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|------------------|--|-------------|
| Report to | Licensing sub committee 3 August 2015 | Item |
| Report of | Head of citywide services | 3 |
| Subject | Licensing Act 2003: Application for variation of a Premises Licence – La Tasca 24 Tombland, Norwich, NR3 1RF | |

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 La Tasca 24 Tombland Norwich NR3 1RF following the receipt of relevant representations.

Recommendation

That members determine the application for the variation of a premises licence in respect of La Tasca 24 Tombland Norwich NR3 1RF in accordance with the:

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

Corporate and service priorities

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

Financial implications

None.

Ward/s: All wards

Cabinet member: Councillor Driver – Neighbourhoods and community safety

Contact officers

Ian Streeter, licensing manager

01603 212761

Background documents

None

Report

Variation application

1. The applicant is La Tasca Restaurants Holdings Limited County House Glyme Court Langford Lane Kidlington Oxfordshire OX5 1LQ.
2. A copy of the application is attached at appendix A to the report and seeks to remove conditions 8, 10, 11, 12, 13, 14 and 15 attached to the current premises licence. These conditions are set out below:

8 *The following are not prohibited:*

- a) *During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;*
- b) *Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;*
- c) *The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;*
- d) *The sale of alcohol to a trader or club for the purposes of the trade or club;*
- e) *The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;*
- f) *The taking of alcohol from the premises by a person residing there; or*
- g) *The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or*
- h) *The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.*

9 *Substantial food shall be available throughout the premises at all times the premises are open*

10 *The condition is only to apply when the area is not used for regulated entertainment.*

Part IV restaurant conditions shall apply to the first floor

Alcohol shall not be sold or supplied:

a) *Unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises;*

b) *On the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.*

11 *There shall be an effective photographic proof of age scheme acceptable to the police*

12 *70% of the ground floor shall at all times comprise tables*

13 *There shall be no discounted price policy for the exclusive sale of intoxicating liquor*

14 *Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking meals there, and for consumptions by such persons as an ancillary to his meal*

15 *Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals in the premises.*

3. The application also seeks to amend condition 9 attached to the current premises licence; to permit the premises to operate as a restaurant on the ground floor (with the exception of the bar area); and to permit regulated entertainment on the first floor.

4. The current and proposed wording in respect of condition 9 is set out below:

Current condition 9

Substantial food shall be available throughout the premises at all times the premises are open.

Proposed condition 9

Substantial food shall be available throughout the premises up to midnight.

Operating schedule

5. The applicant proposed that the following conditions be added to their operating schedule:

The premises shall operate as a restaurant on the ground floor with the exception of the bar area identified by the area hatched on the accompanying plan.

A notice shall be displayed at the exit of the premises asking patrons to leave quietly.

Conditions to apply to the first floor:

Regulated entertainment taking place beyond 23.30 shall be limited to once per week.

A noise limiter shall be installed.

Windows shall be kept closed when regulated entertainment beyond 23.30 is taking place.

Consultation

6. Following consultation with the council's environmental protection team, the applicant has agreed the following amended conditions to those contained in paragraphs 4 and 5 of the report:

Substantial food shall be available throughout the premises from opening time until midnight on any day that the premise is open to the public.

The premises shall operate as a restaurant on the ground floor being predominantly laid out with tables and seating, with the exception of the bar area identified by the area hatched on the accompanying plan.

Regulated entertainment beyond 2300 hours will be restricted to the first floor only and any such entertainment taking place between the hours of 2330 and 0800 will be restricted to a maximum of once per week.

The volume of any regulated amplified sound shall be controlled by a noise limiting device set at a level determined by the Local Authority Environmental Health Service, such level being confirmed in writing to the Licensee. Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Local Authority Environmental Health Service.

Windows and doors shall be kept closed, except for access and egress, whenever regulated entertainment is provided beyond 2300 hours.

Relevant representations

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

Police – representations received (attached at appendix B).

Environmental Protection – no relevant representations received.

