

<b>Report to</b>	Licensing sub committee 6 March 2017	<b>Item</b>
<b>Report of</b>	Head of citywide services Licensing Act 2003:	<b>3</b>
<b>Subject</b>	Application for the Grant of a Premises Licence – Babel, 6-7 The Terrace, Castle Mall, Norwich, NR1 3DD	

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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 grant of a premises licence in respect of 6-7 The Terrace, Castle Mall, Norwich, NR1 3DD following the receipt of relevant representations.

## **Recommendation**

That members determine the application to grant a premises licence in respect of 6-7 The Terrace, Castle Mall, Norwich, NR1 3DD in accordance with the:

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

## **Corporate and service priorities**

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

## **Financial implications**

None.

**Ward/s:** Mancroft

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

## **Contact officers**

Ian Streeter, Licensing Manager

01603 212761

## **Background documents**

None

## **Report**

### **The application**

1. The applicant is Faucet Inn Limited of Union 88-90 George Street London W1U 8PA
2. The application seeks to allow the licensable activities, times and opening hours as set out in the application form, which is attached at appendix A. This also includes the steps proposed to promote the licensing objectives (operating schedule) together with a plan of the premises.

### **Relevant representations**

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

Police – representations received (see appendix B).

Environmental Protection – representations received (see appendix B).

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

4. Two representations objecting to the application have been received from local residents. Copies are attached at appendix C to the report, together with a plan identifying the relevant premises.

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

5. 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)**

6. 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**

7. 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.
8. 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
  9. 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.
  10. 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.
  11. 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.

**Application for a premises licence to be granted  
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.

**We Faucet Inn Limited apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description  Babel, Unit 6 & 7, The Terrace, Castle Mall	
Post town Norwich	Post code

Telephone number of premises (if any)

Not known

Non-domestic rateable value of premises

Not known

**Part 2 – Applicant Details**

Please state whether you are applying for a premises licence as

a) An individual or individuals\*

Please tick ✓

☐

please complete section (A)

b) a person other than an individual\*

- i. as a limited company
- ii. as a partnership
- iii. as an unincorporated association or
- iv. other (for example a statutory corporation)

☒

please complete section (B)

☐

please complete section (B)

☐

please complete section (B)

☐

please complete section (B)

c) a recognised club

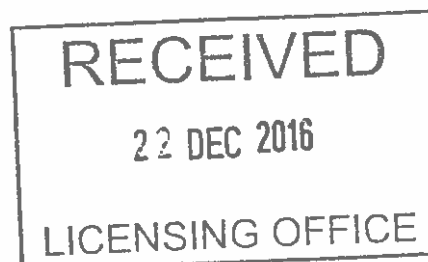
☐

please complete section (B)

d) a charity

☐

please complete section (B)



- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
  - Statutory function or ☐
  - A function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (For example, Rev) ☐

Surname

First names

I am 18 years old or over

Please tick ☐

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**Second Individual Applicant (if applicable)**

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (For example, Rev) ☐

Surname

First names

I am 18 years old or over

Please tick ☐

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name Faucet Inn Limited
Address Union, 88-90 George Street, London, W1U 8PA
Registered number (where applicable) <b>06824966</b>
Description of applicant (for example, partnership, company, unincorporated association etc.) <b>Private Limited Company</b>
Telephone number (if any) 0207 486 5175
E-mail address (optional)

**Part 3 – Operating Schedule**

When do you want the premises licence to start?

Day    Month    Year

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If you wish the licence to be valid only for a limited period, when do you want it to end?

Day    Month    Year

--	--	--	--	--	--	--	--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

**Please give a general description of the premises (please read guidance note 1)**

The applicant is proposing to develop premises within Castle Mall and in particular Unit 6 & 7, The Terrace, Castle Mall, Norwich of that development as more particularised on the plans provided. The overall development is mixed use.

It is intended that the current site will be refurbished and opened in the manner of a traditional licensed premises with a significant food offering. This format to be known as "Babel". It is intended that the premises will appeal to a wide demographic of clientele including families. A substantial quality food offering will be available and there will be a provision of limited regulated entertainment.

The premises has an appropriate Planning Permission for the use of this site.

