

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee

28 May 2010

Report of Head of Citywide Services

Subject Licensing Act 2003:
Application for Review of a Premises Licence -
The Catherine Wheel PH 61 St Augustine's Street Norwich

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 an Interested Party application to review the Premises Licence in respect of The Catherine Wheel PH 61 St Augustine's Street Norwich.

Recommendation

That Members determine the review application respect of The Catherine Wheel PH 61 St Augustine's Street Norwich 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.

Financial Consequences

The financial consequences for this report are nil.

Corporate Objective/Service Plan Priority

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

Contact Officers

Ian Streeter

Phone No 212439

Background Documents

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

Norwich City Council Statement of Licensing Policy

1.0 Licensing Act 2003 (The Act): Review Applications

1.1 The Act provides a mechanism by which, following the grant of a Premises Licence, a Responsible Authority (e.g. Police or Fire Authority) or Interested Party (e.g. a resident living in the vicinity of the premises) may ask the Licensing Authority to 'review' the licence because of a matter(s) arising at the premises in connection with any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm).

1.2. Where the request for review originates with an Interested Party, the Licensing Authority must first consider whether the complaint made is either: not relevant; vexatious; frivolous; or repetitious. The Guidance issued by the Secretary of State under Section 182 of The Act explains this terminology in more detail and the relevant paragraphs of the Guidance (5.73–5.77 & 5.104) are reproduced in Appendix H to the report.

1.3 If an application is accepted the Licensing Authority must advertise the review by displaying a notice at, on or near the site of the premises to which the application relates and at the main offices of the Licensing Authority. Notification of an application is also sent to properties within the vicinity of the application premises, in accordance with the policy previously agreed by the City Council's Licensing Committee.

1.4 The Act provides the Licensing Authority with a range of powers that it may exercise on determining a review, where it considers them necessary for the promotion of the licensing objectives. However, the Licensing Authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.

1.5 Where a Licensing Authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- To modify the conditions of the Premises Licence (which includes adding new conditions or any alteration or omission of an existing condition);
- To exclude a licensable activity from the scope of the licence;
- To remove the Designated Premises Supervisor (for example, because they consider that the problems are the result of poor management);
- To suspend the licence for a period not exceeding three months; and
- To revoke the licence.

1.6 It should be noted that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

1.7 Section 177 of The Act allows, in certain circumstances, for the suspension of any conditions relating to the provision of music entertainment imposed by a Licensing Authority, meaning for example that a condition as to the closure of doors and windows or provision of a noise limiter may not be enforceable. However, Section 177 can be disapplied if, following a review of the licence, it is amended to say that this exemption does not apply. This matter is addressed in paragraphs 5.4 –

5.7 of The Guidance issued by the Secretary of State under Section 182 of The Act reproduced in Appendix H to the report.

1.8 The following parties have a right of appeal to the Magistrates Court if they are aggrieved by the licensing authorities decision:

- The applicant for the review;
- The holder of the Premises Licence; and
- Any other person who made relevant representations in relation to the application.

2.0 Application for Review

2.1 An application to review the Premises Licence in respect of the The Catherine Wheel PH 61 St Augustine's Street Norwich has been received from Lee Allen of 60a St Augustines Street Norwich and William Unwin of 60 St Augustines Street Norwich. A copy of the application is attached at Appendix A to the report.

2.2 The application has been accepted by the Licensing Authority and the grounds for review fall under the licensing objective of the prevention of public nuisance. No previous application for review has been received in respect of these premises.

2.3 The current premises licence in place allows for the following licensable activities:

Films	Thursday	10:00 - 02:00
Films	Sunday	10:00 - 00:00
Films	Monday to Wednesday	10:00 - 01:00
Films	Friday and Saturday	10:00 - 03:00
Live Music	Thursday	10:00 - 02:00
Live Music	Sunday	10:00 - 00:00
Live Music	Monday to Wednesday	10:00 - 01:00
Live Music	Friday and Saturday	10:00 - 03:00
Recorded Music	Thursday	10:00 - 02:00
Recorded Music	Sunday	10:00 - 00:00
Recorded Music	Monday to Wednesday	10:00 - 01:00
Recorded Music	Friday and Saturday	10:00 - 03:00
Performances of Dance	Thursday	10:00 - 02:00
Performances of Dance	Sunday	10:00 - 00:00
Performances of Dance	Monday to Wednesday	10:00 - 01:00
Performances of Dance	Friday and Saturday	10:00 - 03:00
Other Entertainment	Thursday	10:00 - 02:00
Other Entertainment	Sunday	10:00 - 00:00
Other Entertainment	Monday to Wednesday	10:00 - 01:00
Other Entertainment	Friday and Saturday	10:00 - 03:00
Provision of Music Facilities	Thursday	10:00 - 02:00
Provision of Music Facilities	Sunday	10:00 - 00:00
Provision of Music Facilities	Monday to Wednesday	10:00 - 01:00
Provision of Music Facilities	Friday and Saturday	10:00 - 03:00
Provision of Dance Facilities	Thursday	10:00 - 02:00
Provision of Dance Facilities	Sunday	10:00 - 00:00

