

<b>Report to</b>	Licensing sub committee 28 July 2016	<b>Item</b>
<b>Report of</b>	Head of citywide services Licensing Act 2003:	<b>3</b>
<b>Subject</b>	Application for the variation of a premises licence – 13 St Benedicts St, Norwich, NR2 4PE	

---

## **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 for the variation of a premises licence in respect of the above premises, following the receipt of relevant representations.

## **Recommendation**

That members determine the application to vary a premises licence in respect of the premises, 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.

## **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

## **Financial implications**

None.

**Ward/s:** Mancroft

**Cabinet member:** Councillor Kendrick – Neighbourhoods and community safety

## **Contact officers**

Tony Shearman, Licensing Manager

01603 212761

## **Background documents**

None

# **Report**

## **The application**

1. The applicant is Deniz TURAN of 13 St Benedicts Street, Norwich.
2. In summary the application seeks to:
  - Extend the licensed area from currently just the ground floor, to also include lower ground, mezzanine and first floors
  - Remove live music as a licensable activity
  - Remove conditions currently applied to the licence that relate solely to live music.
  - Remove the condition currently applied to the licence requiring music noise to be controlled by a sound limiter
  - Amend opening hours to start 2 hours earlier, at 0800 hours
  - Remove restriction preventing children under 14 being on the premises

## **Operating Schedule**

3. A copy of the existing licence and operating schedule is attached at appendix A to the report.
4. The a copy of the application form including additional steps put forward by the applicant to promote the licensing objectives as a result of the proposed variation are attached at appendix B to the report.

## **Relevant representations**

5. The responses from the Responsible Authorities are as follows:

Police – no representations.

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

6. Two representations objecting to the application have been received from local residents. Copies of the representations and a map showing the location of the relevant premises are attached at appendix C to the report.

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

7. 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:

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

8. 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.

### **Summary**

9. In determining the application with a view to promoting the licensing objectives, the sub-committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
  - the representations (including supporting information) presented by all the parties;
  - the guidance issued under Section 182 of the Licensing Act 2003 (national guidance); and
  - the council's own statement of licensing policy.
10. The sub-committee must take such of the following steps as it considers appropriate 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
11. 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 appropriate in order to promote the licensing objectives.
12. The representations received appear to relate to issues that fall under the licensing objectives. 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 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.
13. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.



**Premises Licence Number**

**15/01560/PREMTR**

**Premises Details**

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

The Lounge  
13 St Benedicts Street  
Norwich  
Norfolk  
NR2 4PE

**Telephone number**

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

Not applicable

**Licensable activities authorised by the licence.**

Ent like live/recorded music/dance - Activity takes place indoors  
Late Night Refreshment - Activity takes place indoors  
Live Music - 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**

Ent like live/recorded music/dance      Every Day      10:00 - 01:00

Late Night Refreshment      Every Day      23:00 - 01:30

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      Every Day      10:00 - 22:30

Sale by Retail of Alcohol      Every Day      10:00 - 01:00

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

Recorded Music      Every Day      10:00 - 01:00

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

**The opening hours of the premises**

Monday	10:00 - 01:30
Tuesday	10:00 - 01:30
Wednesday	10:00 - 01:30
Thursday	10:00 - 01:30
Friday	10:00 - 01:30
Saturday	10:00 - 01:30
Sunday	10:00 - 01:30

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**

Mr Deniz Baykal Turan  
7 Park House  
St Andrews Park  
Thorpe St Andrew  
Norwich  
NR7 0GT

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

Mr Joseph Owen Emlyn Jones

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

In the event that anything of an adult nature was provided, children would be excluded from the premises. Children under the age of 14 are not permitted on the premises.



**Premises Licence**

**Premises Licence Number**

**15/01560/PREMTR**

**Part 1 – Premises Details**

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

The Lounge  
13 St Benedicts Street  
Norwich  
Norfolk  
NR2 4PE

**Telephone number**

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

Not applicable

**Licensable activities authorised by the licence.**

Ent like live/recorded music/dance - Activity takes place indoors  
Late Night Refreshment - Activity takes place indoors  
Live Music - 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**

Ent like live/recorded music/dance	Every Day	10:00 - 01:00
Late Night Refreshment	Every Day	23:00 - 01:30
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	Every Day	10:00 - 22:30
Sale by Retail of Alcohol	Every Day	10:00 - 01:00
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Recorded Music	Every Day	10:00 - 01:00
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on		

New Years Day

**The opening hours of the premises**

Monday	10:00 - 01:30
Tuesday	10:00 - 01:30
Wednesday	10:00 - 01:30
Thursday	10:00 - 01:30
Friday	10:00 - 01:30
Saturday	10:00 - 01:30
Sunday	10:00 - 01:30

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**

In the event that anything of an adult nature was provided, children would be excluded from the premises. Children under the age of 14 are not permitted on the premises.

