

<b>Report to</b>	Licensing sub committee 18 April 2016	<b>Item</b>
<b>Report of</b>	Head of citywide services Licensing Act 2003:	<b>3</b>
<b>Subject</b>	Application for the variation of a premises licence – Café Istanbul, 128 Dereham Road, Norwich, NR2 3AF	

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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 Café Istanbul, 128 Dereham Road, Norwich, NR2 3AF, following the receipt of relevant representations.

## **Recommendation**

That members determine the application to vary a premises licence in respect of Café Istanbul, 128 Dereham Road, Norwich, NR2 3AF 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:** Nelson

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

## **Contact officers**

Tony Shearman, licensing manager

01603 212761

## **Background documents**

None

## **Report**

### **The application**

1. The applicant is Vitalija Janciuvienė.
2. In summary the application seeks to:
  - Include the licensable activity of provision of late night refreshment
  - Extend the opening hours to 0300 hours every day.

### **Operating Schedule**

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

### **Relevant representations**

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

Police – **Representations received.**

Environmental Protection – **Representations received.**

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

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

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

7. Attached at appendix D are the elements of the city council's local licensing policy which are considered to have a bearing upon the application:

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

8. Attached at appendix E are the elements of the national guidance issued by the Secretary of State that are considered to have a bearing upon the application.

## Summary

9. In determining the application with a view to promoting the licensing objectives the sub-committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
  - the representations (including supporting information) presented by all the parties;
  - the guidance issued under Section 182 of the Licensing Act 2003 (national guidance); and
  - the council's own statement of licensing policy.
10. The sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
  - Grant the application as asked;
  - Modify the conditions of the licence by altering or omitting or adding to them;
  - Reject the whole or part of the application
11. The sub-committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
12. The representations received appear to relate to issues that fall under the licensing objectives. The sub-committee is directed to paragraphs 20 and 24 of the local licensing policy at appendix D which contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
13. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.



**Premises Licence Summary**

**Premises Licence Number**

**16/00270/PREM**

**Premises Details**

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

Cafe Istanbul  
128 Dereham Road  
Norwich  
NR2 3AF

**Telephone number**

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

Not applicable

**Licensable activities authorised by the licence.**

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol	Every Day	12:00 - 22:00
---------------------------	-----------	---------------

**The opening hours of the premises**

Monday	09:00 - 22:00
Tuesday	09:00 - 22:00
Wednesday	09:00 - 22:00
Thursday	09:00 - 22:00
Friday	09:00 - 22:00
Saturday	10:00 - 22:00
Sunday	10:00 - 22:00

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

Alcohol is supplied for consumption both on and off the Premise

**Name, (registered) address of holder of premises licence**

Miss Vitalija Janciuvienė  
Cafe Istanbul  
128 Dereham Road  
Norwich  
NR2 3AF

**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**

Vitalija Janciuvienė

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



**Premises Licence**

**Premises Licence Number**

**16/00270/PREM**

**Part 1 – Premises Details**

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

Cafe Istanbul  
128 Dereham Road  
Norwich  
NR2 3AF

**Telephone number**

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

Not applicable

**Licensable activities authorised by the licence.**

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol	Every Day	12:00 - 22:00
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Thursday	09:00 - 22:00
Friday	09:00 - 22:00
Saturday	10:00 - 22:00
Sunday	10:00 - 22:00

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

Alcohol is supplied for consumption both on and off the Premise

**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**

Miss Vitalija Janciuvienė  
Cafe Istanbul  
128 Dereham Road  
Norwich  
NR2 3AF

**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**

Vitalija Janciuvienė  
Cafe Istanbul  
128 Dereham Road  
Norwich  
NR2 3AF

**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: Norwich City Council



## Annex 1 – Mandatory conditions

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

7 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.

8 . 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.

9 (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.

