

### **Licensing sub committee**

**Date:** Wednesday, 26 September 2018

**Time:** 14:15

**Venue:** Mancroft room

**City Hall, St Peters Street, Norwich, NR2 1NH**

**Pre-meeting briefing for members of the committee only  
15 minutes before the start of the meeting**

**Committee members:**

**For further information please contact:**

**Councillors:**

Malik (chair)

Maxwell

Raby

**Committee officer:** Alex Hand

t: (01603) 212459

e: alexhand@norwich.gov.uk

Democratic services

City Hall

Norwich

NR2 1NH

[www.norwich.gov.uk](http://www.norwich.gov.uk)

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## **Agenda**

### **1 Apologies**

To receive apologies for absence

### **2 Declarations of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

### **3 Application for the Variation of a Premises Licence – Bished (formerly Roccas), 86 – 88 Prince of Wales Road Norwich NR1 1NU**

**3 - 64**

**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.

### **\*4 Exclusion of the public**

Consideration of exclusion of the public.

Date of publication: **Tuesday, 18 September 2018**

<b>Report to</b>	Licensing sub committee 26 September 2018	<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 – Bished (formerly Roccas), 86 – 88 Prince of Wales Road Norwich NR1 1NU	

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## **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 the premises licence 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, including the cumulative impact 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:** Thorpe Hamlet

**Cabinet member:** Councillor Maguire – safe city environment

## **Contact officers**

Maxine Fuller, licensing assistant

01603 212761

## **Background documents**

None

## **Report**

### **The application**

1. The applicant is Steve Peri.
2. In summary the application seeks to:
  - Extend the hours for opening and the licensable activities
  - Add the licensable activity provision of plays
  - Add a slightly altered plan layout
  - Remove three conditions attached to the licence in Annex 2

### **Operating Schedule**

3. A copy of the existing licence and operating schedule is attached at appendix A to the report.
4. 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 – 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. One representation objecting to the application has been received from the Norfolk Constabulary. A copy of the representation is 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, including the cumulative impact policy at paragraph 29.

## **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, including the cumulative impact 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.



**NORWICH**  
City Council

**Premises Licence Summary**

**Premises Licence Number**

**05/02570/PREM**

**Premises Details**

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

Rocco's  
86 - 88 Prince Of Wales Road  
Norwich  
Norfolk  
NR1 1NJ

**Telephone number** 01603 624000

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

**The times the licence authorises the carrying out of licensable activities**

Ent like live/recorded music/dance	Every Day	09:00 - 02:30
Films	Every Day	09:00 - 02:30
Late Night Refreshment	Every Day	23:00 - 02:30
Live Music	Every Day	09:00 - 02:30
Performances of Dance	Every Day	09:00 - 02:30
Sale by Retail of Alcohol	Every Day	09:00 - 02:00
Recorded Music	Every Day	06:00 - 02:30

**The opening hours of the premises**

Monday	06:00 - 02:30
Tuesday	06:00 - 02:30
Wednesday	06:00 - 02:30
Thursday	06:00 - 02:30
Friday	06:00 - 02:30
Saturday	06:00 - 02:30
Sunday	06:00 - 02:30

**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 Steve Peri  
86-88 Prince Of Wales Road  
Norwich  
NR1 1NJ

**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**

Toby Middleton

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



Premises Licence Number

05/02570/PREM

**Part 1 – Premises Details**

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

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86 - 88 Prince Of Wales Road  
Norwich  
Norfolk  
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Friday	06:00 - 02:30	
Saturday	06:00 - 02:30	
Sunday	06:00 - 02:30	

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

**Part 2**

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

Mr Steve Peri  
86-88 Prince Of Wales Road  
Norwich  
NR1 1NJ

**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**

Toby Middleton



**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:



Licensing Authority:



## Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 No moving picture shall be exhibited unless: -
  - (i) it has received a "U", "PG", "12A", "15" or "18" certificate of the British Board of Film Classification; or
  - (ii) it is a current newsreel which has not been submitted to the British Board of Film Classification; or
  - (iii) the permission of the Licensing Authority is first obtained and any conditions of such permission are complied with.
- 4 No person under the age of 18 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received an "18" certificate from the British Board of Film Classification.
- 5 No person under the age of 15 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "15" certificate from the British Board of Film Classification.
- 6 No person under the age of 12 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "12A" certificate from the British Board of Film Classification.
- 7 Where, at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.
- 8
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
    - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
    - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 9 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 10
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
- (b) an ultraviolet feature.
- 11 The responsible person shall ensure that:
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
- (i) beer or cider half pint
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 12 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 13 For the purposes of the condition set out in paragraph 1:
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula:
- $$P = D + (D \times V)$$
- Where:
- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:
- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 14 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- 15 Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 16 Where the film classification body is specified in the licence, unless subsection (12)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
- 17 Where
- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 18 In this section "children" means any person aged under 18; and

"film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

19 Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

20 But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

21 For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

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

- 1     **General - all four licensing objectives**
- 2     The premises shall not trade beyond the hours currently imposed by the planning restriction or beyond such hours as may on application to vary be imposed from time to time.
- 3     There will be no new admissions to the premises after 01:00 every day of the week.
- 4     The DPS or suitable representative will be a member of the "Norwich Licensing Forum" and "Norwich Pubwatch", and will attend at least 3 meetings of each per year.
- 5     **The Prevention of Crime and Disorder**
- 6     A CCTV system covering inside and entry and exit points will be operated and maintained in good working order.
- 7     At least 2 SIA registered door supervisors will be on duty on Thursday, Friday and Saturday nights, from 21:00 to closing, and at least 1 door supervisor at other times of peak demand.
- 8     A "No ID No Entry" policy will be operated when door supervisors are in place, for those that appear to be under 21 and not accompanied by an adult.
- 9     At all times that the premises are open for licensable activities, a sufficient number of competent staff will be on duty to ensure the terms and conditions of the licence are complied with, and for preventing crime and disorder.
- 10    The premises will have an incident book, which will be open for inspection by the police or authorised officer.
- 11    No patrons shall be allowed to leave the premises with any drinking vessel or open glass bottle.
- 12    The premises will have a burglar alarm.
- 13    All bars will have panic buttons to alert door staff.
- 14    No discounted pricing policy will be operated for the sale of alcohol.
- 15    Substantial food will be available for sale at all times that the premises is open for licensable activities.
- 16    **Public Safety**
- 17    A fire risk assessment and a health and safety risk assessment will have been undertaken in respect of the premises.
- 18    All parts of the licensed premises shall be open to inspection during any function authorised under the licence or at any other reasonable time by a Police Officer or a Fire Officer or a duly authorised officer of the City Council.
- 19    Printed notices shall be displayed at suitable positions in the building stating in concise terms the essentials of the action to be taken upon discovering a fire and on hearing the alarm.
- 20    Nothing shall be done or permitted to be done on or in the proximity of the licensed premises which may impede or endanger the speedy exit of persons from the licensed premises and, all gangways, corridors, staircases and external passages intended for exit purposes shall be kept entirely free from obstruction whether permanent or temporary.
- 21    The Licensee shall do what is reasonably practicable to prevent obstruction of exits, external courts, passageways, stairways and ramps leading to the outside of the licensed premises by persons waiting to gain admission thereto.
- 22    Mats and other floor coverings shall be secured and maintained so that they will not ruck or in any way be a source of danger to persons using the licensed premises. New floor coverings should be approved by the Chief Fire Officer.
- 23    (i) Where so required by the Licensing Authority no fastenings, other than automatic bolts, shall be fitted on exit doors used by the public except of such a pattern and in such positions as the Licensing Authority may determine. Automatic bolts shall be of such a pattern that horizontal pressure on the crossbars will open the doors. The crossbars shall, where practicable, be placed at a height of 1 metre from the bottom of the door. Doors fitted with automatic bolts shall have the words "PUSH BAR TO OPEN" painted upon them in block letters at least 100 millimetres high.  
  