Provision of Dance Facilities	Monday to Wednesday	10:00 - 01:00
Provision of Dance Facilities	Friday and Saturday	10:00 - 03:00
Provision of Entertainment Facilities	Thursday	10:00 - 02:00
Provision of Entertainment Facilities	Sunday	10:00 - 00:00
Provision of Entertainment Facilities	Monday to Wednesday	10:00 - 01:00
Provision of Entertainment Facilities	Friday and Saturday	10:00 - 03:00
Late Night Refreshment	Thursday	23:00 - 02:00
Late Night Refreshment	Sunday	23:00 - 00:00
Late Night Refreshment	Monday to Wednesday	23:00 - 01:00
Late Night Refreshment	Friday and Saturday	23:00 - 03:00
Sale by Retail of Alcohol	Thursday	10:00 - 02:00
Sale by Retail of Alcohol	Sunday	10:00 - 00:00
Sale by Retail of Alcohol	Monday to Wednesday	10:00 - 01:00
Sale by Retail of Alcohol	Friday and Saturday	10:00 - 03:00

Non standard / seasonal timings:

For all licensable activities:

The end time is extended by one hour on the morning that British Summertime ends.

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

An additional hour on Burns Night, Valentines' Day, St Davids Day, St Patricks Day, Good Friday, Easter Saturday, Easter Sunday, St Georges Day, Boxing Day and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday.

2.4 The opening hours of the premises are:

Monday	10:00 - 01:30
Tuesday	10:00 - 01:30
Wednesday	10:00 - 01:30
Thursday	10:00 - 02:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 00:30

Non standard / seasonal timings:

The end time is extended by 30 minutes after the non-standard times for licensable activities.

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

2.5 The current Premises Licence holder is Mrs Bernice Perkins of 14 Vera Road Hellesdon Norwich. Mrs Perkins is also the Designated Premises Supervisor.

2.6 The conditions attached to the Premises Licence for The Catherine Wheel PH and a plan of the premises are attached at Appendix B to the report.

3. Relevant Representations

3.1 The responses from the Responsible Authorities are as follows:

- Police – No representations.
- Environmental Services – Representation received (attached at Appendix C).
- Fire Officer – No representations.
- Planning Officer – No representations.
- Area Child Protection Committee – No representations.
- Trading Standards – No representations.

3.2 There have been two Interested Party representations supporting the review application. These are attached to the report at Appendix D.

3.3 Two Interested Party representations not supporting the review application and a letter from the existing premises licence holder have been received and are attached at Appendix E.

3.4 A site map of the area identifying the premises to which the application relates is attached as Appendix F. A more detailed map of the area detailing the Interested Parties' residences will be available at your meeting.

4.0 Norwich City Council Statement of Licensing Policy

4.1 Attached at Appendix G are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

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

5.1 Attached at Appendix H are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

5.0 Summary

5.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 In making its decision, the Sub-Committee is also obliged to have regard to guidance issued under Section 182 of the Licensing Act 2003 (National Guidance)

and the Council's own local licensing policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.

5.3 If, after considering the application and relevant evidence, action is considered necessary, the Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- To modify the conditions of the Premises Licence (which includes adding new conditions or any alteration or omission of an existing condition);
- To exclude a licensable activity from the scope of the licence;
- To remove the Designated Premises Supervisor (for example, because they consider that the problems are the result of poor management);
- To suspend the licence for a period not exceeding three months; and
- To revoke the licence.

5.4 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 necessary in order to promote the licensing objectives.

5.5 The application for review, and the representations in support of the review relate to issues that fall under the licensing objective of the prevention of public nuisance. The Sub-Committee is directed to paragraphs 25.1 – 25.8 of the local licensing policy at Appendix G that contains examples of factors which can impact on the licensing objective of the prevention of public nuisance. These paragraphs also contain examples of control measures that may be taken into account having regard to the type of premises and/or the licensable activities.