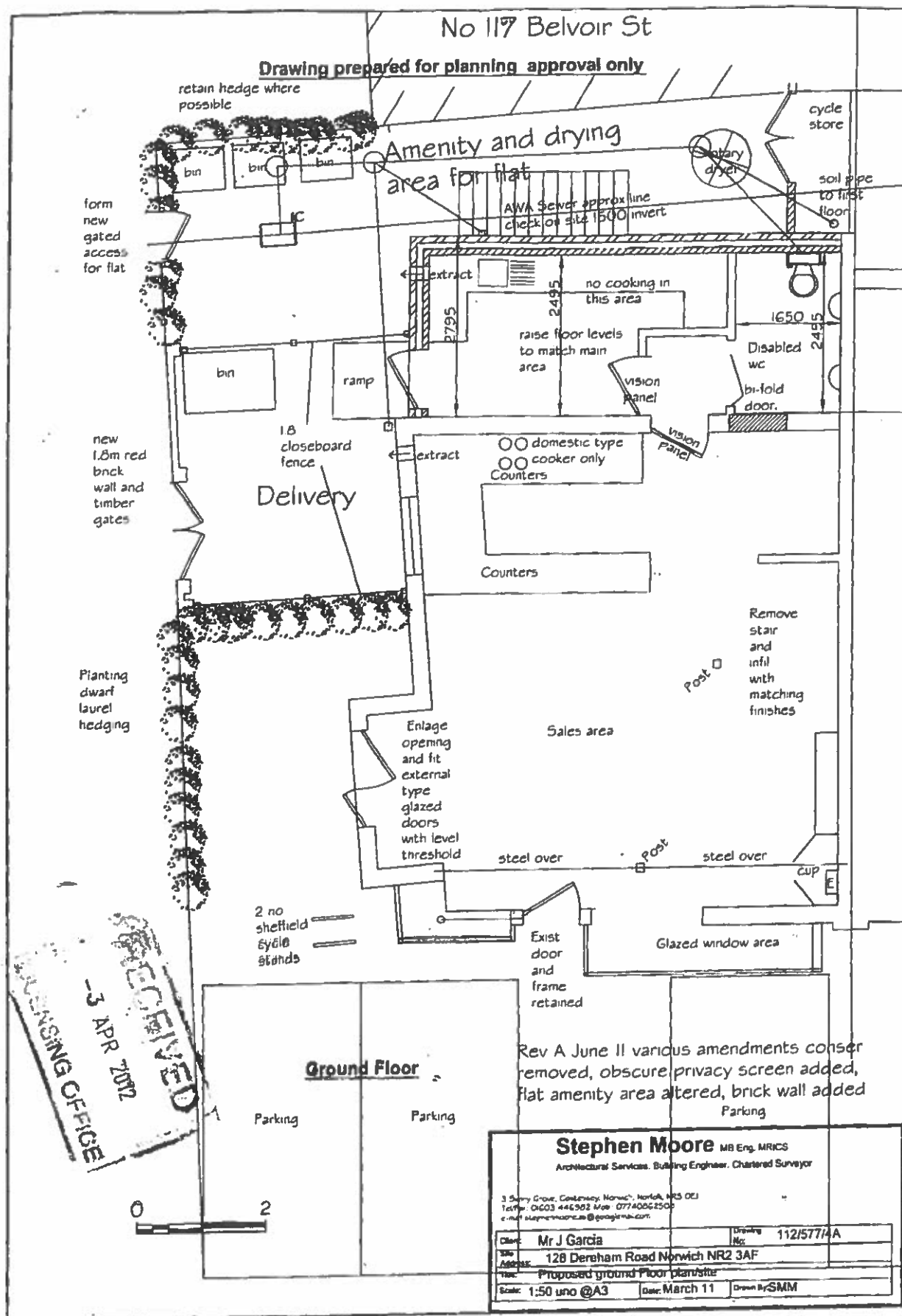
## **Annex 2 – Conditions consistent with the Operating Schedule**

- 1     **The Prevention of Crime and Disorder**
- 2     Staff will be trained in relation to the sale of alcohol and a record of this training will be available on site to Police or Licensing Officer on request.
- 3     The use of the outside front area is monitored by staff whilst the premises is open to the public.
- 4     Patrons will be discouraged from leaving the premises and outside seating area in possession of open vessels containing alcohol.
- 5     Alcohol will only be served with food on the premises (maximum capacity 20 people).
- 6     A sign will be displayed stating that photographic ID may be asked for.
- 7     **The Prevention of Public Nuisance**
- 8     Empty bottles will be stored in a lidded bin within the premises.
- 9     **The Protection of Children From Harm**
- 10    Proof of age will be asked for e.g. photographic evidence.