Fire Officer – no relevant representations received.

Planning Officer – no relevant representations received.

Area Child Protection Committee – no relevant representations received.

Trading Standards – no relevant representations received.

Primary Care Trust – no relevant representations received.

8. Members will note from the police representations that their first three recommended conditions reflect the conditions agreed between the applicant and the council's environmental protection team detailed in paragraph 6 above. The condition that has yet to be the subject of any agreement is:

There will be no entry or re-entry of customers (with the exception of those customers needing to smoke) between 2300 hrs until close.

9. Relevant representations have been received in respect of the application with concerns which appear primarily to relate to the licensing objective of the prevention of public nuisance. Copies of the representations received are attached at appendix C to the report.
10. A site plan showing the location of the application premise and those local residents who have made representations will be available at your meeting.

Norwich City Council Statement of Licensing Policy

11. Attached at appendix D are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

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

12. 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

13. 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.
14. 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
15. 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.
16. The representations received appear primarily to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The sub-committee is directed to paragraph 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. This paragraph 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.

17. 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
Application to vary a premises licence
Licensing Act 2003

For help contact
licensingapplications@norwich.gov.uk
Telephone: 0344 980 3333

* required information

Section 1 of 17

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

System reference

Not Currently In Use

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

Your reference

JNO/LAT.0033-5

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

La Tasca Restaurants Holdings

* Family name

Limited

* 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

RECEIVED

14 MAY 2015

LICENSING OFFICE

Include country code.

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.

Applicant Business

* Is your business registered in the UK with Companies House?

☒ Yes

☐ No

* Registration number

03349330

* Business name

La Tasca Restaurants Holdings Limited

If your business is registered, use its registered name.

* VAT number

-

Put "none" if you are not registered for VAT.

* Legal status

Private Limited Company

Continued from previous page...

| | | |
|---------------------------------|--|---|
| * Your position in the business | <input type="text" value="Licence Holder"/> | |
| Home country | <input type="text" value="United Kingdom"/> | The country where the headquarters of your business is located. |
| Registered Address | | Address registered with Companies House. |
| * Building number or name | <input type="text" value="County House, Glyme Court"/> | |
| * Street | <input type="text" value="Langford Lane"/> | |
| District | <input type="text"/> | |
| * City or town | <input type="text" value="Kidlington"/> | |
| County or administrative area | <input type="text" value="Oxfordshire"/> | |
| * Postcode | <input type="text" value="OX5 1LQ"/> | |
| * Country | <input type="text" value="United Kingdom"/> | |

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APPLICATION DETAILS

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

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

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

| | |
|-------------------------------|---|
| Building number or name | <input type="text" value="La Tasca"/> |
| Street | <input type="text" value="24 Tombland"/> |
| District | <input type="text" value="Norwich"/> |
| City or town | <input type="text" value="Norfolk"/> |
| County or administrative area | <input type="text"/> |
| Postcode | <input type="text" value="NR3 1RF"/> |
| Country | <input type="text" value="United Kingdom"/> |

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

84,000

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VARIATION

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

☒ Yes

☐ No

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

☐ Yes

☒ No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

The premises operate as a restaurant and bar. Briefly, the nature of the proposed variation is:

1. To remove conditions 8, 10, 11, 12, 13, 14 and 15, some of which are now mandatory conditions, outdated and contradictory and which limit the use of the the premises.
2. To amend condition 9 which stipulates that substantial food must be available throughout the premises at all times.
3. To permit the premises to operate as a restaurant on the ground floor with the exception of the bar area as stated in the application.
4. To permit regulated entertainment on the first floor as stated in the application.

Section 4 of 17

PROVISION OF PLAYS

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

☐ Yes

☒ No

Section 5 of 17

PROVISION OF FILMS

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

☐ Yes

☒ No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

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

☐ Yes ☒ No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

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

☐ Yes ☒ No

Section 8 of 17

PROVISION OF LIVE MUSIC

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

☐ Yes ☒ No

Section 9 of 17

PROVISION OF RECORDED MUSIC

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

☐ Yes ☒ No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

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

☐ Yes ☒ No

Section 11 of 17

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

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

☐ Yes ☒ No

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PROVISION OF LATE NIGHT REFRESHMENT

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

☐ Yes ☒ No

Section 13 of 17

SUPPLY OF ALCOHOL

Continued from previous page...