      (ii) If the Licensing Authority give consent to the use of chains, padlocks or other locking devices for securing exit doors when the public are not on the premises, a responsible person shall be required to remove such chains padlocks or other devices before the admission of the public and such chains, padlocks or other devices shall not be replaced during the whole time the public are present in the licensed premises.
- 24    Where collapsible gates or roll up shutters are used, these must be locked in the open position whilst the public are present. Revolving doors shall not be counted as exits.

- 25 At all times when the licensed premises are being used in pursuance of this licence all exit doors shall be kept unlocked and shall be maintained in such a condition as to be immediately available for use.
- 26 All exits, other doors or openings used by the public for the purpose of exit shall be indicated by exit signs complying with The Health and Safety (Safety Signs and Signals) Regulations, 1996. (B.S. 5499 signs comply with this standard). The signs to be sited at a height of at least 2.1 metres above floor level above or beside the exits.
- 27 All barriers and doors shall be made to swing or open outwards, unless the Licensing Authority are satisfied that this is unnecessary with regard to any particular door or doors, and the method of opening shall be indicated thereon.
- 28 All stairs and steps comprising parts of the means of escape in case of fire shall be maintained with non-slippery and even surfaces and shall be provided with appropriate handrails.
- 29 On those occasions when people with disabilities are present on the licensed premises such special arrangements as may be necessary in the circumstances shall be made so as to enable all persons to leave the licensed premises safely in the event of fire.
- 30 Two separate and independent systems of lighting sufficient to enable persons to see their way out of the premises should be provided.

(i) Normal Lighting

All parts of the premises to which the public have access and all external exitways should be provided sufficient illumination of those parts of the premises for the public to leave the premises safely. In the absence of adequate daylight whenever the public are on the premises the normal lighting should be kept on.

(ii) Emergency lighting

All parts of the premises to which the public have access and all external exitways should be provided with emergency lighting capable of providing sufficient illumination for the public to leave the premises safely.

On failure of a local lighting circuit the emergency lighting should be brought into use immediately and automatically.

The system should be a combination of maintained and non maintained units. All fire exit notices should be of the maintained type. Maintained emergency lighting units are required to be illuminated at all times the public are present on the premises.

Non maintained emergency lighting units are only required to be illuminated when the normal local lighting circuit fails.

The emergency lighting system shall be tested monthly, six monthly and three yearly in accordance with the guidelines contained in BS.5266 Part 1:1988. A record of the tests shall be kept in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.

- 31 Surfaces of walls and ceilings etc:

Apart from small areas of wall surface the surface finish of walls and ceilings should correspond to a standard not lower than that indicated in the appropriate surface spread of flame classification given below :-

Class 0 In circulation spaces and escape routes.

Class 1 In rooms, including auditoria and places of assembly other than small rooms.

Class 3 In small rooms (not exceeding 4m<sup>2</sup>)

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

- 32 (i) Where new or replacement upholstered furniture is provided for the premises or the existing furniture refurbished, the upholstered furnishings provided should conform with British Standard 7176: 1989 "Resistance to ignition of upholstered furniture" and be suitable for "Medium Hazard" situations.



- (ii) The outer covering of all upholstered furniture provided in the premises should be maintained in good repair to ensure that the filling materials are not exposed.
- 33 Suitable fire fighting equipment shall be provided on the licensed premises and placed in suitable positions ready for immediate use. All fire equipment shall be maintained in efficient working order. Portable fire extinguishers shall be examined at least once annually in accordance with BS5306 Part 3 : 1985. The dates of such tests shall be clearly marked on the extinguisher attached to a stout label. A record shall be kept in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or the Fire Officer on request. Hose reels shall be tested at least annually to ensure that they are in good working order and will produce a satisfactory jet of water.
- 34 Fire alarm systems will be required in premises on the following basis.
- |                                  |   |                   |
|----------------------------------|---|-------------------|
| All types                        | - | Minimum type M.   |
| Accommodating over 300 persons - |   | Voice evacuation. |
- Electrical fire warning systems shall be installed and maintained in accordance with BS.5839: Part I: 1988. The fire warning system is to incorporate relays to cut out all entertainments sound systems as soon as the fire warning system is activated.
- 35 Fire alarms and automatic fire detection where fitted, shall be maintained in efficient working order and shall be tested or examined whenever required by the Licensing Authority or the fire Officer. In addition, the alarms shall be tested weekly using a different call point for each successive test to ensure the alarm operates satisfactorily. It must be examined once a year by a competent person. A record of the tests and examinations shall be recorded in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.
- 36 Whenever the licensed premises are being used for the purposes of public dancing or music or other public entertainment of a like kind there shall also be during that time sufficient competent attendants on duty. These attendants must have been instructed in the safety precautions to be observed and in the action to be taken in case of fire or other emergency. Fire routines and evacuation procedures shall be regularly checked and practice and a record of such checks and practices shall be recorded in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.
- 37 The Licensee shall ensure that records of staff training are kept, to include the names of the staff attending each practice drill, and details of the training and instruction given. The following are examples of matters which need to be included in such a record :-
- (a) date of the instruction or exercise;
  - (b) duration;
  - (c) name of the person giving the instruction;
  - (d) name of the person(s) receiving the instruction; and
  - (e) the nature of the instruction, training or drill.
- 38 Practice fire drills shall be held at least once every month and shall be conducted by the Licensee or a competent person appointed by him/her. They shall be attended by at least one-third of the staff including any member who has been appointed since the previous practice drill or who has not attended a practice drill within the preceding three months. Where one-off performances are given, all staff should be made aware of their duties prior to the event.
- 39 The electrical installation in the premises shall be subjected to tests no less stringent than those required by BS 7671: 1992. A current completion certificate, or periodic inspection report in the prescribed form, completed by an N.I.C.E.I.C./E.C.A. electrical contractor, and schedule of test results, shall be submitted with the application for the licence.
- 40 (i) A residual current device(s) shall be mounted and maintained as part of the fixed wiring installation of the premises. The device(s) shall conform to the appropriate British Standard/Euro norm with no intentional time delay included, and shall have a rated residual operating current no greater than 30mA.



(ii) The device(s) shall protect the electrical installation which serves those parts of the entertainment premises to which the public and performers have access. No unprotected electrical supply shall be introduced into those parts of the premises.

41 The licensee shall ensure that the electrical installation for the premises is properly maintained and used in a safe manner.

42 (i) All electrical equipment shall be maintained so as to prevent, so far as is reasonably practicable, danger to any person on the licensed premises. Electrical equipment includes anything used, intended to be used or installed for use, to generate, provide, transmit, transform, rectify, convert, conduct, distribute, control, store, measure or use electrical energy.

(ii) The licensee shall ensure that any item of electrical equipment brought onto the premises for the purpose of an entertainment shall have a current certificate to verify that it has been subjected to necessary test/inspections to guarantee it is safe to use.