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

## Annex 4 – Plans

SP



16/00438/PR6M

APPENDIX B

33 (50m)



## Application to vary a premises licence under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I/  
we VITALIA VANCIVIENE  
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 16/00270/PR6M

### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

CAFE ISTANBUL.  
128 DEREHAM ROAD.

RECEIVED

18 FEB 2016

LICENSING OFFICE

Post town NORWICH. Post code NR2 3AF.

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 8,700.

### Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post Town	Postcode

### Part 3 - Variation

Please tick yes

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



If not do you want the variation to take effect from

**Please describe briefly the nature of the proposed variation** (Please see guidance note 1)

ADD TO LICENSABLE ACTIVITIES - LATE NIGHT REFRESHMENTS - (FOR CONSUMPTION ON THE PREMISES). HOT FOOD AND BEVERAGES.

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

### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

#### Provision of regulated entertainment

Please tick yes

- |  |                       |
|--|-----------------------|
| a) plays (if ticking yes, fill in box A)                             | <input type="radio"/> |
| b) films (if ticking yes, fill in box B)                             | <input type="radio"/> |
| c) indoor sporting events (if ticking yes, fill in box C)            | <input type="radio"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="radio"/> |



- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H) ☐

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I) ☐
- j) dancing (if ticking yes, fill in box J) ☐
- k) entertainment of a similar description to that falling within (i) or (j)  
(if ticking yes, fill in box K) ☐

**Provision of late night refreshment** (if ticking yes, fill in box L)



**Sale by retail of alcohol** (if ticking yes, fill in box M)



**In all cases complete boxes N, O and P**

# A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="radio"/>
Day	Start	Finish		Outdoors	<input type="radio"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="radio"/>
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="radio"/>
			Outdoors	<input type="radio"/>
			Both	<input type="radio"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)	
Thur				
Fri				
Sat			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sun				

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Mon			
Tue			
Wed			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="radio"/>
					Outdoors	<input type="radio"/>
Day	Start	Finish	Both <input type="radio"/>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)			
Tue						
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Sat						
Sun						

# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="radio"/>
				Outdoors	<input type="radio"/>
				Both	<input type="radio"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="radio"/>
					Outdoors	<input type="radio"/>
					Both	<input type="radio"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Sat						
Sun						

# G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="radio"/>
Day	Start	Finish		Outdoors	<input type="radio"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="radio"/>
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					



# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>	
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors <input type="radio"/> Outdoors <input type="radio"/> Both <input type="radio"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue				
Wed				
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)	
Fri				
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sun				

# I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="radio"/>
			Outdoors	<input type="radio"/>
			Both	<input type="radio"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue				
Wed			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Thur				
Fri			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sat				
Sun				

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors <input type="radio"/> Outdoors <input type="radio"/> Both <input type="radio"/>
			<b><u>Please give a description of the facilities for dancing you will be providing</u></b>	
Day	Start	Finish		
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue				
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)	
Thur				
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sat				
Sun				

# K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>	
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors <input type="radio"/>
Mon				Outdoors <input type="radio"/>
				Both <input type="radio"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Wed				
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)	
Fri				
Sat			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="radio"/>
Day	Start	Finish		Outdoors	<input type="radio"/>
Mon	23 <sup>00</sup>	03 <sup>00</sup>	Please give further details here (please read guidance note 3) CONSUMED WITHIN THE BOUNDRIES OF THE PREMISES (IE, <sup>INCLUDING</sup> OUTSIDE SEATING AREA)	Both	<input checked="" type="radio"/>
Tue	23 <sup>00</sup>	03 <sup>00</sup>			
Wed	23 <sup>00</sup>	03 <sup>00</sup>	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23 <sup>00</sup>	03 <sup>00</sup>			
Fri	23 <sup>00</sup>	03 <sup>00</sup>	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23 <sup>00</sup>	03 <sup>00</sup>			
Sun	23 <sup>00</sup>	03 <sup>00</sup>			

# M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)		On the premises	<input type="radio"/>
					Off the premises	<input type="radio"/>
Day	Start	Finish	Both <input type="radio"/>			
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)			
Tue						
Wed			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Thur						
Fri						
Sat						
Sun						

N

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

NONE

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	09 <sup>00</sup>	03 <sup>00</sup>	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Tue	09 <sup>00</sup>	03 <sup>00</sup>	
Wed	09 <sup>00</sup>	03 <sup>00</sup>	
Thur	09 <sup>00</sup>	03 <sup>00</sup>	
Fri	09 <sup>00</sup>	03 <sup>00</sup>	
Sat	09 <sup>00</sup>	03 <sup>00</sup>	
Sun	09 <sup>00</sup>	03 <sup>00</sup>	

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

*None*

Please tick yes

- ☒ I have enclosed the premises licence
- ☐ I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below



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

**P**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

REMAIN SAME.