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

☐ Yes

☒ No

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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.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 10:00

End 01:30

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 10:00

End 01:30

Start

End

WEDNESDAY

Start 10:00

End 01:30

Start

End

THURSDAY

Start 10:00

End 02:30

Start

End

FRIDAY

Start 10:00

End 02:30

Start

End

SATURDAY

Start 10:00

End 02:30

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

Regulated entertainment taking place on the first floor beyond 23:30 shall be limited to once per week.

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.

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

It is proposed that conditions 8, 10, 11, 12, 13, 14 and 15 are removed. It is proposed that the following conditions are added:-

- * The premises shall operate as a restaurant on the ground floor with the exception of the bar area as identified by the area hatched on the accompanying plan
- * A notice shall be prominently displayed at the exit of the premises asking patrons to leave quietly

Conditions to Apply to the First Floor

- * Regulated entertainment taking place beyond 23.30 shall be limited to once per week
- * A noise limiter shall be installed
- * Windows shall be kept closed when regulated entertainment beyond 23:30 is taking place

It is proposed that condition 9 is amended to read "Substantial food shall be available throughout the premises up to midnight".

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Section 16 of 17

LICENSING OBJECTIVES

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

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

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

When regulated entertainment is taking place on the first floor beyond 23.30, a noise limiter shall be installed and windows

Continued from previous page...

shall be kept closed.

A notice shall be prominently displayed at the exit of the premises asking patrons to leave quietly.
Substantial food shall be available throughout the premises up to midnight.

b) The prevention of crime and disorder

As above

c) Public safety

As above

d) The prevention of public nuisance

As above

e) The protection of children from harm

As above

Section 17 of 17

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

| | |
|---------------------------|----------|
| 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 |

Continued from previous page...

| | |
|-------------------------|------------|
| 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 (£) 315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

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

DECLARATION

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

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

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

* Full name

[REDACTED]

* Capacity

Solicitors for the Applicant

Date (dd/mm/yyyy)

14/5/15

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

APPENDIX B



NORFOLK
CONSTABULARY
Our Priority is You

Mr Ian Streeter
Licensing Manager
Norwich City Council
St Peters Street
Norwich

Date: 3rd July 2015

Dear Mr Streeter

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Re: Application to vary the Premises Licence – La Tasca, Tombland

I can confirm that Police have received a copy of the application for a variation to the licence for La Tasca, Tombland Norwich.

The application is requesting the removal of conditions to permit entertainment to take place on the 1st floor of the venue in order to accommodate the demand for salsa and dance events.

The venue has restrictions which include that patrons have to have a meal on the premises to have alcohol and for substantial food to be available throughout the premises and at all times the venue is open.

I am aware that the management intend to expand on the number of salsa dance events which take place currently every month under a Temporary Event Notice. The management have reinforced the fact that the premises will still predominantly be a restaurant but the upstairs will be used more frequently and not only for the purpose of dining.

Despite the venue not any reported incidents of crime and disorder at the premises during the Temporary Event Notices, there is a concern that these events more regularly could potentially make this increase especially if the venue management decide to offer different entertainment to what is currently on offer. Police are aware that there have been noise complaints as a result of these events and by permitting the number of events to increase, this could cause further disruption to residents.