43 All public parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Licensing Authority.

44 Suitable and sufficient cloakrooms and sanitary accommodation shall be provided in accordance with BS6465, part 1 1994 and indicated by such notices and signs as the Licensing Authority may consider necessary for persons frequenting the licensed premises.

45 An adequate number of hand wash basins shall be provided to the satisfaction of the Licensing Authority.

46 At least one separate closet shall be provided for each sex, and where accommodation for males is more than 50, sufficient urinal accommodation shall be provided in addition.

47 Urinal stalls shall be fitted with automatic flushing devices. Closets, urinals and drains shall be constructed and fitted in accordance with the Building Regulations.

48 The several lavatories, closets, urinals and wash hand basins serving the licensed premises shall at all times be kept in good order and repair and be properly and effectually cleansed, disinfected, ventilated, supplied with water where necessary, and lighted.

49 There will be a maximum capacity number of 550 people when tables and chairs are provided, and 600 when the premises is devoid of tables and chairs.

50 **The Prevention of Public Nuisance**

51 The premises will have full acoustic sound proofing to both ceilings and walls.

52 The windows and doors will be kept closed (except for allowing access to and from the premises) from 23:30 when music or other amplified sound is taking place.

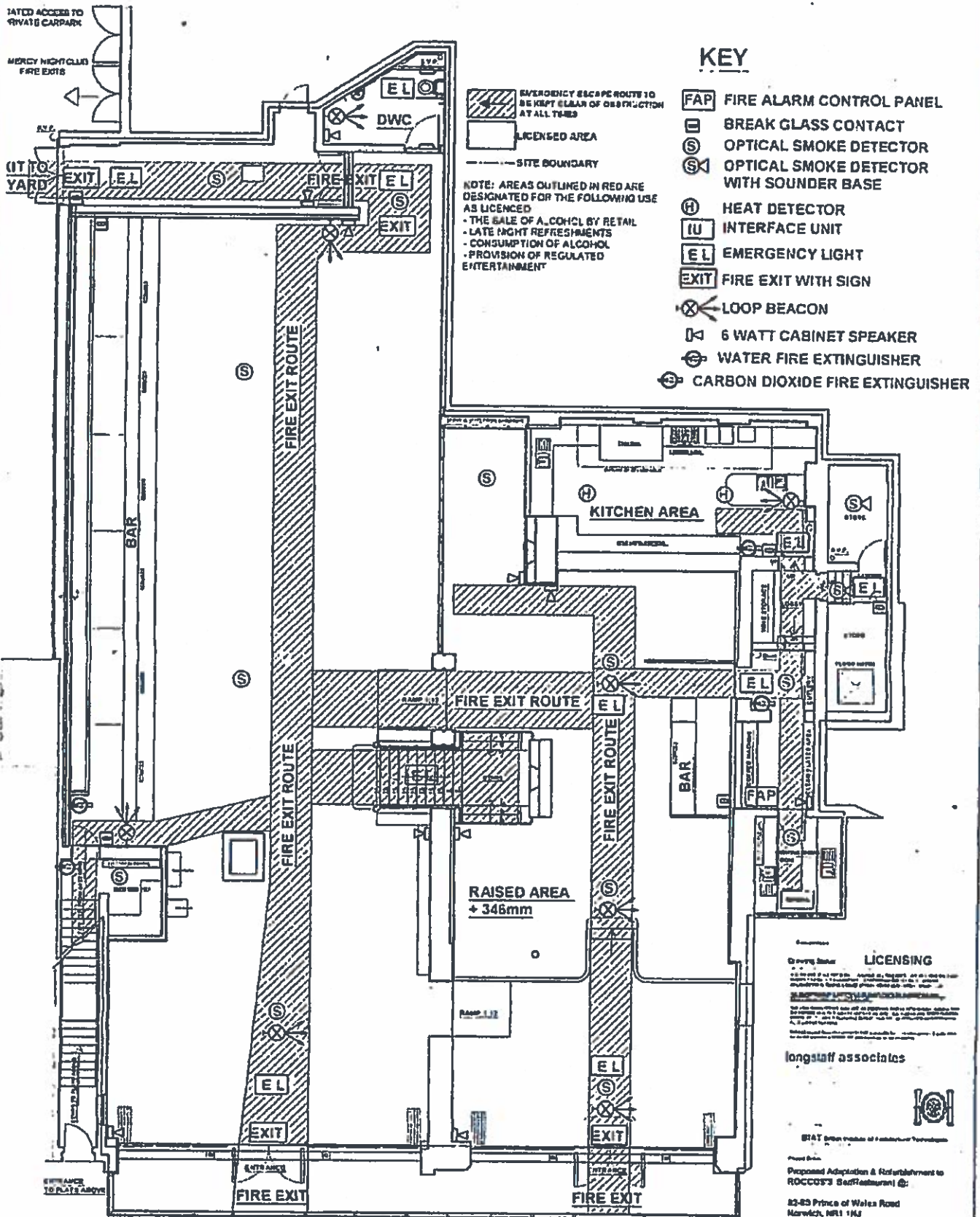
53 Staff and door supervisors will monitor the activity of patrons leaving the premises and remind them of their public responsibilities when necessary.