76(50m)
**APPENDIX
A**

**Application for the review of a premises licence or club premises certificate
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 Mr LEE ALLEN..... apply for the review of a
(Insert name of applicant)
premises licence under section 51 / apply for the review of a club premises
certificate under section 87 of the Licensing Act 2003 for the premises described
in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description <u>THE CATHERIN WHEEL</u> <u>ST AUGUSTINES ST.</u>	
Post town <u>NORWICH</u>	Post code (if known) <u>NR3 3BG</u>

Name of premises licence holder or club holding club premises certificate (if known) <u>Mrs B PERKINS</u>

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

☐☒☐☐☐

2) a responsible authority (please complete (C) below) ☐

3) a member of the club to which this application relates
(please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr ☒

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev) ☐

Surname

ALLEY

First names

LEE

Please tick ☒ yes

I am 18 years old or over ☒

Current address

60 A ST AUGUSTINES ST

Post Town

NORWICH

Postcode

NR3 3AP.

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Mr W.P. UNWIN
60 ST AUGUSTINES ST
NORWICH
NORFOLK
NR3 3AP.

Telephone number (if any)

E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes Y

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

FOR THE LAST TWO YEARS WE HAVE
HAD. LOUD MUSIC, PEOPLE DRUNK SHOUTING
& SWEARING, RUNNING UP & DOWN ST AUGUSTINES
UNTILL 4.AM. EVERY WEEKEND, SO LOUD
IT KEEPS US AWAKE. WE HAVE HAD
TWO NEIGHBORS MOVE FROM THE AREA
BECAUSE OF THE NOISE NUISANCE. IN THE
LAST 12 MONTHS

Please provide as much information as possible to support the application (please read guidance note 2)

LOUD AMPLIFIED MUSIC & KARAOKE
SINGING EVERY FRI/SAT. UNTILL
EARLY HOURS OF THE MORNING, UP TO
40 PEOPLE OUTSIDE PUB ON ST AUGUSTINES
ST. OUTSIDE OUR HOUSE & FLAT.

SHOUTING, SWEARING, SINGING TO KARAOKE,
DRINKING VOMITING ON PATH, KEEPING
US AWAKE. ENVIRONMENTAL HEALTH,
CALLED, NUMEROUS TIMES. ALI PRIDMORE
HAS MONITORED NOISE & WARNED PUB
TO TURN VOLUME DOWN, SIX OR SEVEN
TIMES. SAT IN MY HOUSE TO FURTHER
MONITOR NOISE LEVELS AFTER WARNING
PUB TO TURN DOWN NOISE LEVELS,
LEVELS TURNED DOWN FOR 10 MINS,
THEN BACK UP. RETURNED TO PUB.
TOLD TO TURN DOWN LEVEL AGAIN ON
SAME NIGHT. WE HAVE DISCUSSED
THE PROBLEMS WITH OWNER & MANAGER
OF PUB, THEY TOTALLY IGNORE OUR REQUESTS,
AND HAVE NOT ATTENDED ANY MORE
MEETINGS WITH THE RESIDENTS.

□ 70

□ 70

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

29.6.2010
Annoyed neighbor

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

APPENDIX B

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.

Annex 2 – Conditions consistent with the Operating Schedule

1 General - all four licensing objectives

2 For the sale by retail of alcohol only: this is authorised without restriction to:

- a) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises; or
- b) The taking of alcohol from the premises by a person residing there; or
- c) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- d) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

3 The Prevention of Crime and Disorder

4 There will be no new entrants after 01:00.

5 The premises will operate a CCTV system covering the inside and the entry and exit points; it will be maintained in good working order.

6 There will be sufficient staff on duty to monitor customers and intervene early with any problems , and also to monitor whether any children are present.

7 The Portman Group guidance will be adhered to.

8 Details of opening hours will be included in all publicity material, and on signage to customers.

9 Clear and prominent signs will be displayed, requesting customers to leave the premises quietly and with respect to neighbours.

