3rd Licensing Objective (Prevention of Public Nuisance) by opening and closing our doors only to allow entry and exit to our patrons in the latter part of the evening. I can see no justification for Essence being allowed the opportunity to cause additional Noise Pollution and Dissatisfaction to the surrounding residents!

- v) Annex 2, Condition 32 – Use of outside seating area will be restricted to 08:00 to 22:00 Monday to Saturday, and 08.00 to 22.30 Sunday.

Removal of this condition again, has the potential to work in complete infringement of the Licensing objectives. Recent events have shown that literally thousands are exiting venues and congregating in potential hotspots all over Prince of Wales Road. The ability to leave furniture, boundaries and inebriated patrons in this area only serves to create further disarray.

To add a new condition as follows;

- i) Music and other amplified sound will not be permitted to cause a nuisance to adjoining occupiers or those in the vicinity of the premises.

Again, with reference to noise, the above suggested condition seems vague and limitless. How would this be monitored and enforced? With no clear and direct restriction in place Essence are only set to cause further and heightened disturbance. I have no doubt that the Licensing department will not leave the choice of what is deemed to be 'nuisance' to Essence's already questionable discretion.

As operators of 4 Licensed premises within close proximity to Essence Bar, we have witnessed the blatant disregard they have for Council ruling. From Planning to Licensing, not complying with

imposed conditions and now the intent to extend the upstairs area without application or discussion with responsible authorities.

Peri's leisure prides itself on working in close conjunction with the police and responsible authorities over the past 6 years. With a rise in late night venues and pedestrian traffic on Prince of Wales Road, we fight an ongoing battle to tackle and reduce Public Nuisance, Crime, Disorder and ultimately negative effect on our surroundings. From being the first venue to trial the Ion Track Itemiser in the fight against illegal drugs, and close interaction with the Nightsafe team, to the hosting and administration of the Licensing forum. Alongside other responsible licensees, our due care and attention is clearly not shared by all.

I once again implore you to consider all of the above points before deliberation and passing final judgement on the proposed variation and removal of conditions made by Anglia Restaurants Limited.