## Part 2

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

Mr Deniz Baykal Turan

Norwich

Electronic Mail

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

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

Mr Joseph Owen Emlyn Jones

·  
|  
|

**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: 12/01767/PERS

Licensing Authority: Norwich City Council



## Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 (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.
- 4 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).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 (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.
- 7 (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.

8 The Licensing Act 2003 (Mandatory Licensing Conditions)  
Order 2014

Mandatory Licensing Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.<sup>1</sup>

2. For the purposes of the condition set out in paragraph 1?

a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

b) "permitted price" is the price found by applying the formula?

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

where?

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence?

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

(a) 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part I of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991 (c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by

section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of and paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No. 2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

(b) 1994 c. 23. Section 2 was amended by section 3 of the Finance (No. 2) Act 2010 (c. 31). Section 7 was amended by section 76 of and Part 1 of Schedule 36 to the Finance Act 2009 (c. 10) and section 203 of and paragraphs 2 and 3 of Schedule 28 to the Finance Act 2012 (c. 14). Section 24 was amended by section 19 of and paragraph 1 of Schedule 8 to the Finance (No. 3) Act 2010 (c. 33). There are other amendments which are not relevant to this Order.

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

### **1 The Prevention of Crime and Disorder**

- 2 There shall be no off sales from the premises.
- 3 No new customers will be admitted to the premises after 00:00hrs (midnight), to allow customers who went outside to smoke to return inside the premises.
- 4 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.
- 5 No persons carrying open or sealed glass bottles shall be admitted to the premises at any time that the premises are open for any licensable activity.
- 6 No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
- 7 All members of staff at the premises, including any 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 to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Portman Proof of Age card, Citizen Card, Connexions Card or PASS scheme card.
- 8 A suitably worded sign of sufficient size and clarity shall 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.
- 9 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.
- 10 The licensee shall not sell or supply alcoholic drinks in such a way which will enable, or which is intended to enable, persons to consume unlimited quantities of alcoholic drinks on payment of a single payment or a payment arrangement which is not related to the quantity or volume of alcoholic drinks supplied.
- 11 A conspicuous notice must be displayed on or immediately outside the premises adjacent to the entrance of the premises which gives details of the times when the premises are permitted to be open for any licensable activity.
- 12 Suitably phrased, clear and conspicuous notices, shall be displayed near the entrance to the premises and in other appropriate locations, such as sanitary conveniences, advising patrons :

- i) of any risk of theft or possibility of other criminal activity
- ii) to exercise care with their personal possessions to prevent theft
- iii) how to report any incidents of theft or other criminal activity.

- 13 All signs required under these conditions shall comply with those conditions, shall be placed in accordance with those conditions, and be illuminated or positioned in well-lit locations.

### **14 Public Safety**

- 15 When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre-arranged plan.
- 16 All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
- 17 All exit doors whenever the premises are occupied, must be able to be easily opened in the case of an emergency, without the use of a key, card, code, or similar means.
- 18 All exit doors must be regularly checked to ensure that they function satisfactorily.

### **19 The Prevention of Public Nuisance**

- 20 All windows and doors to the premises will remain closed after 22:00.
- 21 All live music shall cease at 22:30.
- 22 All live and recorded amplified music will be controlled by a sound limiter set by Norwich City Council's Environmental Health and will not be altered without consultation with Environmental Health.
- 23 Live music events will be restricted to two per calendar month.
- 24 Internal and external lighting provided for the purposes 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.
- 25 Lighting associated with the activities of entertainment must be positioned so as not to cause nuisance to neighbouring or adjoining properties.

- 26 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.
- 27 Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.
- 28 The premises must remove their waste and refuse in a timely manner to a licensed waste disposal facility.
- 29 Empty bottles must be stored in a skip within the curtilage of the premises prior to collection. Operationally bottles must be removed from the public area on a frequent basis and transferred to the skip.
- 30 Clear and legible notices will be 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, designated premises supervisor and 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 the age of 14 will not be permitted on the premises.