10 The DPS or their representative will attend at least 3 meetings per year of the Norwich Pub Watch group.

11 The DPS will liaise with the Crime Prevention Officer and take advice should it be felt necessary.

12 Public Safety

13 The fire fighting equipment on site will be regularly serviced.

14 The premises will have First Aid facilities.

15 Regular checks will be carried out to ensure the fire escape routes are not obstructed.

16 The Prevention of Public Nuisance

17 Any patron found to be creating a nuisance in the immediate vicinity of the premises will be banned.

18 There will be close liason with the gay community support team.

19 The Protection of Children From Harm

20 No children will be allowed on the premises.

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

- 1 No patrons will be allowed to leave the premises whilst in possession of any drinking vessel or open glass bottle, whether empty or containing any beverage (this condition does not apply to off-sales (within the curtilage of the premises licensed area or in the area designated under a licence to place tables and chairs on the highway) with the express consent of the Licence holder, DPS or a responsible person).
- 2 Sound and frequency limiters will be applied to amplified music (as presently operated).
- 3 Doors and windows are to be shut when amplified music is being played.
- 4 Fibreglass sound proofing will be fitted to windows as scheduled , to be operated by the Licence holders.
- 5 The outside area will close at 22:00.

APPENDIX C



NORWICH
City Council

memorandum

To: Ian Streeter
From: Tony Shearman
Date: 21st April 2010

Your ref: 07/01643/PREM
Our ref:
cc:

Subject: Catherine Wheel P.H. – Licence Review

Dear Ian,

Please find below my comments on the application to review the premises licence for the Catherine Wheel PH, St Augustine's Street.

When the Premises Licence for this venue was granted in 2005, the Licensing Sub Committee imposed the following condition:-

Annex 3, no. 5 - The outside area will close at 22:00

The only outside area at the premises is a small beer garden to the rear, there is no outside area to the front, as the entrance is directly accessed from the street.

In July 2007 the smokefree legislation came into force which prevented customers of this venue from smoking inside the premises. Due to the need to comply with the above condition, the licence holder has had to require customers who wish to smoke after 2200 hours, to go onto the pavement at the front.

Since August 2007 there have been a number of complaints of noise associated with the premises. These have all related to either noise from the customers outside or loud music from the venue, some of the music noise may be attributable to the music escaping as the front door opens to let the smoking customers in/out.

Unfortunately both the front and the rear of the premises are directly overlooked by a small number of residential properties and there is no ideal place for the smokers to be accommodated.

There is however some merit in allowing smokers to use the rear garden after 2200 hours, as this area is in the direct control of the licensee, and its use may be easier to control via various restrictions.

Relaxation of the current restriction on the beer garden may also help to resolve an issue raised by the Police in a meeting with the licensee and myself on the 17th April 2008, which related to the customers outside being subjected to homophobic abuse from passers by.

If it were felt that extending the use of the rear garden were appropriate, restrictions after a given time of the evening could be introduced to reduce the impact of any nuisance by:-

1. Restricting the size area that can be used.
2. Preventing consumption of alcohol/soft drinks outside.
3. Restricting the no. of people allowed outside at any one time.
4. Nominating a member of staff to monitor the area.

Some of these restrictions may also be applicable to the use of the pavement area to the front, but possibly less effective due to the licensee having less direct control over the street.

In relation to the noise from amplified music, the premises licence currently contains the following condition:-

Annex 3 no. 2 – Sound and frequency limiters will be applied to amplified music (as presently operated)

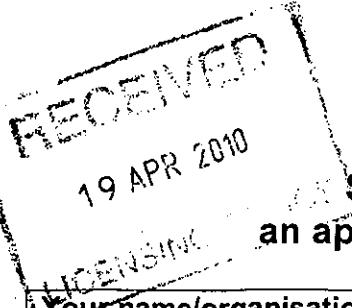
This condition, although technically enforceable, does not require any particular limit to be set or adhered to. In order for it to be effective, the condition needs to reflect that a limit must be set, or alternatively replaced with a condition requiring music to be inaudible at the nearest noise sensitive premises, or similar.

Such a condition above is unlikely however to adequately restrict the blasts of music noise whenever customers enter and leave, whether for smoking or otherwise, and in order to better address the problem, consideration could be given to the installation of an acoustic lobby, i.e. a second set of doors inside any set of external doors regularly in use later in the evening/early morning.