Norwich City Council is in the process of formally adopting a cumulative impact policy due to an identified saturation of late night licensed premises already operating in the City Centre. The Norfolk Constabulary are concerned that the addition of any further licensed premises, or extension of existing operations, will have a potentially detrimental effect on the City Centre in terms of increased crime, disorder and anti-social behaviour linked to the consumption of alcohol. As a result of this policy, the onus is placed on the applicant to demonstrate that their premises will not undermine the licensing objectives. The Constabulary has a particular concern around vertical drinking establishments with live or regulated entertainment. This could be typically surmised as 'nightclubs' or 'late night

bars'. It is these premises (together with takeaway restaurants) that generate the majority of alcohol related crime and disorder. Alternatives to this sort of premises would not necessarily cause the same level of concern. Examples of this may include a more traditional pub (closing earlier) or arts based café bar.

Any application received, such as La Tasca, should be regulated and have appropriate conditions attached to ensure that the operation remains as claimed by the operator. The venue is situated in the heartland of the night time economy and, therefore, there remains a significant risk of it adding to the cumulative impact.

There is also the concern that if the current management were to sell on the property that this could potentially operate as another bar within the heart of the city within an inappropriate building.

In order to ensure that the venue remains as its current operation, we request that the following conditions are added to the premises licence:

- **The premises shall operate as a restaurant on the ground floor being predominantly laid out with tables and seating, with the exception of the bar area identified by the area hatched on the accompanying plan.**
- **Regulated entertainment will be restricted to the first floor only and any such entertainment taking place between the hours of 2300 and 0800 hrs will be restricted to a maximum of once per week**
- **Substantial food shall be available throughout the premises from opening time until midnight on any day that the premises is open to the public.**
- **There will be no entry or re-entry of customers (with the exception of those customers needing to smoke) between 2300 hrs until close.**

With these conditions added to the Premises Licence, there will be no objections.

Yours faithfully,

Michelle Bartram
Licensing Officer

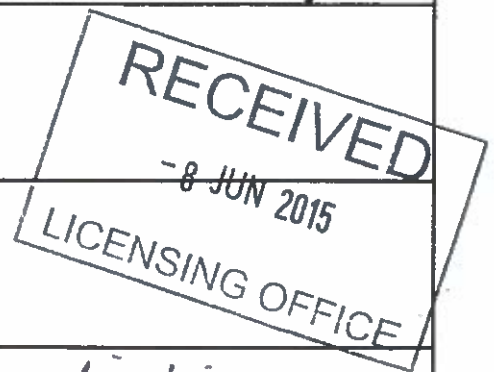
Norwich City Council Licensing Authority Licensing Act 2003



NORWICH
City Council

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

| | | | |
|---|---|--|-------------------------|
| Your name/organisation name/name of body you represent (see note 1) | Anne Page } residents of Prince Street Paul Binski } Norwich | | |
| Postal address | 24 Prince St, Norwich NR1 1AT | | |
| Email address | | | |
| Contact telephone number | | | |
| Address of the premises you wish to support or object to | La Tasca, 24 Tombland NR3 1RF | | |
| Your support or objection must relate to one of the four licensing objectives (see note 2) | | | |
| Licensing objective | Please set out your support or objections below. Please use separate sheets if necessary. | | |
| To prevent crime and disorder | <div style="border: 1px solid black; padding: 5px; display: inline-block;"> Organisational Development 08 JUN 2015 Post Room </div> | | |
| Public safety | | | |
| To prevent public nuisance | We object to the application on grounds of prevention of public nuisance. See attached documents. 1+2 | | |
| To protect children from harm | | | |
| Please suggest any conditions which would alleviate your concerns | A noise limiter to be employed and <u>all</u> windows closed during regulated entertainment at <u>all</u> times. | | |
| Signed: | | | Date: 4. 6. 2015 |



Document 1.

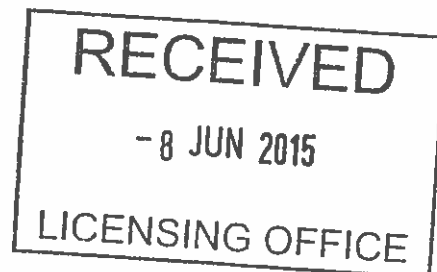
Reasons for our objection to the variation of the premises license for la Tasca, 24 Tombland, Norwich.