**b) The prevention of crime and disorder**

REMAIN SAME

**c) Public safety**

REMAIN SAME

**d) The prevention of public nuisance**

- OUTSIDE AREA WILL BE CLOSELY MONITORED TO PREVENT NOISE NUISANCE.
- ADDITIONAL NOTICES WILL BE DISPLAYED REQUESTING CUSTOMERS TO RESPECT NEIGHBOURING RESIDENTS PRIVACY AND KEEP NOISE TO A MINIMUM

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

REMAIN SAME

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected



**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**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	17. Feb 2016
Capacity	owner.

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

*Paul Butt*



LICENSED-INN-TUITION  
56 GROW OF THE HILL  
LEZIA TE  
KING 'S LYNN  
NORFOLK PE32 1EN

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

## Notes for Guidance

**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.**

1. 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.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

**Before completing this form you should read our step by step guidance booklet 'The new licensing system: a guide to the changes' available from our offices or to download from our website (see top of page 1), which includes addresses to send copies of this form. Incomplete or incorrect applications will be returned and will delay issuing your licence**

"This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes."



**NORFOLK**  
CONSTABULARY

*Our Priority is You*

Mr Anthony Shearman  
Licensing Manager  
Norwich City Council  
St Peters Street,  
Norwich  
NR1 2NN

Date: 15th March 2016

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

**Application for a variation to the premises licence : 128 Dereham Road Norwich**

Police have received a copy of the application for Café Istanbul, 128 Dereham Road.

This application is to amend the current licence to permit late night refreshment both indoors and outdoors until 0300 hrs daily.

It is my understanding the management intend to extend the licence so they can offer tea and coffees along with hot food and for patrons to use the shisha pipes. The applicant is intending on use of the outside area until close.

Police have concerns with the use of the outside area being open to the public until 0300 hrs. In addition to potential noise complaints from patrons using this area until late, there is also a concern that those outside would not be carefully supervised and that there is a risk of potential conflict occurring between patrons and passer-by's.

The applicant did advise that he is looking to install CCTV however this would not address the supervising of this area at the time. CCTV will only assist with investigating crimes after they occur.

I am aware that there is a current restriction on the planning permission restricting the use of the building and outside area after 2200 hrs. This restriction is due to the close proximity of local residents and the potential disruption it could cause.

If the planning restriction was addressed, I would request that consideration is made for the outside area to be restricted to finish earlier therefore the potential for any incidents and noise occurring within from this area would be reduced.

Therefore I am requesting that the following conditions are added to the premises licence:

- **The use of the outside area for seating to cease at 2300 hrs.**

With this condition attached to the licence there are no Police objections.

Yours faithfully,

Michelle Bartram

**Fuller, Maxine**

---

**From:** Divey, Richard  
**Sent:** 29 February 2016 11:36  
**To:** LICENSING  
**Subject:** 128 Dereham road

In my role as environmental protection officer for Norwich City Council, I wish to object to the granting of this licence as the use of the premises at the times indicated is likely to cause a public nuisance.

I also note that the cafe currently has the following planning condition;

The use of the ground floor premises which form the subject of this permission and outlined in red on the approved location plan ref. [112/577/1] hereby approved shall not take place other than between the hours of 08:00 and 22:00 on any day.