Regards,

Tony Shearman
Environmental Protection Officer

APPENDIX D



Norwich City Council Licensing Authority Licensing Act 2003

Organisational Development
19 APR 2010
Post Room

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

Your name/organisation name/name of body you represent (see note 1)	Simon Brooker Joanna Smith
Postal address	4 ST MARTINS AT OAK WALL LANE NORWICH NR3 3DA
Email address	
Contact telephone number	

Name of the premises	THE CATHERINE WHEEL PH.
Address of the premises	61 ST AUGUSTINES STREET NORWICH NR3 3BG

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	
Public safety	
To prevent public nuisance	WE AGREE WITH THE ATTACHED COMPLAINT. WE HAVE ALSO SPOKEN TO STAFF + MANAGEMENT REGARDING NOISE LEVELS TO NO AVAL. IT IS BECOMING SO BAD WE ARE CONSIDERING MOVING FROM THE AREA.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Remove music licence or Reduce Trading hours To 11pm Close every night with music stopping at 10.30pm
--------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------

Signed:

Date: 15.4.10

Please see notes on reverse

RECEIVED

22 APR 2010

LICENSING

Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development
22 APR 2010
Post Room

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

Your name/organisation name/name of body you represent (see note 1)	MRS JOANNA O'DONOGHUE
Postal address	3, STONEMASON'S COURT ST AUGUSTINES ST. NORWICH NR3 3BL
Email address	
Contact telephone number	

Name of the premises	CATHERINE WHEEL
Address of the premises	

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	
Public safety	
To prevent public nuisance ✓	I have to agree that the pub is excessively noisy at weekends, particularly when there is music or karaoke. I am kept awake until the early hours. There is occasionally shouting & rowing outside my window which can be quite disconcerting, particularly when I have my young granddaughters staying over.
To protect children from harm	

fighting my

Please suggest any conditions which would alleviate your concerns.	
--------------------------------------------------------------------	--

Signed:

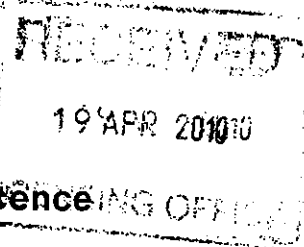
Date:

19/04/10

Please see notes on reverse

APPENDIX E

Norwich City Council Licensing Authority Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	ROOBY COOKS WILSON PROPERTY MANAGEMENT LTD
Postal address	18/71 ST AUGUSTINES ST NORWICH NR3 3BS
Email address	
Contact telephone number	

Name of the premises	THE CATHERINE WHEEL PH
Address of the premises	61 ST AUGUSTINES ST NORWICH

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	SINCE THE CATHERINE WHEEL PH HAS BEEN IN ITS PRESENT MANAGEMENT THERE HAS BEEN A MARKED IMPROVEMENT IN DAMAGE & VANDALISM IN THE AREA AFTER DARK
Public safety	ANY PERSONS OUT SIDE OF THE PREMISES (DUE TO SMOKING BAN) HAVE ALWAYS BEEN FOUND TO BE GOOD NATURED.
To prevent public nuisance	AS ABOVE
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	
--------------------------------------------------------------------	--

Signed:

Date:

15/4/10

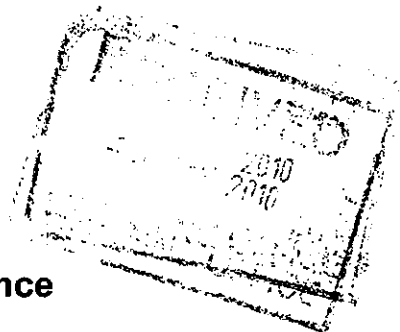
Please see notes on reverse

Organisational Development

- 4 MAY 2010

Post Room

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



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

Your name/organisation name/name of body you represent (see note 1)	Bernice Perkins, Dawn Graham Leah Perkins
Postal address	61 St. Augustine St. Norwich NE3 3BG.
Email address	
Contact telephone number	

Name of the premises	The Catherine Wheel.
Address of the premises	61 St. Augustine St. Norwich NE3 3BG.

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	
Public safety	
To prevent public nuisance	Please see attached letter
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	
--------------------------------------------------------------------	--

Signed:

[Signature]

Date:

2/5/10.

Please see notes on reverse

Bernice Perkins,
Dawn Graham,
Leon Perkins,
Flat above the Catherine wheel,
61 St. Augustines street,
Norwich,
NR3 3BG.

We, the above named, write in response to the complaint made against The Catherine wheel.

We all live here but work in different places except Bernice Perkins who is the licensee.

Our bedrooms are immediately above the bar, and our windows face out onto St Augustines street.

Obviously we can hear some sounds from the bar through the floor but we do not find it an issue to our living as we understand it's a pub.

That said, when the pub is closed, we are living on one of the noisiest streets leading out from the city.