The layout is proposed in accordance with the plans deposited with the Licensing Authority with this application, being: -

- Site location plan
- licensing plan - drawing 201 identifying the internal and external areas to be licensed at this site.

All licensable activities are to take place internally in the area outlined in red. The licensable activities will be limited to sale by retail of alcohol and late night refreshment only in the external areas.

It is proposed that the premises will have external areas identified on the plans edged and hatched red.

The applicant operates a number of licensed premises. On opening the premises will trade under the applicant's new style brand known as "Babel" with premium food offering. There will be high levels of service and some waitress provision in the dining areas.

Other licensable activities, in particular regulated entertainment will be ancillary to the provision of food and sale of alcohol.

Appropriate noise attenuation measures are intended to be included within the structure of the build and it is not anticipated that any issues will arise in relation to noise nuisance. The Operating Schedule has been completed on this basis.

The name of the premises will be provided in due course.

The following permitted licensing hours for these premises would apply for on and off sales of alcohol, regulated entertainment are: -

Monday to Sunday 10:00 to 01:00 the following morning.

Opening hours 07:00 to 01:30 a.m. Monday to Sunday.

It is intended that the premises will open for non licensable activities prior to the authorised for licensable activities including breakfasts etc.

This application seeks to obtain authorisation under the Licensing Act 2003 for the following activities: -

- 1) To permit regulated entertainment comprising live music and amplified voice, recorded music by juke box and music systems, performance of dance, comperes for functions and quizzes and similar forms of entertainment, indoor pub games comprising a sporting event in the presence of an audience, exhibition of a film principally video entertainment on screens and TV screens and amusement machines.
- 2) To permit sale of alcohol and such regulated entertainment on New Year's Eve to operate from 10:00 on the 31<sup>st</sup> December until 01:00 on the 2<sup>nd</sup> January, thereby providing extended hours.
- 3) To permit provision of refreshment after 23:00.

**What licensable activities do you intend to carry on from the premises?**

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

**Provision of regulated entertainment**

- |   |                                     |
|---|-------------------------------------|
| a) Plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) Films (if ticking yes, fill in box B)  | <input checked="" type="checkbox"/> |
| c) Indoor sporting events (if ticking yes, fill in box C)   | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

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

**Supply of alcohol** (if ticking yes, fill in box J) ☒

**In all cases complete boxes K, L and M**



**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 {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri					
Sat			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 (please read guidance note 5)		
Sun					

**B**

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00	Exhibition of a film principally video entertainment on screens and TV screens. There shall be no films shown to a close seated audience		
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Sun	10:00	01:00			
			N/A – save as below		
			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 (please read guidance note 5)		
			When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**C**

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)  As stated in Part 3 above and restricted to traditional pub games in the presence of an audience, including (but not limited to) darts, pool, snooker, dominos and similar
Day	Start	Finish	
Mon	10:00	01:00	State any seasonal variations for indoor sporting events (please read guidance note 4)  N/A – save as below
Tue	10:00	01:00	
Wed	10:00	01:00	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 (please read guidance note 5)  When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)
Thur	10:00	01:00	
Fri	10:00	01:00	
Sat	10:00	01:00	
Sun	10:00	01:00	

**D**

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y}(please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

# E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10:00	01:00			
Tue	10:00	01:00	As stated in Part 3 above and to include live music which may be amplified or unamplified.		
Wed	10:00	01:00			
Thur	10:00	01:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Fri	10:00	01:00			
Sat	10:00	01:00	N/A – save as below		
Sun	10:00	01:00			
			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 (please read guidance note 5)		
			When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

# F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10:00	01:00			
Tue	10:00	01:00	Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified in part 3 above.		
Wed	10:00	01:00			
Thur	10:00	01:00	State any seasonal variations for playing recorded music (please read guidance note 4)		
Fri	10:00	01:00			
Sat	10:00	01:00	N/A – save as below		
Sun	10:00	01:00			
			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
			When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**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 {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10:00	01:00			
Tue	10:00	01:00	As stated in Part 3 above and to include performance of a dance or a similar activity.		
Wed	10:00	01:00			
Thur	10:00	01:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Fri	10:00	01:00			
Sat	10:00	01:00	N/A – save as below		
Sun	10:00	01:00			
			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
			When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**H**