Yours sincerely

Richard Divey  
Environmental Protection Officer

**Norwich City Council Licensing Authority  
Licensing Act 2003**

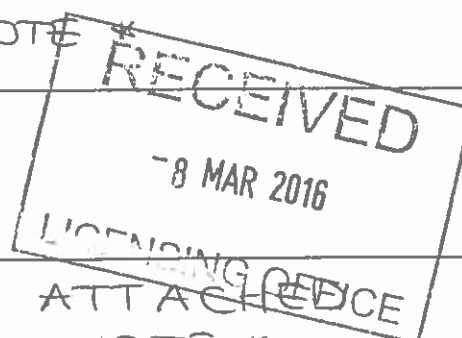
**Statement of support or objection to  
an application for a premises licence**

<b>Your name/organisation name/name of body you represent (see note 1)</b>	BELVEDERE COMM. ASSOC.
<b>Postal address</b>	BELVOIR STREET NORWICH, NR2 3AT.
<b>Email address</b>	
<b>Contact telephone number</b>	

<b>Name of the premises you wish to support or object to</b>	OBJECT - extended premises Licence - variation.
<b>Address of the premises you wish to support or object to.</b>	OBJECT - 128 DEREHAM RD, NR2 3AF.

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

<b>Licensing Objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary</b>
To prevent crime and disorder	* SEE ATTACHED NOTE *
Public safety	
To prevent public nuisance	* SEE ATTACHED NOTE *
To protect children from harm	



<b>Please suggest any conditions which would alleviate your concerns.</b>	FOR THE APPLICATION TO BE DECLINED.
---	--

Signed:

Date 06.03.16

**SECRETARY**  
Please see notes on reverse

Signed

CHAIR

06.03.16.

The café is situated on the Dereham Road, although it encroaches on Belvoir Street, which is a residential area, with limited parking. Also in close vicinity is the Belvedere Community Centre which is managed by volunteers.

The centre ensures that if we have any private bookings that when our guests leave, they pay particular attention to keep any noises down to respect our neighbours.

We are asking as to why a café, would see the need to be open until 3am, especially one which apparently will **not** be selling alcohol!! Can you please clarify exactly what "late night refreshments" means?

On Tuesday 23<sup>rd</sup> February, I left the centre and there was a group congregating around the café making a lot of noise, and this was only 8.30pm. The noise was intimidating and therefore we went back into the community centre to instruct our retired volunteer caretaker to lock the front door. Far from ideal as we are a community centre and should be open to the local community.

- May I ask exactly what the reasons are for the café to be open until 3am? Alcohol being sold (refreshments) up to 3am in a residential area! Local pubs don't feel the need and nor do we, With the in catchment area taken into consideration we have to question what consequences will occur to our local community
- Where will the visitors to the Café Park?
- Have all local residents been approached for their comments?
- This would obviously cause more activity around Belvoir Street late in the evenings. Does this mean that there will be a higher amount of police presence in the area?
- Please note that taxi's parking in pairs, across double yellow lines have been blocking access for our members to the centre and also to the local resident's properties and play areas
- Cafe staff falling asleep in cars covering shifts next to a children's play park, provides great concerns.
- As our centre is run by volunteers we feel strongly that we do not need any more pressure which could occur to our voluntary team /community.
- So please take this as an objection to the proposal submitted to Cafe Istanbul





# RECEIVED

- 9 MAR 2016

LICENSING OFFICE

## Norwich City Council Licensing Authority Licensing Act 2003

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

CORPORATE RESOURCES

09 MAR 2016

POST ROOM

Your name/organisation name/name of body you represent (see note 1)	ELEANOR MARTIN
Postal address	111 BELVOIR STREET NORWICH NR2 3AZ
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	CAFÉ ISTANBUL
Address of the premises you wish to support or object to.	128 DEREHAM RD., NR2 3AF

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 <input checked="" type="checkbox"/>	
Public safety <input checked="" type="checkbox"/>	
To prevent public nuisance OBJECTION	This is a residential area, and we would expect and appreciate some noise during the night from the daytime noise of traffic & pedestrians. Opening
To protect children from harm <input checked="" type="checkbox"/>	The café until 3.00 am 7 days a week will produce extra noise, both from the café itself & from an increase in vehicles & pedestrian traffic

Please suggest any conditions which would alleviate your concerns. <input checked="" type="checkbox"/>	in Bevoir Street. (There is no parking outside the café.) The noise will be particularly intrusive during the summer when car parks are open. In addition, there will be extra stress on the already limited parking facilities on Bevoir Street.
---	---

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Please see notes on reverse

6 March 2016

CORPORATE RESOURCES

03 MAR 2016

POST ROOM

**Norwich City Council Licensing Authority**  
**Licensing Act 2003**

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

<b>Your name/organisation name/name of body you represent (see note 1)</b>	MS. LIKE FERRARI
<b>Postal address</b>	114, BELVOIR ST NORWICH NR2 3AZ
<b>Email address</b>	
<b>Contact telephone number</b>	