54 Deliveries to and collections from the premises will take place between 08:00 and 17:00.

55 **The Protection of Children From Harm**

56 The premises will operate an effective photographic proof of age scheme in relation to the sale of alcohol.

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



# KEY

**FAP**

**B**

BREAK GLASS CONTACT

**S**

OPTICAL SMOKE DETECTOR

**SK**

OPTICAL SMOKE DETECTOR WITH SOUNDER BASE

**H**

HEAT DETECTOR

**IU**

INTERFACE UNIT

**EL**

EMERGENCY LIGHT

**EXIT**

FIRE EXIT WITH SIGN

**X**

LOOP BEACON

**W**

6 WATT CABINET SPEAKER

**W**

WATER FIRE EXTINGUISHER

**W**

CARBON DIOXIDE FIRE EXTINGUISHER



EMERGENCY ESCAPE ROUTES TO BE KEPT CLEAR OF OBSTRUCTION AT ALL TIMES



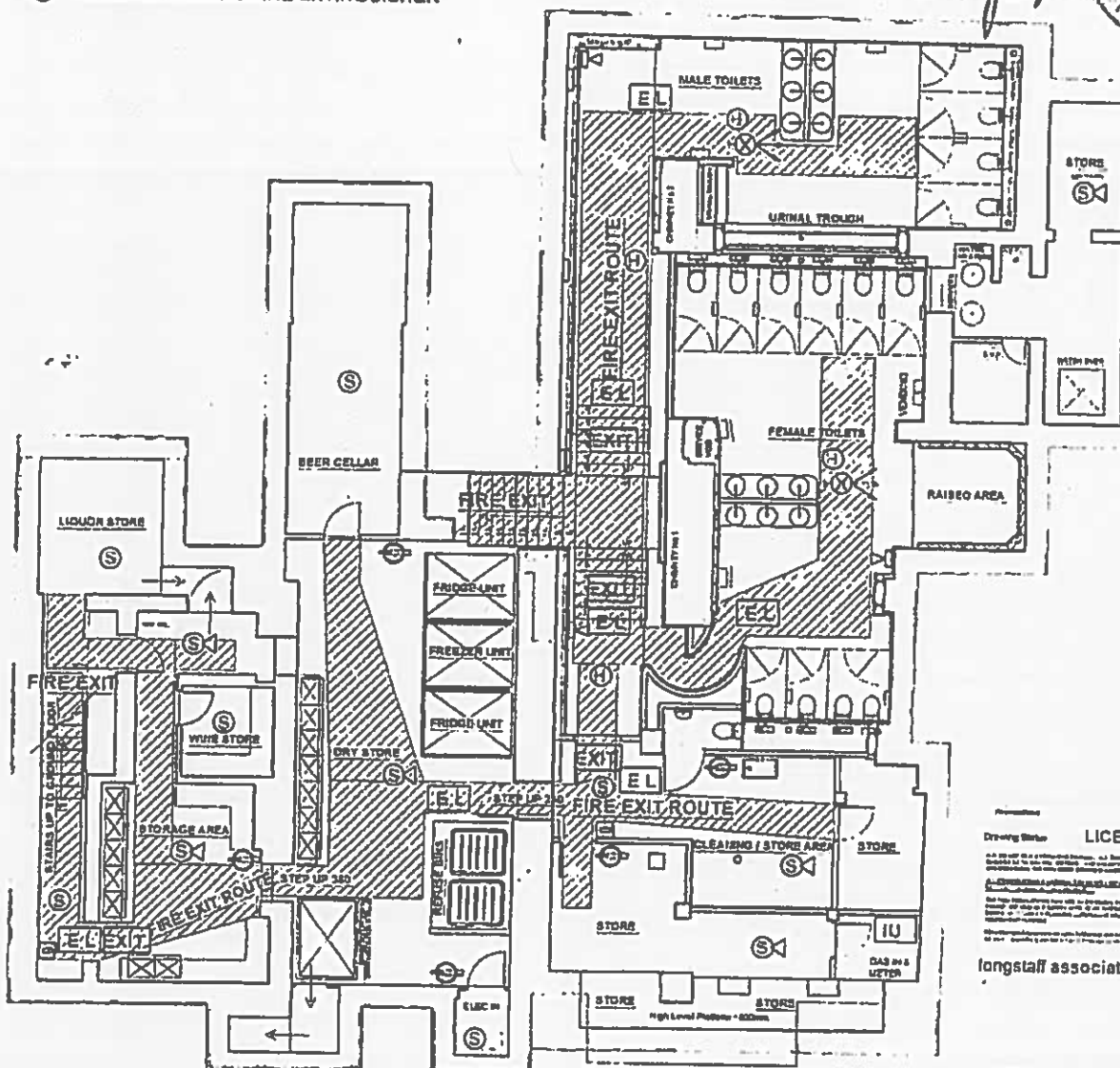
TOILET AREAS

--- SITE BOUNDARY

NOTE: TOILET AREAS (OUTLINED AREA) ARE DESIGNATED FOR THE FOLLOWING USES AS LICENSED:  
- LATE NIGHT REFRESHMENTS  
- CONSUMPTION OF ALCOHOL

MODIFICATION OF ANNUL

Date: 16th August 2000



**BASEMENT GENERAL ARRANGEMENT 1:100**

**LICENSING**  
 Drawing Number  
 Proposed Adaptation & Refurbishment to  
 ROCCO'S Bar/Restaurant  
 82-88 Prince of Wales Road  
 Norwich, NR1 1NU

longstaff associates



SIAT is a member of Architectural Technology

Project Name

Proposed Adaptation & Refurbishment to  
 ROCCO'S Bar/Restaurant

82-88 Prince of Wales Road  
 Norwich, NR1 1NU

**BASEMENT G.A.**

Scale: 1:100 @A3

Client: M & P Ltd

Architect: J. BAYNE

ARCH 029



**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 18**

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

Not Currently In Use

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

Your reference

Bished

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

Steve

\* Family name

Peri

\* E-mail

Main telephone number

Other telephone number

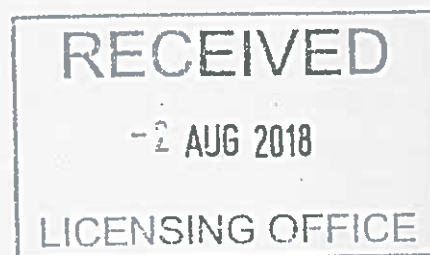
☐ Indicate here if you would prefer not to be contacted by telephone

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.



Include country code.

Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

* Building number or name	86-88
* Street	Prince of Wales Road
District	
* City or town	Norwich
County or administrative area	Norfolk
* Postcode	NR1 1NJ
* Country	United Kingdom

**Section 2 of 18**

**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	05/02570/PREM
---------------------------	---------------

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	86-88
Street	Prince of Wales Road
District	
City or town	Norwich
County or administrative area	Norfolk
Postcode	NR1 1NJ
Country	United Kingdom

**Premises Contact Details**

Telephone number	
Non-domestic rateable value of premises (£)	109,000

**Section 3 of 18**

**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.

86-88 Prince of Wales Road is currently licensed as 'Roccos' a club/restaurant based on a ground floor plot with entry and exit onto a wide paved section of the street. The basement has access to fire exits to the rear of the building and has toilets for females and males, otherwise is set out for food and drink storage. The Plan drawing accompanying this application shows the ground floor which has no structural changes to the perimeter but a slightly altered layout so that the venue can be used for more variety of live entertainment and less for sit down consumption of food. The overall bar serving area is less and 2 stage performance areas are being built. The offer to customers will be entertainment led with the main attraction 'Playground' events featuring novelty performers and circus style acts. The operating schedule is aimed at both mature and sophisticated fun loving customers and a bespoke student night event for those who are looking for something different on their evenings out. The venue will have a pay on entry policy priced to attract the more discerning customer and for the variety of the entertainment experience.

#### Section 4 of 18

#### PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays 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.

Continued from previous page...

TUESDAY

Start 23:00

End 04:00

Start

End

WEDNESDAY

Start 23:00

End 04:00

Start

End

THURSDAY

Start 23:00

End 04:00

Start

End

FRIDAY

Start 23:00

End 04:00

Start

End

SATURDAY

Start 23:00

End 04:00

Start

End

SUNDAY

Start 23:00

End 04:00

Start

End

Will the performance of a play 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.

Provide further details here.

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.

The premises are insulated to a high acoustic specification. The inclusion of plays would allow for group performances involving live acting which may be supplemented with live or recorded music played through the speaker system.

State any seasonal variations for performing plays.

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



Continued from previous page...

Non standard timings. Where the premises will be used for the performance of a play 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.

On New Year's Eve - New Year's Eve 09:00hrs to 09:00hrs New Year's Day  
An additional hour to allow for the end of British Summer Time

## Section 5 of 18

### PROVISION OF FILMS

See guidance on regulated entertainment

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

☒ Yes

☐ No

#### Standard Days And Timings

##### MONDAY

Start 23:00

End 04:00

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 23:00

End 04:00

Start

End

##### WEDNESDAY

Start 23:00

End 04:00

Start

End

##### THURSDAY

Start 23:00

End 04:00

Start

End

##### FRIDAY

Start 23:00

End 04:00

Start

End

##### SATURDAY

Start 23:00

End 04:00

Start

End

Continued from previous page...

SUNDAY

Start 23:00

End 04:00

Start

End

Will the exhibition of films 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.