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

**I**

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 {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23:00	01:00			
Tue	23:00	01:00	As stated in Part 3 above and to include the provision of hot food and drinks for consumption on and off the premises at the Manager's discretion and in the areas identified.		
Wed	23:00	01:00			
Thur	23:00	01:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Fri	23:00	01:00			
Sat	23:00	01:00	N/A – save as below		
Sun	23:00	01:00			
			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)		
			When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**J**

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
				Off the premises	
				Both	✓
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	01:00			
Tue	10:00	01:00	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 (please read guidance note 5)		
Wed	10:00	01:00			
Thur	10:00	01:00	To permit the sale of alcohol and such regulated entertainment authorised hereunder on New Years Eve commencing 10:00 until 01:00 on the 2 <sup>nd</sup> January.		
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	01:00			

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor****Name:** Stephen Peter Cox .....**Address:** Wayside Near Westerham Kent**Postcode:** .....**Personal Licence number (if known):** 05/09248/LIPERS**Issuing licensing authority (if known):** City of Westminster

**K**

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 save for the presence of AWP machines the use of which is not permitted by persons under the age of 18

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)  Please see box J above
Day	Start	Finish	
Mon	07:00	01:30	
Tue	07:00	01:30	
Wed	07:00	01:30	
Thur	07:00	01:30	
Fri	07:00	01:30	
Sat	07:00	01:30	
Sun	07:00	01:30	

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

The premises will close 30 minutes after the end of the non-standard timings identified in box J above.

**M**

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

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

Faucet Inns operate a number of premises principally within London and the South and on this occasion, the site is intended to operate as a traditional licensed premises with a substantial food offering

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

The applicant has undertaken a risk assessment in connection with the operation of this unit taking into consideration the area in which it is located and their previous experience of units of this nature and their operation and impact on the immediate vicinity.

With regards to the prevention of crime and disorder the applicant would offer the following steps in order to address this issue: -

1. Alcoholic drinks may not be removed from the premises in open containers saved for consumption in

- 2. external areas provided for that purpose.
- 3. No customers carrying opened bottles of alcoholic drink upon entry shall be admitted to premises at anytime the premises are open to the public.
- 4. It is considered that for the nature of the operation door supervisors will not be required however, the Designated Premises Supervisor will undertake a risk assessment should unusual events takes place and if they consider it appropriate will employ the same.
- 5. Any persons exercising security (as defined by paragraph 21a of schedule 2 of the Private Security Act 2001 shall be licensed by the Security Industry Authority).
- 6. Such person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence.
- 7. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.

#### c) Public safety

The applicant has undertaken a risk assessment with regard to public safety.

As this is a New Build all equipment will be to the latest standard and will be British Standard approved.

The applicant will ensure that fixtures and fittings provided to the premises will be of an appropriate nature.

The applicant undertakes to comply with reasonable requirements of the Building Control Officer. In any event, the approval of these statutory authorities will be required before the premises can open to the public.

Proposed condition :-

- 1) The Premises Licensee will comply with the reasonable requirements of the Fire Officer from time to time.

#### d) The prevention of public nuisance

The applicant has undertaken a risk assessment with regards to public nuisance.

The applicant proposes conditions as follows: -

- 1) Where appropriate prominent and legible notices shall be displayed at all exists requesting the public to respect the needs of the local residents and to leave the premises and area quietly.
- 2) The doors and windows to the premises are to be double glazed

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

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risk of harm to children have been identified.

- 1) No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
- 2) Children under the age of 16 shall not be permitted to enter or remain at the premises after 22:00 unless resident, dining with an adult or attending a pre booked function.

Please tick ✓ Yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant 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: John Gaunt & .....  
.....

Date: 21 December 201

Capacity: Solicitors.....  
.....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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: John Gaunt & Partners.....  
.....

Date: .....  
.....

Capacity: Solicitors.....  
.....

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

John Gaunt & Partners  
Omega Court  
372 Cemetery Road

tim@john-gaunt.co.uk

Post town  
Sheffield

Post code  
S11 8FT



## Notes for Guidance

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 the 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.