<b>Name of the premises you wish to support or object to</b>	CAFE ISTANBUL
<b>Address of the premises you wish to support or object to.</b>	128 DERHAM RD, NR2 3AF

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

<b>Licensing Objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	SEE ATTACHED SHEET
<b>Public safety</b>	SEE ATTACHED SHEET
<b>To prevent public nuisance</b>	SEE ATTACHED SHEET
<b>To protect children from harm</b>	N/A



<b>Please suggest any conditions which would alleviate your concerns.</b>	SEE ATTACHED SHEET
---	--------------------

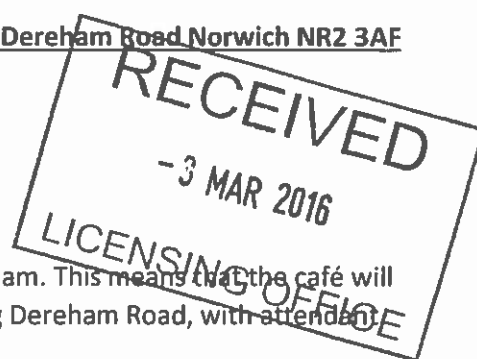
Signed:

Date: 27.2.16.

Please see notes on reverse

**Objection to variation of premises licence for Café Istanbul, 128 Dereham Road Norwich NR2 3AF**

**Your reference: 16/00438/PREM**



**To prevent Crime and Disorder:**

1. No other premises in the immediate area are open until 3am. This means that the café will become a magnet for all late-night revellers passing along Dereham Road, with attendant noise and disruption for residents.
2. While the application is not for an alcohol licence, there is a Tesco store opposite the café which sells alcohol until 11pm. It is unlikely that the proprietors will be able to prevent alcohol from being consumed on the premises.
3. The fact that the café sells kebabs will attract people leaving pubs in the city who want to eat and are not ready to go home. Post-pub visitors are likely to be noisy and disruptive.

**Public safety:**

4. The provision of external seating arrangements will expose anyone passing the café late at night to possible harassment or unwanted attention.
5. Local residents would not feel safe returning home late at night if there were still customers sitting outside the café, or if there was related customer activity in the carpark.
6. The street light on Belvoir Street is not lit at night, making the area dark and unsafe if café customers are coming and going in the middle of the night.

**To prevent public nuisance:**

7. The café is situated on the corner of a quiet cul-de-sac which already experiences parking problems. If the clientele of the café are arriving in cars, this will cause noise, disturbance, pollution and aggravation to the residents.
8. There is a small public car park behind my house (114 Belvoir Street). Late night revving of cars and car door slamming would be highly disruptive not only to me but to my neighbours in the cul-de-sac.
9. If the clientele of the café are arriving and departing on foot, this will equally cause disturbance and aggravation to the residents if they are unable to respect our privacy.
10. Just beyond the Belvoir Street cul-de-sac is a basketball court, which is always open, and a green space. I have already had occasion to call the police out when people decide to play midnight games of basketball, or play football on the green space in the middle of the night. I cannot see how allowing a nearby café to stay open til 3am will alleviate this problem – it will aggravate it.
11. In the summer, when everyone has their windows open, the noise from a café in the middle of the night, particularly a café with an outside seating area, would be unbearable. For people like me and my lodger, both of whom work, this would make living in our house untenable.

**Conditions which would alleviate your concerns:**

None. This is a bad idea. The café has always functioned in the past as a daytime venue, with no problems. The café owner is the only person who will benefit from extended hours. The surrounding neighbours would have their privacy, peace of mind and possible safety reduced beyond measure.

27.2.16.