The inclusion of this activity would allow for showing of films and other visual media using the safe and sound proofed environment of the premises. Some recorded music and soundtracks would accompany the screening.

State any seasonal variations for the exhibition of film.

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 exhibition of film 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.

On New Year's Eve - New Year's Eve 09:00hrs to 09:00hrs New Year's Day  
An additional hour to allow for the end of British Summer Time

#### Section 6 of 18

##### PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

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

☐ Yes

☒ No

#### Section 7 of 18

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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 18

##### PROVISION OF LIVE MUSIC

Continued from previous page...

See guidance on regulated entertainment

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

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.

The inclusion of this activity allows for performances of live music while the premises are open to enhance the entertainment offer.

State any seasonal variations for the performance of live music

Continued from previous page...

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.

On New Year's Eve - New Year's Eve 09:00hrs to 09:00hrs New Year's Day  
An additional hour to allow for the end of British Summer Time

## Section 9 of 18

### PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

Continued from previous page...

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

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 will be played via the venue's speaker sound system. The premises conform to a high level of acoustic protection.

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.

On New Year's Eve - New Year's Eve 09:00hrs to 09:00hrs New Year's Day  
An additional hour to allow for the end of British Summer Time

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide performances of dance 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.

Continued from previous page...

TUESDAY

Start 23:00

End 04:00

Start

End

WEDNESDAY

Start 23:00

End 04:00

Start

End

THURSDAY

Start 23:00

End 04:00

Start

End

FRIDAY

Start 23:00

End 04:00

Start

End

SATURDAY

Start 23:00

End 04:00

Start

End

SUNDAY

Start 23:00

End 04:00

Start

End

Will the performance of dance 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.

The inclusion of this activity will allow for a wider range of live entertainment including performances of dance which may be accompanied by music played through the venue's speaker system.

State any seasonal variations for the performance of dance.

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 dance at different times from those listed above, list below.

Continued from previous page...

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

On New Year's Eve - New Year's Eve 09:00hrs to 09:00hrs New Year's Day  
An additional hour to allow for the end of British Summer Time

#### Section 11 of 18

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

See guidance on regulated entertainment

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

#### 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

Continued from previous page...

SUNDAY

Start 23:00

End 04:00

Start

End

Provide a description of the type of entertainment that will be provided.

The inclusion of this activity allows for performances by street entertainers and circus type acts within the premises. The range of performances may be accompanied by live or recorded music played through the venue's speaker system.

Will this entertainment 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 entertainment.

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 entertainment 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.

On New Year's Eve - New Year's Eve 09:00hrs to 09:00hrs New Year's Day  
An additional hour to allow for the end of British Summer Time

## Section 12 of 18

### 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

### Standard Days And Timings



Continued from previous page...

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

Will the provision of late night refreshment 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.

The inclusion of this activity will allow for food and refreshment service throughout the period while the venue is open. This will offer customers opportunity to eat while enjoying the entertainment being offered and conclude their night out within the safe and appealing environment of the premises.

State any seasonal variations.

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

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment 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.

On New Year's Eve - New Year's Eve 09:00hrs to 09:00hrs New Year's Day  
An additional hour to allow for the end of British Summer Time

## Section 13 of 18

### SUPPLY OF ALCOHOL

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

☒ Yes ☐ No

#### Standard Days And Timings

##### MONDAY

Start 23:00

End 03:45

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 23:00

End 03:45

Start

End

##### WEDNESDAY

Start 23:00

End 03:45

Start

End

##### THURSDAY

Start 23:00

End 03:45

Start

End

##### FRIDAY

Start 23:00

End 03:45

Start

End

##### SATURDAY

Start 23:00

End 03:45

Start

End

Continued from previous page...

SUNDAY

Start 23:00

End 03:45

Start

End

Will the sale of alcohol be for consumption?

☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

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 the premises will be used for the supply of alcohol 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.

On New Year's Eve - New Year's Eve 09:00hrs to 09:00hrs New Year's Day  
An additional hour to allow for the end of British Summer Time

#### Section 14 of 18

##### 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 18

##### HOURS PREMISES ARE OPEN TO THE PUBLIC

###### Standard Days And Timings

MONDAY

Start 09:00

End 04:00

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	<input type="text" value="09:00"/>	End	<input type="text" value="04:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="04:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="04:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="04:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="04:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="04:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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.

On New Year's Eve - New Year's Eve 09:00hrs to 09:00hrs New Year's Day An additional hour to allow for the end of British Summer Time   
--

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.

Annex 2

2. There will be no new admissions to the premises after 01:00 every day of the week.
4. The DPS or suitable representative will be a member of the 'Norwich Licensing Forum' and 'Norwich Pubwatch' and will attend at least 3 meetings each year. (These Forums no longer operate)
- Public Safety - all listed conditions 17 through to 48 inclusive. (These conditions were transferred from the old 'Public Entertainment Licence' provisions now superceded).
49. There will be a maximum capacity number of 550 people when tables and chairs are provided, and 600 when the premises is devoid of tables and chairs.

- ☒ 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.

Section 16 of 18

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.

There will be no new admissions to the premises after 03:15 every day of the week.

Anyone who appears to be under the age of 25 years shall be requested to provide identification. Only photographic identification shall be accepted such as a passport, driving licence or Citizen's Card with holograms.

b) The prevention of crime and disorder

Notice will be displayed throughout the premises stating that CCTV is in operation.

The licensee shall maintain a digital colour CCTV system at the premises that ensures that all public areas of the licensed premises are monitored including all public entry points and exit points, bar, all dance areas and outside smoking areas. This shall continually record whilst the premises is open to the public. Footage will be kept for a minimum of 31 days and be available to Police or other authorised responsible authority.

A record of staff training in relation to the sale of alcohol will be kept on the premises and available to Police or Licensing Authority on request.

A risk assessment will be carried out ahead of all events on the premises involving specific advertising and promotion. Risk assessments of such events will be used to establish

- the number of SIA door supervisors required
- how queues and dispersal will be controlled
- whether searching on entry is required
- whether plastics or polycarbonates are to be used.

On Friday and Saturday nights, there will be a minimum of 2 SIA registered door supervisors on duty between 7 and 10pm and a minimum of a further 2 SIA registered door supervisors from 10pm onwards.

There will be a door supervisor signing in/off book which will include date, full SIA badge number, tour of duty and times worked. This book will be kept on the premises and available for inspection by Police or Licensing Authority on request.

All incidents involving Door Supervisors shall be recorded in a suitable log, including all refused entries. The log shall be

**Continued from previous page...**

made available for inspection on request to the Police and Officers of the Local Authority.

The door supervisors will monitor capacity using clickers.

A search policy will be in place and documents relating to this will be available for inspection on the premises.

Plastic or polycarbonate drinking vessels will be used. This includes bottles where drinks are served in them. If these are not available then toughened glass will be used.

Toilets will be checked every hour and a log kept of each check. The log shall be made available on request to the Police and Officers of the Local Authority.

Staff members entrusted with the sale of alcohol will be required to complete a log of refusals of service. This log is to be located on the bar at all times and made available to the responsible authorities upon reasonable request.

A Breathalyser will be carried out by door supervisors on patrons deemed intoxicated, for as long as licensing officers supply the breathalyser.

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

**c) Public safety**

According to the risk assessment, entry and dispersal of customers at peak times will be regulated by Stewards wearing high visibility clothing.