KEY

SITE


DATE	12/11/98	DATE	12/11/98
------	----------	------	----------

SECTION	9.0.00000000	
REGISTRATION	TITLES	
APPROVAL	CERTIFICATION	
PLANNING	NEW PLAN	

[illegible]

**CLIENT**  
INFRARED CAPITAL PARTNERS  
C/O HARK GROUP LTD.

**PROJECT**  
CASTLE MALL, NORWICH  
LEISURE QUARTER

DRAWING UNIT 6 & 7 CHANGE OF USE PROPOSED USE CLASSES	
SCALE	
1:200 @ A1	
DATE	DRAWN LPA
NOVEMBER 2015	CHECKED GR
DRAWING MANAGER	REVIEWED A
6319/2005	



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Rev	Description	Date
1	Issue for tender	

106-1 = 106/555D

106-2 = 106/555D

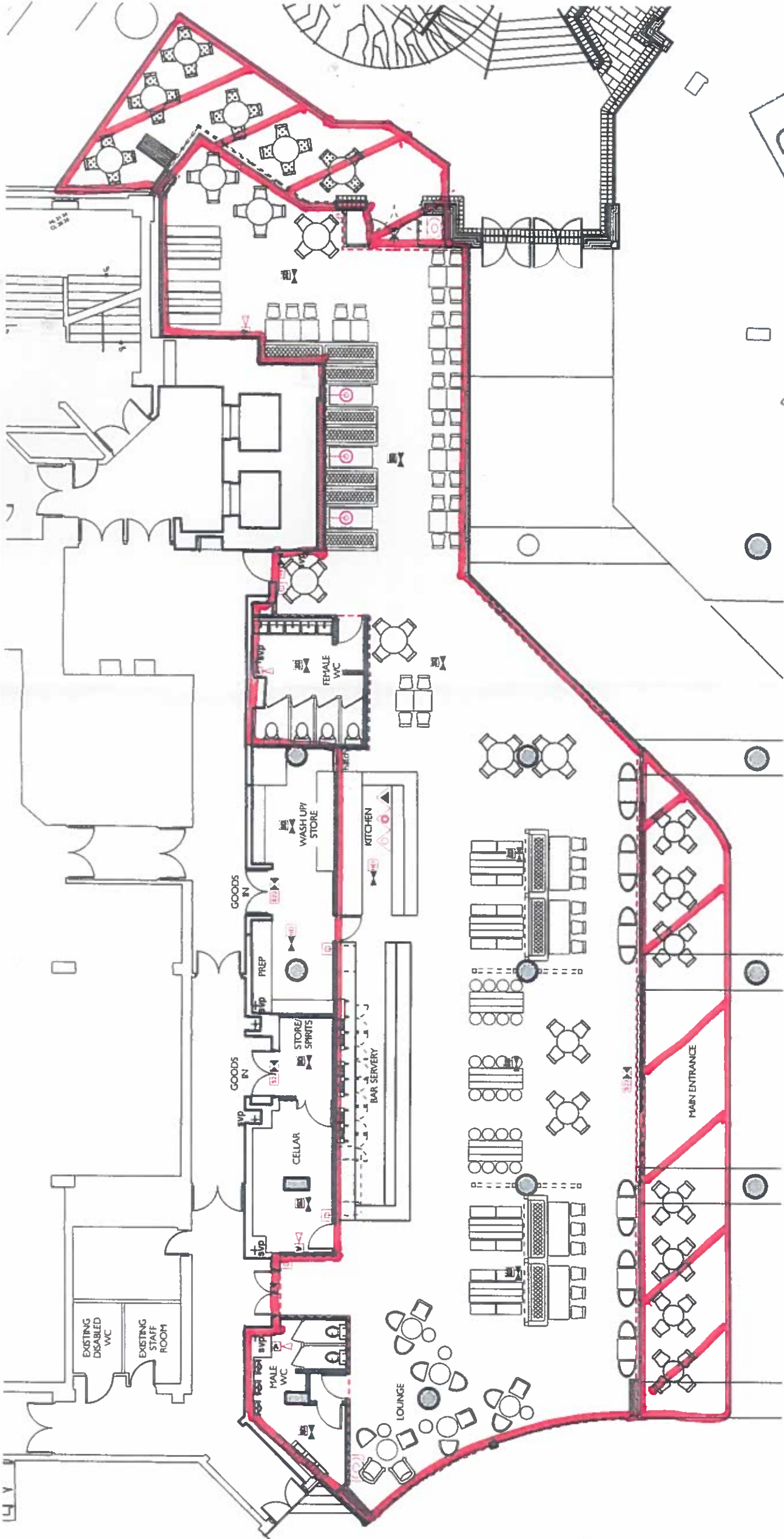
106-3 = 106/555D

## GRAPES DESIGN

Client	FAUCET INN
Project	NEIGHBOURHOOD NORWICH
Project No	2072
Drawings	LICENSING PLAN
Date	NTS @ A3
Drawn by	201
Check by	
Issue	
Signature	APR 16
Reason	
Comments	

DESIGN CONSULTANTS 51 HUTTON  
SQ. LONDON, N1 6PB  
T: 0207 6132410  
F: 0207 6132080

RECEIVED  
23 DEC 2016  
LICENSING OFFICE



### FIRE EQUIP SYMBOL KEY

EMERGENCY LIGHTING	PUSH BAR
HEAT DETECTOR	FIRE ALARM CALL POINT
SMOKE DETECTOR & SOUNDER	FIRE ALARM CONTROL PANEL
SMOKE DETECTOR	VISUAL SOUND BEACON
FIRE EXIT KEEP CLEAR SIGN	VISION PANEL
NON ILLUMINATED DIRECTIONAL FIRE EXIT SIGN	H2O FIRE EXTINGUISHER
NON ILLUMINATED FIRE EXIT SIGN	CO2 FIRE EXTINGUISHER
DIRECTIONAL ILLUMINATED FIRE EXIT SIGN	FIRE BLANKET
ILLUMINATED FIRE EXIT SIGN	DRY POWDER
FIRE DOOR KEEP LOCKED	FOAM EXTINGUISHER
FIRE DOOR KEEP SHUT	PANIC BUTTON



# NORFOLK

## CONSTABULARY

*Our Priority is You*

Mr Ian Streeter  
Licensing Manager  
Norwich City Council  
St Peters Street  
Norwich  
NR2 1NN

Date: 6<sup>th</sup> February 2017

Dear Sir

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: 101

**Re: Babel, Castle Mall, Norwich**

I can confirm that Police have received a copy of the application for unit 6 & 7 The Terrace Castle Mall. This application is to permit regulated entertainment and the sale of alcohol.