We can hear traffic, especially the heavy Smurfitt lorries which rumble past inches away from our walls vibrating everything, car stereos if they are fairly loud, police, ambulance and fire engine sirens (very loud!) and people making their way home from other pubs and clubs, and indeed they do swear, sing, and shout. However, they are not from The Catherine wheel, as it's closed.

We have had other residents, immediately across the road from us tell us that the noise from inside, or outside, the pub has never been an issue, and also they have brought in copies of the complaint letter, which has been photocopied by the person, or people, complaining and posted through all the local letterboxes except ours.

Yours,

Bernice Perkins



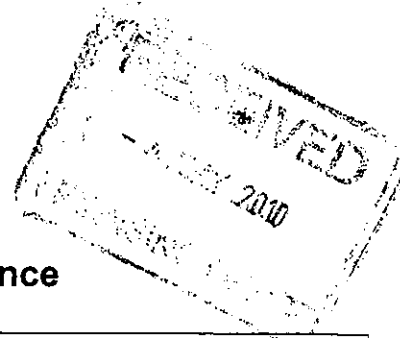
Dawn Graham



Leon Perkins



Norwich City Council Licensing Authority
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	BERNICE PERKINS
Postal address	61 ST. AUGUSTINES STREET NORWICH NR3 3BG
Email address	XXXXXXXXXXXX@XXXXXX.XX
Contact telephone number	XXXXXXXXXX

Name of the premises	THE CATHERINE WHEEL
Address of the premises	61 ST. AUGUSTINES STREET NORWICH NR3 3BG

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	
Public safety	
To prevent public nuisance	Please read attached letter.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	
--------------------------------------------------------------------	--

Signed:

B Perkins

Date:

21/5/10

Please see notes on reverse

Bernice Perkins,
61 St. Augustines street,
Norwich,
NR3 3BG.

Dear Sirs,

I write in response to the complaint that has been made against The Catherine wheel pub under the public nuisance prevention category. The grounds of complaint state:-

For the last two years we have had loud music, people drunk shouting, swearing, running up and down St Augustines until 4am every weekend so loud it keeps us awake. We have had two neighbours move from the area because of the noise nuisance in the last 12 months.

Some points I would like to raise in my defence is that the Karaoke guy who was at the pub until January this year is the same man who has played here for the last five years, and when I took over two and a half years ago he was kept on. So he had previously played at the same level prior to the complaints to me.

Being aware of the noise complaints we did ask him to turn it down and have monitored it constantly.

We do have drunk people running up and down the street, as if you read my attached letter you will see that I live on this street and hear it too.

The majority of my customers leave here to go on to the Castle pub for their clubbing and usually go by cab, and if they are going home we always call cabs wherever possible as one of the other licensing objectives is public safety, and I'm not happy for the more vulnerable gay customers to be walking home alone.

They do not run up and down the street.

The reverse side of the letter states :-

Loud amplified music and karaoke singing every Friday and Saturday until early hours of the morning. (1)

Up to 40 people outside the pub on St. Augustines street, outside our house and flat. (2)

Shouting, swearing, singing to karaoke, drinking, vomiting on path, keeping us awake. (3)

Environmental health called numerous times. Ali Pridmore has monitored noise and warned pub to turn volume down six or seven

times. (4)

Sat in my house to further monitor noise levels after warning pub to turn down noise levels. Levels turned down for 10mins then back up again. Returned to pub and told to turn down level again on same night. (5)

We have discussed the problems with owner and manager of pub. They totally ignore our requests and have not attended any more meetings with the residents. (6)

I have numbered the points so I can answer them individually

Point 1. There is karaoke and music every Friday but not always on a Saturday.

Point 2. We are a small pub and it is very unusual for more than a handful of people to be outside at any one time. Usually they stand around the corner in Catherine wheel opening so as not to be on the main road as the pavement is very narrow. They do not cross the road to the residences on St. Augustines street. A point to be noted here is that if our licence could be changed so we were allowed to use the rear courtyard garden after 10pm for smokers it would help eliminate the people being outside the front (which would be safer for them) and minimise the amount of times the door is opened leaking any sound to the street.

Point 3. We try to monitor people talking outside and ask them to be quiet and there are notices inside the door asking them to be quiet and respect the neighbours. There is no singing to karaoke outside and obviously no drinking. In all the time I have been here we have had no more than half a dozen customers be sick outside on Catherine wheel opening and our staff wash it away immediately.