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-determined plan.

All escape routes and exits must be kept unobstructed, in good order with non slippery and even surfaces, free from trip hazards and clearly identified.

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.

Fire fighting equipment must be provided in the licensed premises as required by the fire authority.

In the absence of adequate daylight the lighting in any area accessible to the public, members or guests must be fully in operation when they are present.

All exit doors will be easily operable.

Means of escape will be maintained unobstructed and clearly identifiable with emergency lighting and illuminated exit signs.

All recommendations of the Norwich Fire and Rescue Service will be promptly acted upon.

All gas and electrical appliances on the premises will have current safety certificates.

The premises are well ventilated by the use of intake and extractor fans.

A log will be maintained of all incidents/accidents which may occur on the premises.

An adequate and appropriate supply of first aid equipment will be available on the premises.

The provision of the Regulatory Reform (Fire Safety) Order 2005 apply to these premises and accordingly all fire and health and safety risk assessments will be fully implemented.

**d) The prevention of public nuisance**

Litter and detritus resulting from the business which is dropped outside will be cleared up.

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.

Waste and refuse must be removed in a timely manner to a licensed waste disposal facility.

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

Empty bottles and other waste must be stored in a lidded skip within the curtilage of the premises prior to collection.

Operationally the waste must be removed from the public area on a frequent basis and transferred to the skip. Transfer to

*Continued from previous page...*

an external skip or other waste receptacle will not be undertaken between the hours of 21:00 and 08:00 on any day. To secure a reduction in the level of noise emanating from the premises, such that noise levels from amplified music shall not exceed 45db at 63Hz C.B.F., 40db at 125Hz C.B.F. and NR30 over the frequency range from 250Hz to 8KHz as measured at position 1 metre outside any noise sensitive premises and shall not exceed 37db at 63Hz C.B.F., 30db at 125Hz C.B.F. and NR20 over the frequency range from 250Hz to 8Kz as measured inside any adjoining noise sensitive premise.

Bar managers to establish a closing time management policy designed to reduce rowdy behaviour on exit at closing time, involving the use of 'notices' requesting that patrons leave and disperse quietly, plus announcements made over the address system.

Regular checks by staff of the immediate outside area and to encourage patrons to use litter bins to dispose of rubbish.

The licence holder shall not display, or allow the display of any advertisement promoting any event or providing entertainment held at the premises, in particular, unless the licence holder has complied with paragraph 1.2

1.1 no display of advertisement(s) shall take place on any;

1.1.1 structure placed on, over, in or adjacent to the highway;

1.1.2 public or privately owned premises or land;

1.1.3 street furniture including litter bins, seating etc;

1.2 there shall be no display of advertisements unless the licence holder has first obtained written consent from;

1.2.1 the owner of the structure, or premises or land, or street furniture and;

1.2.2 the local planning authority which has granted advertisement consent for the advertisement(s) and;

1.2.3 the highways authority (if applicable);

1.2.4 Copies of all relevant consents shall be provided to the licencing authority within 14 days from the date when the request was made by the licensing authority.

1.3 The licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no person promoting or providing entertainment on the premises, nor any person acting on behalf of any such person, shall display in an unlawful manner advertisement(s) promoting or providing entertainment on the premises. In particular; the licence holder will ensure any persons booking, promoting or otherwise providing entertainment on the premises will;

1.3.1 sign and date a disclaimer which will state the following; The display of advertisement(s) such as fly posters is an offence under section 224 of the Town and Country Planning Act 1990 (as amended), if the advertisement(s) do not have express consent from the local planning authority, or if the advertisement(s) are excluded by Schedule 1 of the Town and Country Planning (Control of Advertisement) Regulations 2007. Each advertisement is considered a separate offence; the maximum fine for each offence on conviction is £2,500. As responsible licensed premises, we do not tolerate any unlawful advertisement(s) by person promoting entertainment on our premises.

We will assist fully with any investigation relating to incidences concerning the unlawful display of advertisement(s) including fly posters, banner advertisement(s) etc. We will provide to Norwich City Council, who are the licensing authority a copy of this signed and dated disclaimer and your full contact details on request.

1.3.2 provide their full name and date of birth of any person(s) promoting or providing entertainment on the premises;

1.3.3 provide the name of their business (if applicable)

1.3.4 provide their full business or residential postal address;

1.3.5 provide their contact telephone number

1.3.6 the licence holder will ensure that all contact details have been verified by asking for and retaining a photocopy of any appropriate proof of identification such as a current passport, drivers licence or any other appropriate document that will provide proof of identity to the licensing authority's satisfaction.

1.3.7 if the contact information retained by the licence holder does not meet the criteria set out in 1.3.2 to 1.3.7 ie the details are incomplete or have not been confirmed by verifying the details of the person booking, promoting or otherwise providing entertainment on the premises the licence holder shall be in breach of these conditions.

1.3.8 the licence holder will retain contact details for a period of not less than 3 months from the date of the advertised event or entertainment. All contact details will be provided to the licensing authority within 7 days of any request made to the licence holder.

1.4 the licensing authority may require the licence holder to remove any unlawfully displayed advertisement(s) within 2 days of the date of notification. Failure to remove any unlawfully displayed advertisement(s) in accordance with such a request shall be in breach of these conditions.

1.5 the failure by a licence holder to remove any unlawfully displayed advertisement(s) will result in the licensing authority removing such unlawful advertisement(s). Any costs incurred by the licensing authority in removing such unlawful advertisements shall be recoverable from the licence holder as a debt.

Except for access and egress, doors and windows will be kept closed when licensable music is being played.

The outside area to the rear of the premises shall not be open to or used by the public or customers, other than for use in the case of an emergency for example, in case of fire.



**Continued from previous page...**

An adequate number of staff will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary especially during the terminal hour to assist in a quiet and orderly dispersal of patrons. Volume levels from licensable music, both live and recorded will be monitored both inside and outside the premises by responsible persons with particular regard to excessive noise to neighbouring properties.

e) The protection of children from harm

A suitably worded sign of sufficient size and clarity will be displayed at the point of entry to the premises and at points of sale advising customers that they may be asked to provide proof of age.  
There will be no adult entertainment on the premises.

#### **Section 17 of 18**

#### **NOTES ON REGULATED ENTERTAINMENT**



*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### 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 you 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

Continued from previous page...