The intention is for the premises to have a substantial food offering however they are still requesting a later opening. The application offers a number of conditions within the operating schedule to support the licensing objectives which include CCTV, a risk assessment to assess the requirement for security staff and for children to be restricted to the premises after 22.00 hrs.

However I do propose the following

- **Staff will be trained in relation to the sale of alcohol and a record of this training will be kept at the premises and available to Police and Licensing on request.**
- **Between the hours of 23:00 and the first time of opening the next day, the consumption of alcohol and soft drinks will not be allowed within the outside seating area of the building.**
- **When the premises trades beyond midnight, a minimum of 2 SIA door supervisors shall be employed from 2200 hrs until the premises closes. At all other times, the need for door supervisors shall be risk assessed. The risk assessment shall be made available for inspection by Police or Licensing Authority on request.**
- **There will be a door supervisor signing in/off which include date, full SIA badge number, tour of duty and times worked. This book will be kept on the premises and available for inspection by Police or Licensing Authority on request.**

My justification for this request is so Police are able to be reassured that staff have received sufficient training in alcohol sales. I would also welcome any earlier finish for drinking within the outside area so support the condition proposed by Environmental Health. This will make it

easier for staff to manage and reduce the risk of incidents occurring in the early hours by encouraging patrons to return inside.

Police request that door staff are employed to manage patrons both inside and the outside areas.

I understand that this area is outside the Cumulative Impact Policy area and therefore this does not need to be considered on this occasion.