Norwich City Council Licensing Authority  
Licensing Act 2003

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

CORPORATE RESOURCES

02 MAR 2016

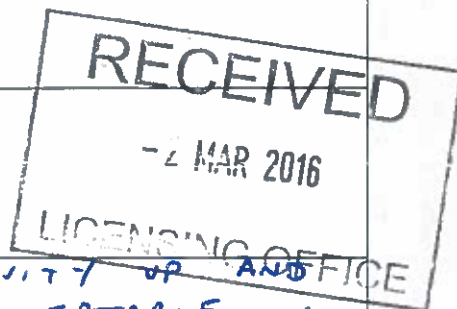
POST ROOM

Your name/organisation name/name of body you represent (see note 1)	ADRIAN JUDD
Postal address	117A BELVOIR ST NORWICK NR2 3AZ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	CAFE ISTANBUL
Address of the premises you wish to support or object to.	128 DEREHAM ROAD NR2 3AF

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	RISK IS HIGHTENED AT THESE UNSOCIALBLE HOURS
Public safety	
To prevent public nuisance	LATE NIGHT ACTIVITY UP AND BEYOND 3PM UNACCEPTABLE IN RESIDENTIAL AREA
To protect children from harm	



Please suggest any conditions which would alleviate your concerns.	NONE
--	------

Signed:

Date:

29<sup>TH</sup> FEB 2016

Please see notes on reverse

**Norwich City Council Licensing Authority  
Licensing Act 2003**

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

<b>Your name/organisation name/name of body you represent (see note 1)</b>	FARAH CHAUDRY
<b>Postal address</b>	113 BELVOIR STREET NORWICH NR2 3AZ
<b>Email address</b>	
<b>Contact telephone number</b>	

<b>Name of the premises you wish to support or object to</b>	CAFE ISTANBUL
<b>Address of the premises you wish to support or object to.</b>	128 DEREHAM ROAD, NORWICH NR2 3AF

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

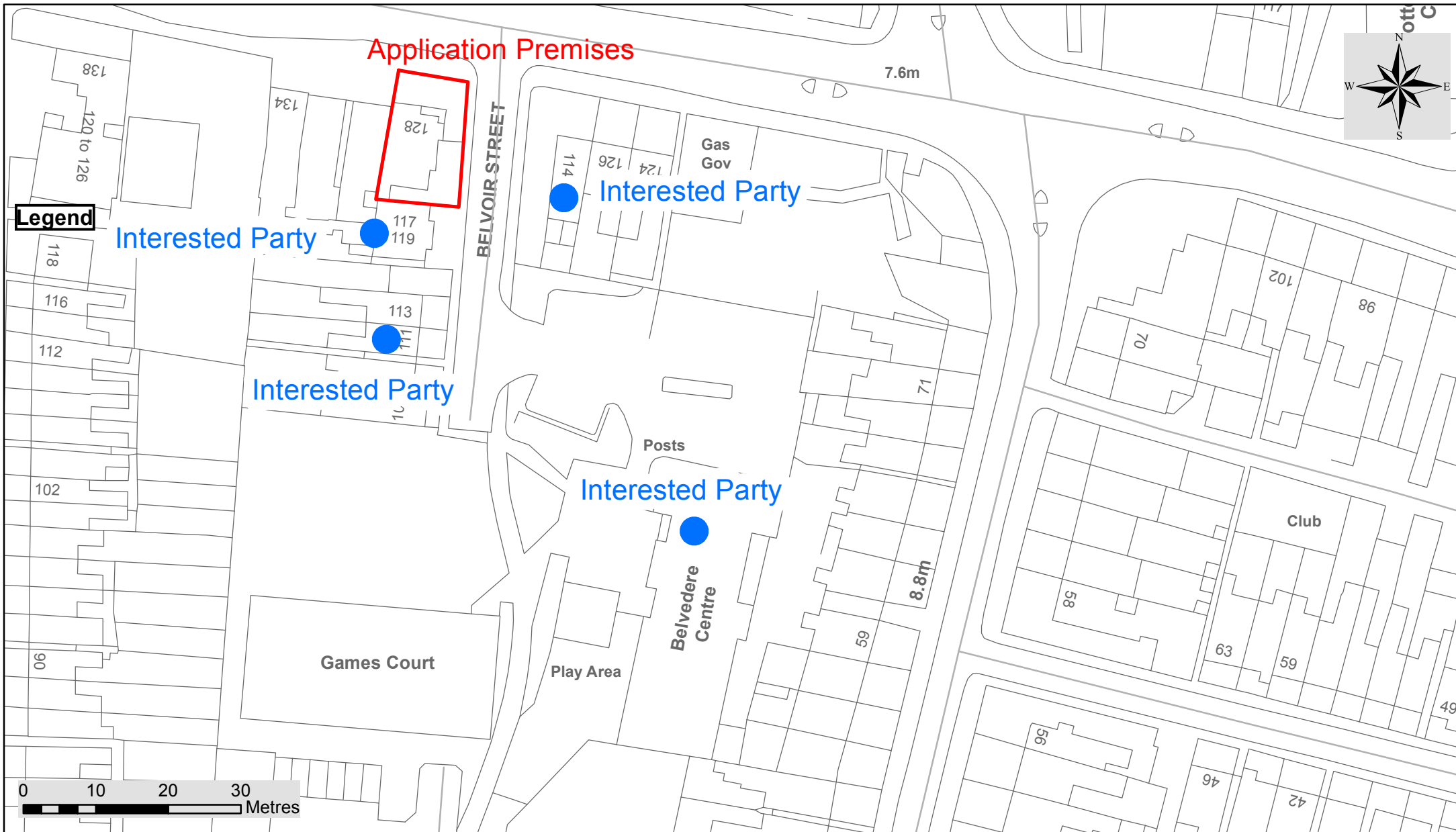
<b>Licensing Objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	
<b>Public safety</b>	
<b>To prevent public nuisance</b>	I WISH TO OBJECT ON THESE GROUNDS. BELVOIR STREET CAN ALREADY BE NOISY AT NIGHT WITH STUDENTS AND PASSERS BY USING IT AS A CUT THROUGH. LATE NIGHT OPENING WILL LIKELY MAKE THIS RESIDENTIAL AREA NOISIER.
<b>To protect children from harm</b>	