I look forward to your response,

Sincerely,

Peri's Leisure

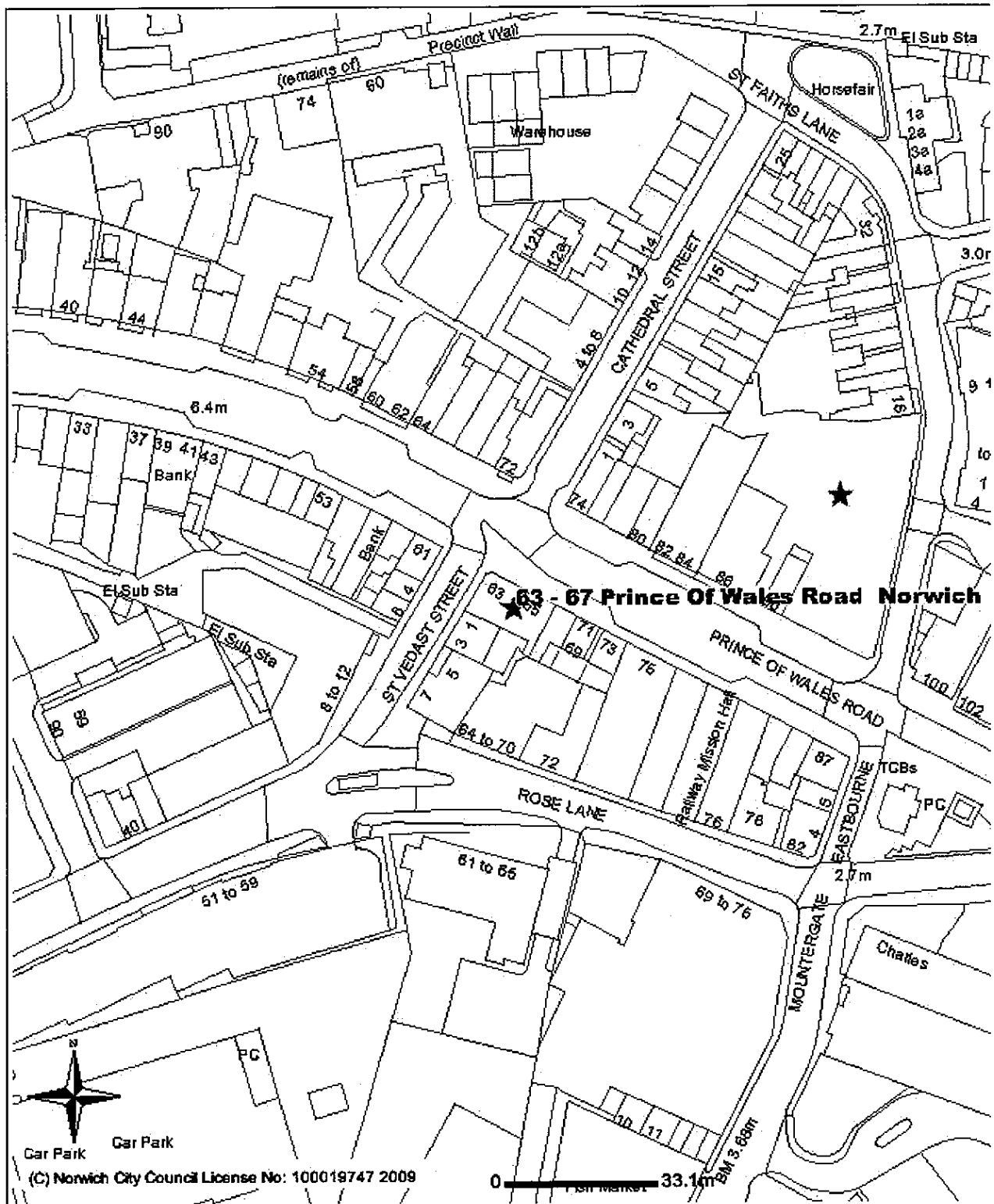


NORWICH
City Council

Norwich City Council
City Hall Norwich
NR2 1NH

Tel: 01603 212212
info@norwich.gov.uk

Essence 63-67 Prince of Wales Road



Scale: 1:1250

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APPENDIX G

Local Policy considerations

1.0 Introduction

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

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

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

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

2.7 So far as possible, the Council will avoid duplication with other regulatory regimes, and will not to use its powers under the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation and other enforcement agencies.

3.0 Applications for Licences

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

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

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

4.0 Representations

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

5.0 Conditions attaching to Licences

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

8.0 The Impact of Licensed Premises

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

- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises including the location of customer entrances and exits;
- the level of likely car parking demand on principal roads and surrounding residential streets and its effect on local residents, in comparison with the existing situation, and the effect on residential parking and emergency access;
- the frequency of the licensable activity.

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

13.0 Management of Licensed Premises

13.1 A Premises Supervisor must be specified in the Operating Schedule for a premises, in which alcohol will be sold ('Designated Premises Supervisor' DPS). The DPS will have responsibility for running the premises on a daily basis. They should normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, they should either undergo additional training, or to be able to demonstrate they have the experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

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

LICENSING OBJECTIVES

21.0 Objective - Prevention of Crime and Disorder

21.1 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.

21.2 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.

- 21.3 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.

- 21.4 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

25.0 Objective - Prevention of Public Nuisance

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

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

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
- the hours of opening, particularly between 23.00 and 07.00
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport
- 'wind down period' between the end of the licensable activities and

closure of the premises

- last admission time
- Preventing litter and refuse becoming an eyesore
- Consideration of local residents that they are not upset by loud or persistent noise or by excessive light.
- Preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces.
- Avoid early morning or late night refuse collections
- Avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning

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

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

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

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

APPENDIX H

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

Standardised Conditions

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

The Scope of the Licensing Act 2003

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

Licensing Law and the Control of Anti-Social Behaviour

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

Licensing Hours

Extended Opening Hours

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

Consideration for Residents

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

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