**With these conditions added to the premises licence, there will be no objections.**

Yours faithfully,

Michelle Bartram  
Licensing Officer

**Fuller, Maxine**

---

**From:** Divey, Richard  
**Sent:** 06 February 2017 16:12  
**To:** LICENSING  
**Subject:** Babel 17/00011/PREM

I have looked at the above application and have some concerns over noise and the potential to have large numbers of customer's drinking in the outside area late at night.

I would therefore object to the licence unless the following conditions can be agreed to;

- 1) No loudspeakers to be operated in the areas outside the building.
- 2) Windows and doors shall be maintained closed except for access and egress whenever amplified live or recorded music is being played as a licensable activity.
- 3) Between the hours of 23:00 and the first time of opening the next day, the consumption of alcohol and soft drinks will not be allowed in the outside area of the building.

I believe these conditions will protect local residential uses from the impacts of noise escape from the premises.

Richard Divey  
Environmental Protection Officer  
Norwich City Council  
St. Peters Street, Norwich  
NR2 1NH.  
01603 212319

**Fuller, Maxine**

---

**From:** [REDACTED] n>  
**Sent:** 26 January 2017 19:27  
**To:** LICENSING & MARKETS  
**Subject:** Re: Objection

Maxine

Thanks for letting me know. I have taken a photo of the form and attach it below. I hope this is more successful.

As I say I am writing as Chair of the Westlegate Residents Association. There have been a few occasions when local pubs' music has run on into the small hours and it is very audible from the Tower and adjacent properties.

We do not want to stop night time activities / businesses enlivening the city centre but just ask that local residents are borne in mind when it comes to choosing the hours that music can be played. Litter, glasses, cans etc left on the street is another consideration.

I hope these issues will be taken into consideration.

Best wishes  
John Williams

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

Organisational Development  
27 JAN 2017  
Post Room

**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>	John Williams as Chair of the Westlegate Residents Association
<b>Postal address</b>	c/o Apt 8 Westlegate Tower, 14-18 Westlegate, Norwich, NR1 3LJ
<b>Email address</b>	[REDACTED]
<b>Contact telephone number</b>	[REDACTED]

<b>Name of the premises you wish to support or object to</b>	Babel
<b>Address of the premises you wish to support or object to.</b>	6-7 The Terrace, Castle Mall, Norwich

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

<b>Licensing Objective</b>	<i>Please set out your support or objections below. Please use separate sheets if necessary</i>
<b>To prevent crime and disorder</b>	
<b>Public safety</b>	
<b>To prevent public nuisance</b>	I would ask the licensing authority to bear in mind that there are 19 residences in the Westlegate Tower development and more in the environs and to consider restricting the <del>music</del> licence to stop significantly earlier than 1 am.
<b>To protect children from harm</b>	

**RECEIVED**  
27 JAN 2017  
**LICENSING OFFICE**

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

Signed: [REDACTED]

Date:

25/1/2017



**Fuller, Maxine**

---

**From:** [REDACTED]  
**Sent:** 27 January 2017 14:05  
**To:** Fuller, Maxine  
**Subject:** Babel. Licensing Application (Castle Mall).

Maxine,

I believe that Babel's application should be disqualified as I, and other residents living close to Castle Mall, were not given adequate notice of this application.

The application form that was pinned to one of the safety screens outside Castle Mall appears to be the only form of notification. Its location meant that it was not highly visible and there remains a question about whether it was posted before Christmas.

As this is the first of what maybe a series of similar applications for the Castle Mall restaurant development one would have hoped that the applicants and the Council would have made a greater effort to involve the local residents.

Also I hope the Council will take appropriate action with this and similar applications for Castle Mall to prevent the area becoming an extension of the 'Late Night Economy' zone (the area of the Prince of Wales Road).

Babel's application for licensing up to 1 am, for what should effectively be a restaurant, appears excessive. Also Babel's other sites offer 'eclectic music' so one presumes they may subsequently apply for a late night music license. We were horrified when the Owl Sanctuary took up residence in Timberhill and started to offer late night music without any reference to the local residents.

What is the Council's policy to licensing late night drinking and music in this part of the city centre ?