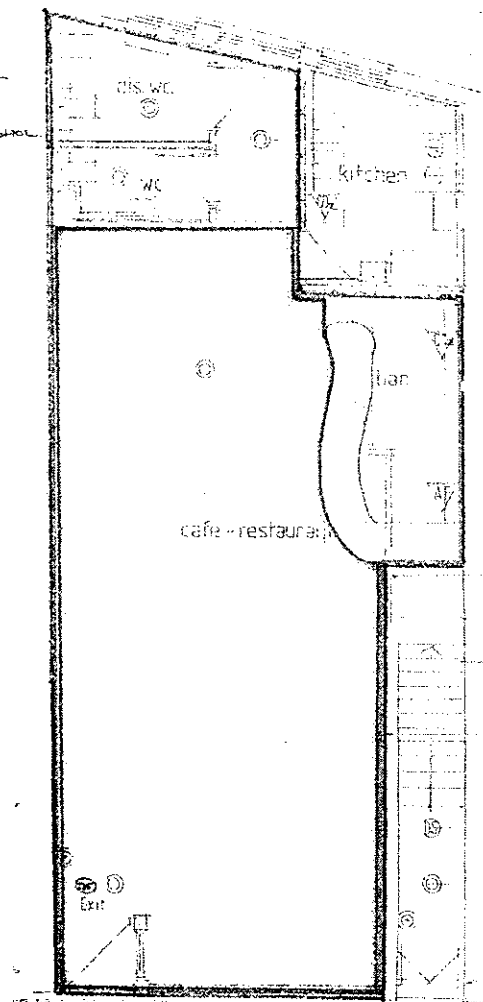
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

|

|

→ AREA DESIGNATED FOR  
SALE OF ALCOHOL  
→ AREA USED FOR  
CONSUMPTION OF ALCOHOL

⊙ SMOKE DETECTOR  
⊙ EMERGENCY LIGHTING  
⊙ FIRE ALARM POINT  
▽ FIRE EXTINGUISHER



LOUNGE  
13 ST BENEDICTS ST  
NOEWICHA

Scale 1:100



**Norwich**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensingapplications@norwich.gov.uk](mailto:licensingapplications@norwich.gov.uk)  
 Telephone: 0344 980 3333

\* required information

**Section 1 of 17**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☐ Applying as a business or organisation, including as a sole trader
- ☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**RECEIVED**

**- 7 JUN 2016**

**LICENSING OFFICE**



Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text" value="Norwich"/>
County or administrative area	<input type="text" value="Norfolk"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

**Section 2 of 17**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name	<input type="text" value="13"/>
Street	<input type="text" value="St Benedicts Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Norwich"/>
County or administrative area	<input type="text" value="Norfolk"/>
Postcode	<input type="text" value="NR2 4PE"/>
Country	<input type="text" value="United Kingdom"/>

**Premises Contact Details**

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text"/>

**Section 3 of 17**

**VARIATION**

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

☐ Yes ☒ No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The current Licence applies to the ground floor of the building. It is intended to bring the basement and first floor into use. These areas are currently derelict and in poor repair. This will expand the business area mainly for licensable activity in the theme of Middle Eastern / Turkish dining and culture associated with that.

#### Section 4 of 17

##### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 5 of 17

##### PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 6 of 17

##### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

Continued from previous page...

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

## Section 9 of 17

### PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☒ Yes ☐ No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start 23:00

End 01:00

Start

End

FRIDAY

Start 23:00

End 01:00

Start

End

SATURDAY

Start 23:00

End 01:00

Start

End

SUNDAY

Start 23:00

End 01:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Recorded music being played to support the cultural theme of the restaurant (Turkish/Middle Eastern). This will be played to create an atmosphere appropriate to the dining experience. The volume will be in accordance with number of customers and time of day. For example, in the morning when coffees and light breakfasts are to be served this would be subdued background music. At busier evening times there may be more amplification but this would not overwhelm customer conversation or be at a volume likely to be heard outside of the room in which it is to be played.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Continued from previous page...

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 11 of 17

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 12 of 17

#### PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 13 of 17

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 14 of 17

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

--

#### Section 15 of 17

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start 08:00

End 01:30

Start

End

WEDNESDAY

Start 08:00

End 01:30

Start

End

THURSDAY

Start 08:00

End 01:30

Start

End

FRIDAY

Start 08:00

End 01:30

Start

End

SATURDAY

Start 08:00

End 01:30

Start

End

SUNDAY

Start 08:00

End 01:30

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

*Continued from previous page...*

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Variation is sought to remove live music as a licensable activity as this provision is now exempted under the Live Music Act 2012 for the times that it will be provided.