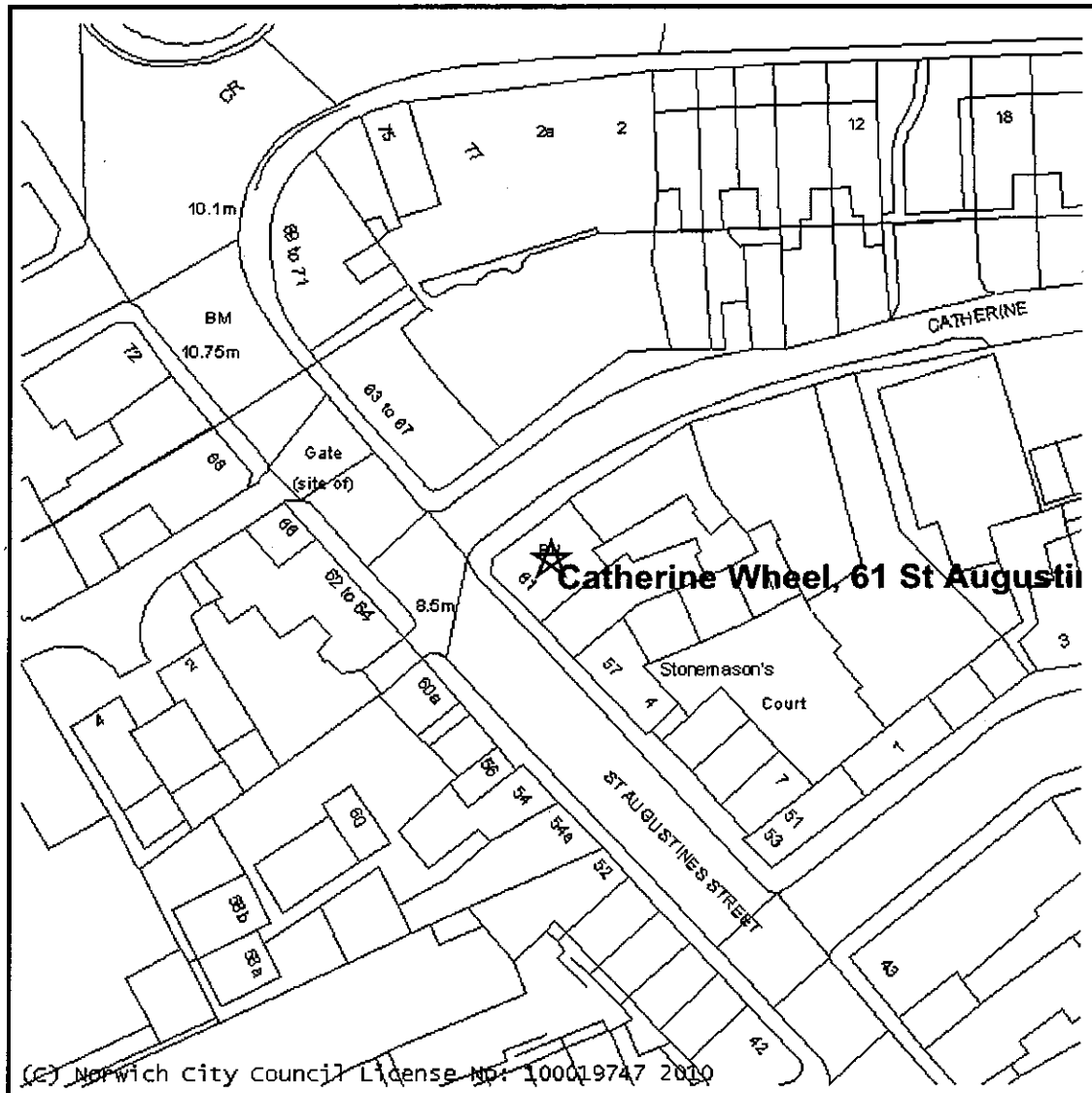
Point 4. Environmental health came out once to monitor the noise (to my knowledge) and we were fine. The recommendation was the minimising of door opening and closing, but we can't do too much there as people do have to use the front door for smoking.


Point 5. We were asked to turn the volume down and we did so. We don't want to cause unnecessary distress to residents. We would not blatantly disregard reasonable requests.

Point 6. I have never met any of the people who have talked to my bar manager, although we discussed what had been said, and we are constantly aware of the karaoke levels and discuss them with the djs and tell them to lower the volume if we think its gone higher.

I have never heard of, or been invited to attend a residents meeting.