Regards,

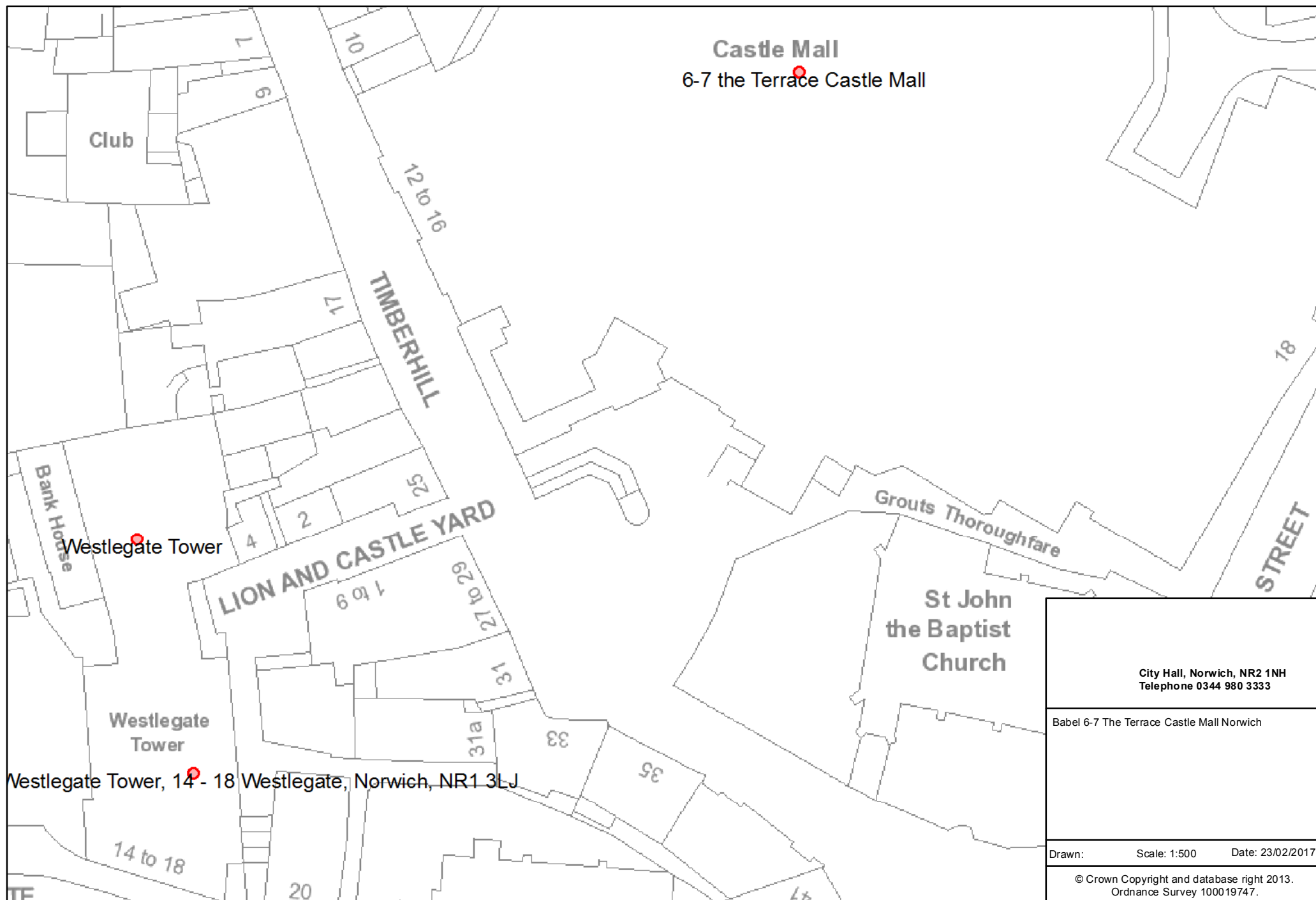
Nick Backhouse

(Westlegate Tower)

[http://www.edp24.co.uk/news/babel announced as first restaurant in new complex at castle mall 1 486138](http://www.edp24.co.uk/news/babel_announced_as_first_restaurant_in_new_complex_at_castle_mall_1_486138)

4

Sent from my iPad



# 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.