Also to remove Section 8 then Annex 2 - 21 & 23 relating to live music.

Annex 2 - 22 to be removed. This is a remedial condition incorporated into the Licence for the former business operating from the premises. That was a bar with Salsa style dancing where live and recorded music was fundamental to its operation. The new business is based around the food offer with music largely incidental and in line with the Middle Eastern theme. Steps have also been taken to minimise noise transfer into neighbouring premises with considerable investment in redesign and refurbishment of the building.

Annex 2 - 33 relating to children under the age of 14 not being permitted on the premises. The intention is to create a restaurant with family appeal and there will be no activity or entertainment of an adult nature and no reliance on sale of alcohol to attract customers.

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Only have a copy of the Licence which has been e-mailed to the Authority

## Section 16 of 17

### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

2. There shall be no off sales from the premises.

3. No new customers will be admitted to the premises after midnight (00:00), to allow customers who went outside to smoke to return to the premises.

4. 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.

5. No persons carrying open or sealed glass bottles shall be admitted to the premises at any time that the premises are open for any licensable activity.

6. No patrons shall be allowed to leave the premises whilst in possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

7. All members of staff at the premises, including any 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 to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or Portman Proof of Age card, Citizen Card, Connexions Card or PASS scheme card.

8. A suitably worded sign of sufficient size and clarity shall 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.



*Continued from previous page...*

9. 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.
10. The Licensee shall not advertise, promote, sell or supply alcoholic drinks in such a way which will enable, or which is intended to enable, persons to consume unlimited quantities of alcoholic drinks on payment of a single payment or a payment arrangement which is not related to the quantity or volume of alcoholic drinks supplied.
11. A conspicuous notice must be displayed on or immediately outside the premises adjacent to the entrance of the premises which gives details of the times when the premises are permitted to be open for any licensable activity.
12. Suitably phrased, clear and conspicuous notices shall be displayed near to the entrance to the premises and in other appropriate locations, such as sanitary conveniences, advising patrons:
  - i) of any risk of theft or possibility of other criminal activity
  - ii) to exercise care with their personal possessions to prevent theft
  - iii) how to report any incidents of theft or other criminal activity
13. All signs required under these conditions shall comply with those conditions, shall be placed in accordance with those conditions and be illuminated or positioned in well-lit locations.

CCTV will be installed and fully operational and recording 24 hours a day. This CCTV will cover the main public areas including the staircase linking the 3 floors.

CCTV recordings will be available for a minimum of 30 days and be available to the Police or Licensing Authority on request.

**c) Public safety**

15. When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre-arranged plan.
16. All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
17. All exit doors, whenever the premises are occupied, must be able to be easily opened in the case of an emergency, without the use of a key, card, code or similar means.
18. All exit doors must be regularly checked to ensure that they function satisfactorily.

**d) The prevention of public nuisance**

20. All windows and doors to the premises will remain closed after 22:00.
24. Internal and external lighting provided for the purposes 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.
25. Lighting associated with activities of entertainment must be positioned so as not to cause nuisance to neighbouring or adjoining properties
26. 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.
27. Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.
28. The premises must remove their waste and refuse in a timely manner to a licensed waste disposal facility.
29. Empty bottles must be stored in a skip within the curtilage of the premises prior to collection. Operationally, bottles must be removed from the public area on a frequent basis and transferred to the skip.
30. Clear and legible notices will be displayed at exits and other circulatory areas requesting patrons to leave the premises having regards to the needs of local residents, in particular emphasising the need to refrain from shouting or slamming car doors. The sounding of car horns must also be discouraged.
31. The premises licence holder, designated premises supervisor and any door supervisors must monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

**e) The protection of children from harm**

No adult entertainment will take place on the premises

Continued from previous page...

## PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

## DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

*Continued from previous page...*

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/norwich/change-1> to upload this file and continue with your application.

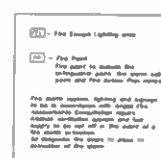
Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 Next >



Drawing No - PD279/04 P1



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)	HARRIET CARTER
Postal address	14A ST. BENEDICT'S STREET NR2 4AG
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	THE LOUNGE
Address of the premises you wish to support or object to.	13 ST. BENEDICT'S STREET NR2 4PE

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
Public safety	"
To prevent public nuisance	"
To protect children from harm	"

Please suggest any conditions which would alleviate your concerns.	Shorter hours - CLOSE by 24:00 at latest, no music after 23:00, no doors and windows left open, no smoking on pavement.
--	---

Signed:

Date: 3 July 2016

Please see notes on reverse



**Statement of Objection to an application  
for variation of Premises Licence at  
The Lounge, 13 St. Benedict's Street, Norwich, NR2 4PE**

from Harriet Carter  
14A St. Benedict's Street, Norwich, NR2 4AG

**Licensing Objectives: 1) To prevent crime and disorder**

On St. Benedict's Street we already have many establishments selling alcohol, but of these The Lounge has in the past been the least well-controlled, which gave it a reputation that will be hard to live down. I do understand that the new focus is "to create a restaurant with family appeal" and a Middle Eastern theme, but why would a family restaurant need to remain open until 1:30am? (I believe this is 1½ hours later than The Bicycle Shop, a live-music venue which *does not* promote itself as a family restaurant.) There are already regular occurrences of alcohol consumption on the streets, loud and often abusive language, public defecation and urination (including against my front wall), littering, or other disorderly conduct. Although these are rarely attributable to specific premises, I trust that the new establishment will *not* contribute to these public disturbances and general late-night noise. However, there is potential for any or all of these.

**2) Public Safety**

St Benedict's Street is a busy area with such narrow pavements that pedestrians often have to walk in the road. Congestion has been exacerbated at several other establishments on the street when there is no *actual* provision of an off-street smoking area, (*even where the original premises licence and plans stipulated the construction of one*). In effect the pavements are often used as an extension of licensed premises, especially by smokers.

**3) To prevent public nuisance**

The area around St Benedict's, Westwick, Pottergate and St Gregory's Alley is not only a commercial area of small shops, but also a *residential area*. The City Council has spent a great deal of thought and money in creating a *mixed* community of businesses and residents called 'The Lanes', in order to attract shoppers and tourists. As a result, noise can be a significant problem to nearby residents. It should be noted that there has been a marked reduction in noise level during the period The Lounge has been closed for refurbishing. In the current application, I notice that although "live and recorded music (is no longer) fundamental to its operation", dancing and amplified music, (whether live or recorded) are still proposed until 1am. I note also that no 'wind-down' period is provided between the end of the licensable activities and closing time. In addition, contrary to what I believe are the council's conditions for licensing, waste receptacles (in particular bottle bins) are routinely emptied externally between the hours of 2000 and 0800. . All of these contain potential for further impact on living conditions (and therefore the potential for public nuisance).

**4) To protect children from harm**

I assume the usual safeguarding will apply for young customers *within* the premises. As for the wider public, St. Benedict's Street has a considerable foot-traffic, day and night, of people of *all* ages and vulnerabilities. Our progress may well be threatened, physically or emotionally, by any of the situations described under Objectives 1, 2 and 3 above.

Signed:

Date: 3 July 2016

Norwich City Council Licensing Authority  
Licensing Act 2003

CORPORATE RESOURCES

27 JUN 2016

POST ROOM

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

Your name/organisation name/name of body you represent (see note 1)	Mr Daniel Bramham
Postal address	Flat 6 4 St Benedicts Street Norwich NR2 4AG
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	The Lounge
Address of the premises you wish to support or object to.	13 St Benedicts street NR2 4PE

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	Late night venues on St Benedicts disturb local residents, the lounge was previously extremely noisy with no attempt to
Public safety	minimise disturbance. Attendees would also use the alleyway opposite to urinate in.
To prevent public nuisance	The activity and operational times are extremely late for a restaurant with family appeal. Late night noise is likely to cause disturbance to local residents.
To protect children from harm	

RECEIVED  
27 JUN 2016  
LICENSING OFFICE

Please suggest any conditions which would alleviate your concerns.	I would like to see a floor plan, details of 'Steps taken to minimise noise transfer' as listed in the Application Summary.
--	---