As residents of Princes Street we live in close proximity to these premises on the other side of Tombland and have suffered noise nuisance from La Tasca since 2013. We have regularly had to make calls to the council's out of hours number to complain about amplified music which has disturbed us within our house, even with all our windows closed. The premises (La Tasca) occupy an older listed building having leaded windows with no double glazing which are sound permeable and not suited to the attenuation of high decibel music played inside the building. It should also be noted that there is no acoustic barrier between the ground and first floors of the premises as the first floor is effectively a mezzanine.

The fitting of a noise limiter and keeping all windows closed **at all times** when this form of entertainment is taking place would be the only means of ensuring the avoidance of public nuisance. The present application for variation of La Tasca's license proposes that these measures be taken only after 23.30. As in the past, this would subject us to unacceptable noise levels up until that time much more often than at present, which has been around once a month. According to the application this would increase to once a week.

We also note that the variation of license asks for condition 9 of the current license to be amended to midnight rather than at all times the premises are open. After this time 'substantial food' would not be required to be served. At the same time they are asking for an extension of hours until 1.30 or 2.30 during which time the premises will effectively operate as a nightclub. Earlier this year a consultation initiated by the police took place about a cumulative impact zone, to which we responded, mentioning these premises specifically. The points we made are in the attached document and we would like to point out that this is exactly the kind of 'piggybacking' of club-style activity onto premises which are primarily licensed as restaurant/bars which will make an impact on the area in which we live and potentially on crime and disorder.

Paul Binski
Anne Page
24 Princes Street
Norwich NR3 1AE



Response to Cumulative Impact Policy consultation submitted 26.2.2015

Our policy points

- 1) that the Council should prevent any further extension of the 'night time economy' zoning to ensure that the increasing density of residential properties in the Princes Street/Tombland area is not affected increasingly by nuisance.
- 2) that the Council should not issue late-night music licences to sound-permeable buildings (Tombland instances in recent years: Edith Cavell pub, Bam Bam, also La Tasca).
- 3) that the Council should be alert to businesses opening as restaurants on the basis of which licensed late-night usage with music is piggy-backed, the restaurant then being closed and, in effect, a club-like establishment remaining. This looks like a ploy to extent club-like activities into 'restaurant' zones. Instance: Bam Bam.

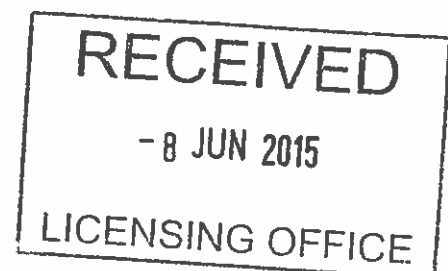
General view

As residents living within the designated zone we would support the cumulative impact policy proposed by Norfolk Constabulary. Since moving to Norwich city centre in 2004 we have been adversely affected by a number of premises in Tombland behaving in an antisocial manner by playing loud, amplified music into the early hours of the morning which we can hear within our home with all windows and doors shut and which makes sleep impossible until such time as they choose to stop. The licences of each of these premises state that their windows and doors must be kept shut but in practice this stipulation is generally ignored and the type of traditional buildings surrounding Tombland, while fine for restaurant activity, is not suited to the attenuation of very loud music more usually associated with clubs and bars. There is also the drunken shouting and sometimes vandalism engaged in by departing clients, although we would not be able to tell from which specific premises they had come.

When we moved to Princes Street in 2004 the Sampson & Hercules had just closed as a club and we believed the council's stated aim was to encourage residents into the city centre and to move the club activity into Riverside and the Prince of Wales Road where policing could be optimised. Unfortunately for us this has not proved to be uniformly the case and nightclub activity has found its way back to Tombland. This is a pity as for the most part Tombland has a good diversity of restaurants which offer a more civilised and neighbour-friendly form of night-time entertainment. However, late at night it is not a nice place to be thanks to drunk and disorderly individuals and groups.