\* 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

[Add another signatory](#)

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

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

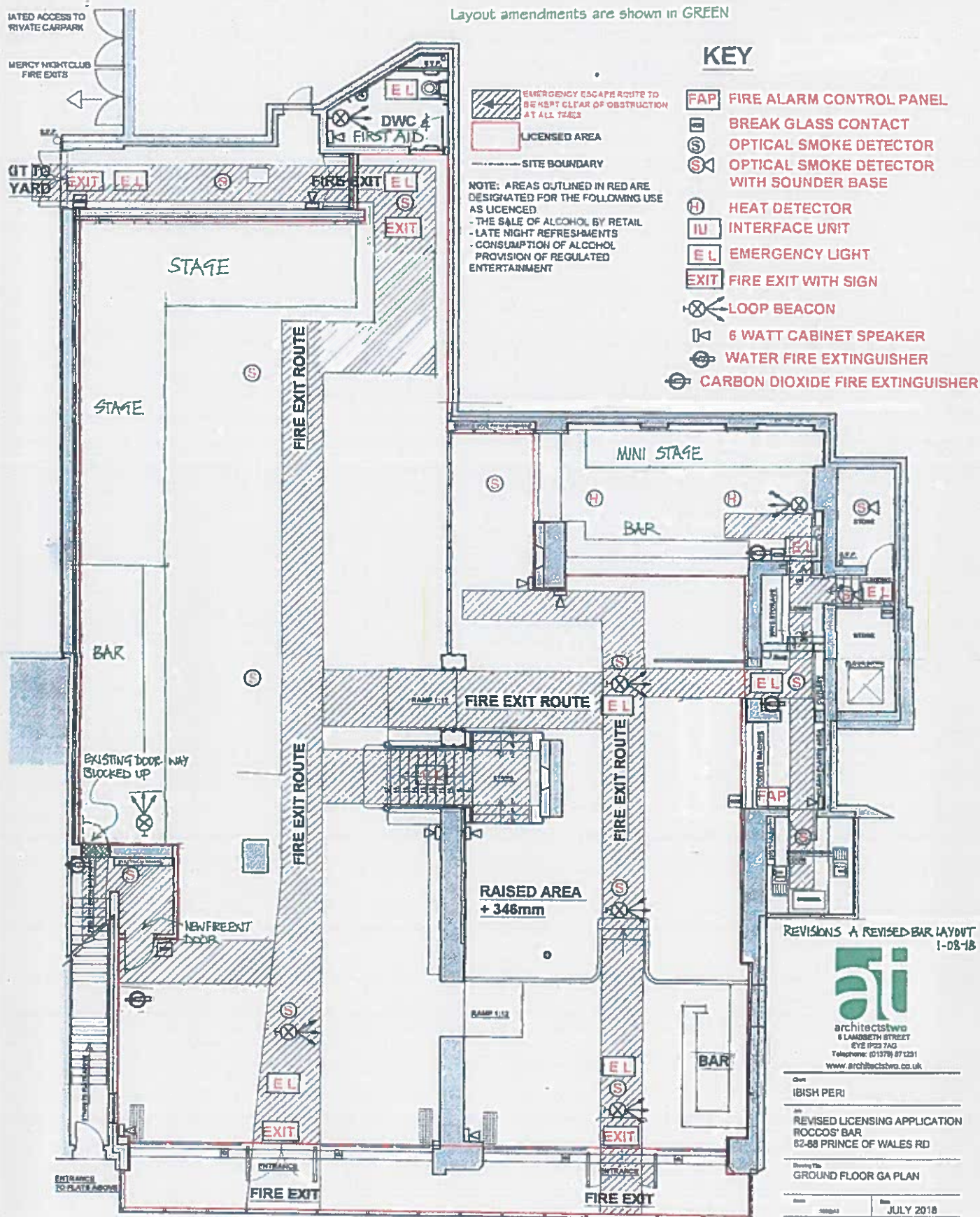
Error message

Is Digitally signed ☐

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

THIS PLAN IS FOR LICENSING PURPOSES ONLY AND SHOULD BE READ IN CONNECTION WITH THE AMENDMENTS TO LICENSE REF 05/02570

Layout amendments are shown in GREEN



GROUND FLOOR GENERAL ARRANGEMENT 1:100

RECEIVED  
-2 AUG 2018  
LICENSING





**NORFOLK**  
CONSTABULARY

*Our Priority is You*

Licensing Manager  
Norwich City Council  
St Peters Street  
Norwich  
NR2 1NN

30<sup>th</sup> August 2018

The Licensing Team

Bethel Street Police Station  
Norwich  
Norfolk  
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: [licensingteam@norfolk.pnn.police.uk](mailto:licensingteam@norfolk.pnn.police.uk)

[www.norfolk.police.uk](http://www.norfolk.police.uk)

Non-Emergency Tel: 0845 456 4567

Dear Sir/Madam

**Application to vary Premises Licence -86-88 Prince of Wales Road, Norwich**

Norfolk Constabulary has received a copy of the application to vary the Premises Licence for 86-88 Prince of Wales Road Norwich.

The application requests an extension of hours for regulated entertainment including films, plays, live music, recorded music until 4am Monday-Sunday and Late Night refreshment until 4am.

In addition, there is a request for the sale of alcohol to be extended until 03.45 hrs daily with a 4am closing time.

The applicant has also requested the removal of current conditions attached to the licence, one specifically being the removal of the current last entry time which is 1am and offering an amended condition of a last entry at 03.15 hrs instead.

The applicant is Mr Steve Peri who has experience in operating venues down Prince of Wales Road including Mercy nightclub.

The current venue was previously called "Roccos" and operated as a dual function, with half being a seated restaurant and the other as a bar with a 2.30 am close. Some of the patrons who frequented the bar attended prior to going into Mercy nightclub.

It should be noted the venue is located within the designated Cumulative impact Zone adopted by Norwich City Council. As such it is incumbent under this policy that the applicant demonstrates to the Licensing Sub-Committee, why the grant or in this case variation of a premises licence will not result in any negative cumulative impact on one or more of the Licensing Objectives and this should be no exception.

It appears that the venue has been "re-branded" and is to be called Bished and significantly, to adopt a new business model moving away from the restaurant model it operated previously. Norfolk Constabulary's understanding is the applicant is intending to operate an entertainment led venue focusing on novelty performers and circus style acts under the "Playground" brand. Therefore it appears on the face of it to be a more drink focussed venue which is supported by the very fact the applicant now seeks to vary their licence to a 3.45am final sale of alcohol and a 4am closing time.

Norfolk Constabulary do have concerns that the granting of this licence variation will undermine the licensing objectives, specifically the prevention of crime and disorder. It is clear the venue is seeking to become a more drink based establishment. As such it is inevitable when a venue which closed previously at 2.30am now seeks to close at 4am there is a likelihood of an increase in crime and disorder associated to it. The applicant seeks to lengthen the period for patrons to consume alcohol and for patrons to remain on the premises for longer. In addition, by the very fact a venue stays open longer in the experience of Norfolk Constabulary results in patrons who have drunk elsewhere seeking to gain entry. Whilst it may be accepted and argued by the applicant that they will robustly refuse entry to any individuals who are not in a fit state to enter. It will again result in inevitable flashpoints and incidents of disorder in dealing with such refusals on the door of the premises. Thus it can be said to increase crime and disorder by the very fact the venue seeks to stay open until 4am.

The number of incidents down Prince of Wales Road generally increases after 3am therefore by permitting the extension from 02.30 until 04.00 hrs, this will undermine the licensing objectives. Prince of Wales Road currently has a last closing time of 4am for all venues operating in this area and this has been agreed with the trade and responsible authorities. The number of venues selling alcohol and closing at 4am in this area sits at 16. The applicant seeks to increase this number. The significance of a venue which previously closed at 2.30am now remaining open until 4am will be there is far more likelihood of increased numbers of patrons coming out onto Prince of Wales Road at the closing time of 4am and thus contribute to crime and disorder in the area.

It is for these reasons Norfolk Constabulary is of the view that there will be an impact on crime and disorder by the grant of the variation of licence as requested. As mentioned earlier, it is for the applicant to demonstrate why there will be "no" impact on one or more of the Licensing Objectives. The presumption will be against the variation being granted unless the steps that the applicant intends to take so satisfies the Council that grant of the variation of licence will not add to the impact already being experienced.