<b>Please suggest any conditions which would alleviate your concerns.</b>	I WOULD BE HAPPY TO HEAR IF THE OWNERS ARE WILLING/ABLE TO COME UPWITH A SOLUTION TO MITIGATE/PREVENT THIS
---	---

Signed:

Date: 16-MAR-15

Please see notes on reverse



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



**NORWICH**  
**City Council**

Norwich City Council - Licensing

Title: Cafe Istanbul

Scale: 1:700

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# APPENDIX D

## Local Policy considerations

### 1.0 Introduction

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

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

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

### 2.0 Consultation and Links to other Policies and Strategies

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

### 3.0 Applications for Licences

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

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

### 4.0 Representations

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



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

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



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

### 13.0 Management of Licensed Premises

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

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

## **LICENSING OBJECTIVES**

### 20.0 Objective - Prevention of Crime and Disorder

- 20.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the City Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 20.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of

their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.

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

Underage drinking

Drunkenness on premises

Public drunkenness

Keeping Illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.

Preventing disorderly and potentially violent behaviour on and outside the premises.

Reducing Anti-social behaviour and Disorder inside and outside the premises

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

Guard against glasses and bottles being used as weapons or causing accidents.

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

Effective and responsible management of premises;

Training and supervision of staff;

Employ sufficient numbers of staff to keep numbers down of people awaiting service;

Provide sufficient seating for customers;

Patrols of staff around the premises;

Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity;

Introduce an entry policy – making people aware of it – and apply it consistently and fairly;

Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises;

Implement effective management of entrance queues – incorporating barriers if necessary;

Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;

Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;

Provision of effective CCTV in and around premises;

Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;

Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;

Provision of toughened or plastic drinking vessels and bottles;

Provision of 'bottle bins' inside the premises and near exits;

Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;

Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;

Provision of litterbins and other security measures, such as lighting, outside premises;

Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;

Responsible advertising;

Distribution of promotional leaflets, posters etc;

Drug Seizure Kits (available from Norfolk Police Operation Enterprise);

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

Ban known offenders and share information with other licensed premises in the area;

Implement a dispersal policy;

Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

#### 24.0 Objective - prevention of public nuisance

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

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

24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises

are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

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

- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

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

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

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

## **SECTION E - Hours of Trading**

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

# **APPENDIX E**

## **National Guidance**

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

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

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

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

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

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

## **Crime and disorder**

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

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

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

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

## **Public nuisance**

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

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

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

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

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

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

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

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

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



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

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

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

## **Conditions attached to premises licence**

### **General**

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

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

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

### **Proposed conditions**

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps

recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

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

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

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

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

## **Imposed conditions**

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

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

## **Proportionality**

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

## **Hours of trading**

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

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

## **The need for licensed premises**

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