The disruptive noise which has affected us on many weekends over the years is a public nuisance, the prevention of which is one of the licensing objectives stated in the Licensing Act 2003. We welcome any initiative which redresses the balance in favour of residents and most of the businesses on Tombland which are not engaging in antisocial behaviour.

Paul Binski
Anne Page
24 Princes Street
Norwich NR3 1AE



Bennett, Rachel

From: [REDACTED] 1>
Sent: 06 June 2015 14:58
To: LICENSING
Subject: Reasons for our objection to the variation of the premises license for la Tasca, 24 Tombland, Norwich

We are resident at 26 Princes Street/1 Tombland Alley, just off Tombland and consequently near La Tasca. We only moved to this house in July of last year but have several times had to make calls to the council's out of hours number to complain about amplified music which has disturbed us within our house, even with all our windows closed, from La Tasca and other Tombland premises. The premises (La Tasca) occupy an older listed building which is not built for muffling loud music played inside the building. It should be noted that there is no acoustic barrier between the ground and first floors of the premises as the first floor is effectively a mezzanine.

We also note that the variation of license asks for condition 9 of the current license to be amended to midnight rather than at all times the premises are open. After this time 'substantial food' would not be required to be served. At the same time they are asking for an extension of hours until 1.30 or 2.30 during which time the premises will effectively operate as a nightclub. Earlier this year a consultation initiated by the police took place about a cumulative impact zone, to which we responded, mentioning these premises specifically, as an example of how businesses which are meant to be primarily restaurants are seeking to gain extra revenue as night clubs, and in some cases (Bam Bam also on Tombland for example) have become almost entirely night club-like in their operation. We would like to point out that what La Tasca are trying to do exactly the kind of 'piggybacking' of club-style activity onto premises which are primarily licensed as restaurant/bars which will make an impact on the area (as each club plays its music louder and louder to attract customers) in which we live and potentially on crime and disorder.

Pernille Rudlin & Mark Probert



APPENDIX D

Local Policy considerations

1.0 Introduction

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

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

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

2.0 Consultation and Links to other Policies and Strategies

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

3.0 Applications for Licences

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

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

4.0 Representations

4.1 "Responsible Authorities" (see Appendix 7) will be asked to consider all applications and to make representations to the council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be

evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.

- 4.2 The council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation will only be accepted by the council if it is ‘relevant’, i.e. it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the council.
- 5.0 Conditions attaching to Licences
 - 5.1 Where relevant representations are made, the council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
 - 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are appropriate for the promotion of the licensing objectives.
- 8.0 The Impact of Licensed Premises
 - 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
 - the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
 - the proposed hours of operation;
 - the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
 - the means of access to the premises including the location of customer entrances and exits;
 - the provision of toilet facilities;
 - the frequency of the licensable activity.

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

13.0 Management of Licensed Premises

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

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

LICENSING OBJECTIVES

24.0 Objective - prevention of public nuisance

- 24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

- 24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.
- 24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.
- 24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.
- 24.6 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.**
- 24.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
 - the hours of opening, particularly between 11pm and 7am
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - the design and layout of premises and in particular the presence of noise limiting features
 - the occupancy capacity of the premises
 - the availability of public transport
 - wind down period between the end of the licensable activities and closure of the premises
 - last admission time
 - preventing litter and refuse becoming an eyesore
 - consideration of local residents that they are not upset by loud or persistent noise or by excessive light
 - preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces
 - avoid early morning or late night refuse collections

- avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning
- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

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

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

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

SECTION E - Hours of Trading

30.7 Consideration will always be given to an applicant's individual case and if the matter of trading hours has been raised in a representation, the council will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises. It is however, unlikely that statements such as the premises being well-managed, or that the applicant is of good character or that the style of the premises is

intended and likely to attract a discerning clientele, will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.

APPENDIX E

National Guidance

(issued under section 182 of the Licensing Act 2003)

Licence conditions – general principles

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

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

Each application on its own merits

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

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.