The venue is also operating in a different format, it was originally food orientated with table meals. There is a current condition on the premises licence which states "substantial food will be for sale at all times the premises is open for licensable activities." I understand the intention is for the venue to offer "street food" however this is still a move away from seated meals operation and restaurant set up.

It should be noted the venue has been applying for Temporary Event Notices to operate until 4am to evidence their ability to operate until this time however these have not been used due to the management closing at earlier times.

Police Officers experienced issues with the venue on the opening night of the 11<sup>th</sup> August 2018. Officers highlighted concerns with door staff struggling to maintain order, no queue management, large people traffic accessing the one front entry and exit point and no check for identification of persons potentially underage, or searching taking place on the door. The owner was assaulted by a female at approx. 1am and there was a report of an unresponsive female in the toilets where ambulance attended was also received. The venue closed at 02.30 hrs despite having a TEN until 4am.

The following weekends of the 17<sup>th</sup> and 18<sup>th</sup>, 24<sup>th</sup> and 25<sup>th</sup> August would appear to have been a lot quieter for customers; Police Officers who attended reported that there were only 44 patrons inside the venue at 23.30 hrs on the 17<sup>th</sup> August and no novelty acts performing and again the venue didn't open until 4am.

In conclusion, Norfolk Constabulary does not agree to the application to vary the current premises licence in the terms set out. Whilst it is acknowledged the applicant and his representatives have liaised with ourselves regarding conditions such as CCTV, employment of security staff, a search policy and implementation of polycarbonate drinking vessels, all of which are welcomed. Norfolk Constabulary is still of the opinion that the extending of the licencing hours and making the last entry time later at the venue, will undoubtedly make an increased contribution to crime and disorder in the area. It is respectfully put to the Licensing Sub-Committee that regardless of the operating schedule and conditions put forward by the applicant; it cannot categorically show that having the venue open to 4am will have "No impact" on crime and disorder whatsoever.

Yours faithfully,

Michelle Bartram  
Licensing Officer

## 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 D – cumulative impact special policy**

29.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.

29.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the licensing authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is

therefore primarily a matter for the market to decide and does not form part of this licensing policy statement. (see paragraph 7 of Section A)

29.3 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others;
- the provision of CCTV;
- powers to designate parts of the city as places where alcohol may not be consumed publicly;
- confiscation of alcohol from adults and children in designated areas;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- enforcement action against those selling alcohol to people who are drunk;
- police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise; and
- the power of police, local businesses or residents to seek a review of the licence or certificate.

### **Adopted special policy on cumulative impact**

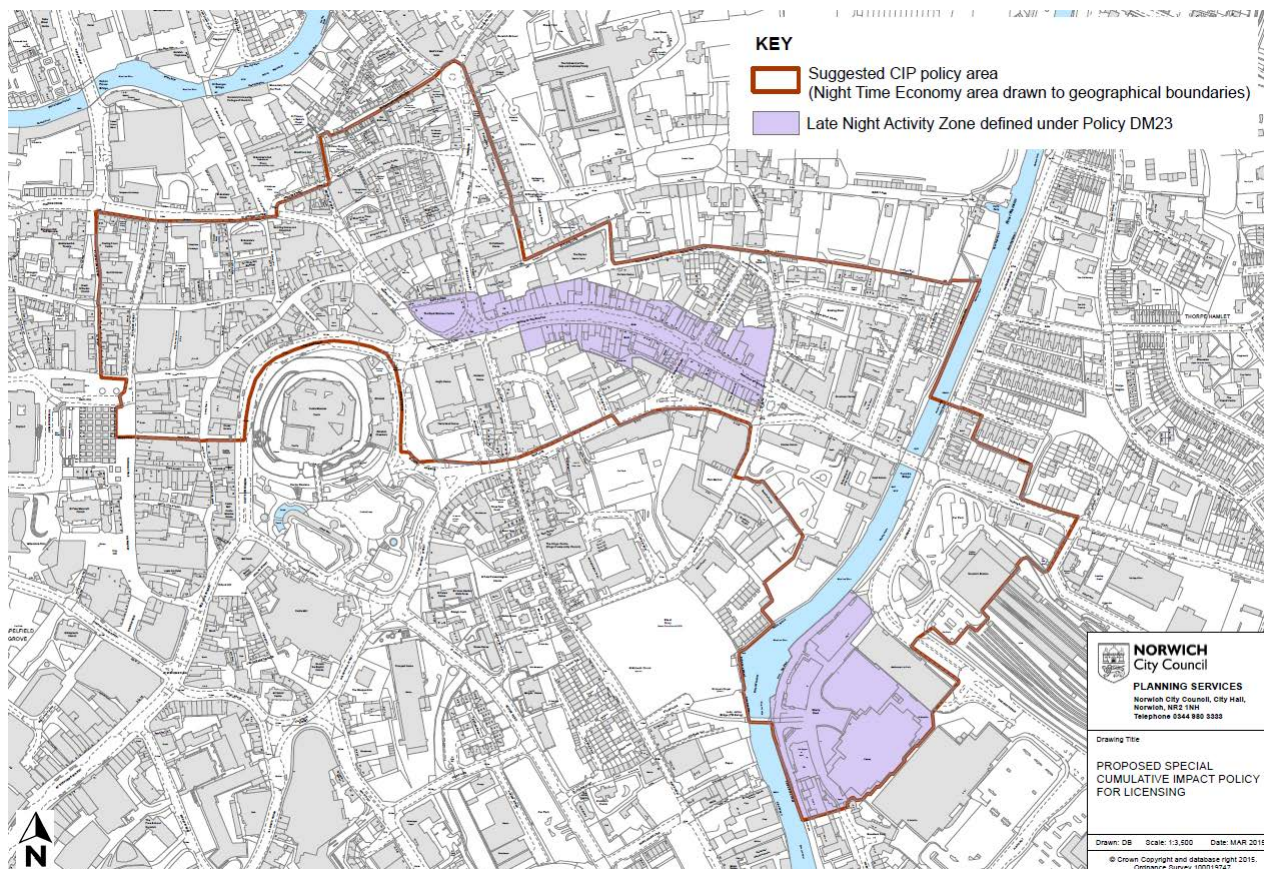
29.4 The licensing authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are causing a cumulative impact on one or more of the licensing objectives.

29.5 The licensing authority received representations from Norfolk Constabulary that the high concentration of premises licensed to sell alcohol and/or provide late night refreshment between the hours of 2100 and 0600 within the police's late night economy public order policing zone produced a detrimental impact upon the licensing objectives.

29.6 The special cumulative impact policy applies to those premises applying for the grant or variation of a licence seeking any of the following licensable activities, between the hours of 2100 and 0600 and within the area indicated on the map shown below:

- the sale by retail sale of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of late night refreshment.





## Applications

29.7 The cumulative impact policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates in respect of premises that fall within the designated cumulative impact area will normally be refused if relevant representations are received, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

29.8 An applicant wishing to obtain a new or varied licence for premises falling within the cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.

29.9 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their site. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.

29.10 Despite the presumption against grant or variation, responsible authorities and other persons will still need to make a relevant representation before the council may lawfully consider giving effect to its cumulative impact policy.

29.11 The council recognises that a cumulative impact policy should not be absolute. The circumstances of each application will be considered properly and application for



licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

29.12 This special policy will not be used:

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

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

## **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.

## **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.