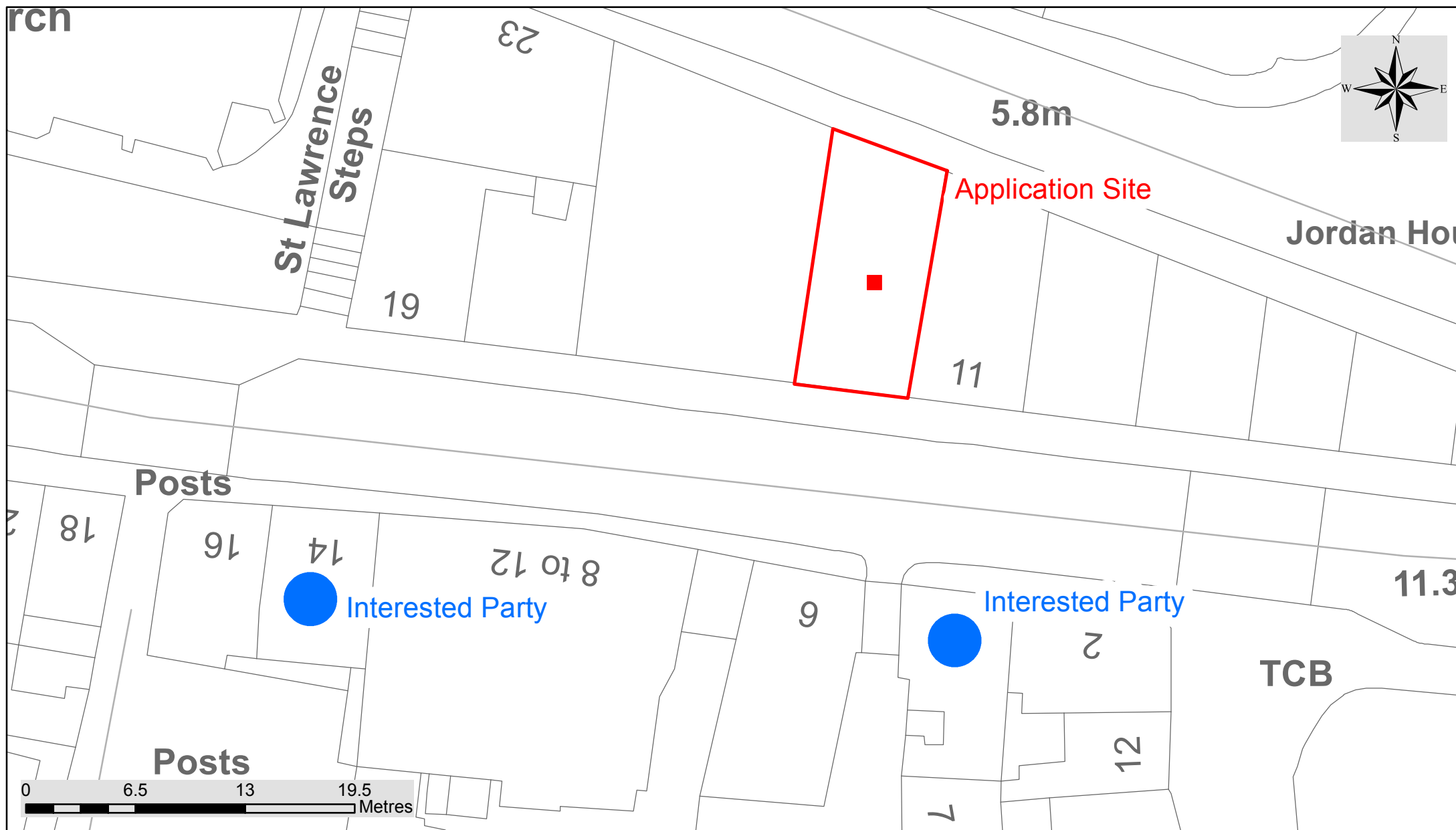
Signed

Please see notes on reverse

Date:

19/6/16 I would like to attend the Licensing Sub Committee Meeting to discuss in further detail please.





This copy has been produced specifically to supply an individual with authority data. No further copies can be made.

Norwich City Council - Licensing

Premises: 13 St Benedicts St (formerly The Lounge)

Scale: 1:300

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright and database right 2012. Ordnance Survey 100019747. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Historic Land Use data © Landmark Information Group Ltd

# 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.

### 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 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’, i.e. 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 appropriate 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)**

### **Licence conditions – general principles**

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

### **Each application on its own merits**

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

## **Crime and disorder**

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be 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 (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate 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.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

## **Public nuisance**

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate 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 the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.19 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 other

persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 Conditions relating to noise nuisance will usually concern steps appropriate 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, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate 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.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area 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 appropriate.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening 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 immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate 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.

2.24 Beyond the immediate area surrounding the premises, these are matters for the 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, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **Determining actions that are appropriate for the promotion of the licensing objectives**

9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or

other persons, and representations made by the applicant or premises user as the case may be.

9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

## **Conditions attached to premises licence**

### **General**

10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

### **Proposed conditions**

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they 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 during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

## **Consistency with steps described in operating schedule**

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

## **Imposed conditions**

10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

## **Proportionality**

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

## **Hours of trading**

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

## **The need for licensed premises**

13.18 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.