APPENDIX F



 <p>NORWICH City Council</p> <p>The Catherine Wheel</p> <p>Scale 1:609</p>	<p>NOTES</p>
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APPENDIX G

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.

4.1 "Responsible Authorities" 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.

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', in that it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representation's, which 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 necessary for the promotion of the licensing objectives.

11.0 Reviews of Licences and Certificates

- 11.1 A Licence or Certificate will be reviewed if, valid representations are received by the Council. Where practicable, the Council will mediate between applicants, relevant statutory agencies and occupiers of nearby premises, local residents groups, community or interested groups where significant issues have arisen relating to a premises licence. Where possible, the Council will mediate by:

- Identifying potential issues for other relevant statutory agencies particularly regarding the safety and amenity of local residents.
- Negotiating, if possible, potential conditions to reflect resolutions of this mediation.

This process will not override the right of any interested party to ask that the Council consider their valid objections, or for any licence holder to decline to participate in a mediation meeting.

Where mediation is not practicable or fails, the Council will advise the parties of the provisions of the Act concerning a formal review of the licence.

- 11.2 Should Responsible Authorities and Interested Parties give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement, requests for a review of any licence will only be sought if such notice has failed to resolve the matter or problem.
- 11.3 The Council expects that any Responsible Authority or Interested Party will provide an evidentiary basis to support their application for a review of a premises licence.

25.0 Objective - Prevention of Public Nuisance

- 25.1 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.
- 25.2 "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.

- 25.3 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.
- 25.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales takes 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.
- 25.5 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 doing so, has given full consideration to the Secretary of State's Guidance on "Hours of Trading".
- 25.6 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 character of their premises and events.
- 25.7 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 23.00 and 07.00
 - 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

25.8 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, e.g. 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 (e.g. garden areas) of premises, including such matters as deliveries i.e not too early in the morning
- Adoption of best practice guidance (e.g. 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 2-3 hours before licensable activities finish.

Section E - Hours of trading

31.1 This section primarily relates to premises where alcohol is sold/supplied, with or without any other licensable activity (e.g. provision of regulated entertainment). That is not to say that hours of trading at other types of licensed premises is of lesser importance, and all applicants for all types of licensed premises should consider "hours of trading", as an important issue, when preparing their operating schedules.

31.2 In determining its policy on the hours of trading, the council has given full consideration to those parts of the Secretary of State's Guidance to the Act which relate to hours of trading.

(i) "With regard to licensing hours, consideration which will be given to the individual merits of an application. The Government recommends that statements of policy should recognise that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance (para 13.40)".

(ii) "Terminal hours dictated by the Licensing Act 1964 were abolished to avoid the serious problems that arise when customers exit licensed premises simultaneously. Attempting to fix a terminal hour in any area would therefore directly undermine a key purpose of the 2003 Act (para 13.37)".

(iii) "Concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises (para 10.19)".

(iv) "There is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested. (para 10.20)".

(v) "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours (para 10.21)".

(vi) "The Government strongly believes that, prior to the introduction of the Licensing Act 2003, fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times; and one of the causes of disorder and disturbance when large numbers of customers were required to leave the premises simultaneously (para 1.17)".

(vii) "The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided (para 1.18)".

31.3 While consideration will be given to the individual merits of each application in respect of hours of trading it may be necessary to consider limiting hours of trading where it would assist in promoting the objectives of the Licensing Act.

31.4 Applicants should give particular consideration to the hours when it is proposed to provide licensable activities, especially the provision of entertainment and the sale

and supply of alcohol, in the preparation of their operating schedules. Applicants will also be expected to address and give due consideration to the impact their patrons may have after leaving their premises, in conjunction with patrons likely to be leaving other licensed premises in the vicinity.

31.5 The policy options which will be applied to applications for premises licences where the sale or supply of alcohol for consumption on the premises is proposed, are as follows:

a) The council will consider restricting the hours if it believes, on the basis of representations made, that not doing so would lead to or exacerbate problems of crime, disorder or public nuisance;

b) Where no relevant representations are received from either a responsible body or an interested party, the application will be granted in accordance with the terms of the operating schedule;

c) Where relevant representations are received from either a responsible body or an interested party, and those representations relate to the hours of trading then subject to (a) above, the council will consider restricting the hours in relation to any of the licensable activities for which a licence is being sought, provided it is considered necessary to do so in order to promote one or more of the licensing objectives which may not be achieved without such restrictions. The council may impose different restrictions on hours for different licensable activities and for different days of the week.

31.6 Applicants should consider having "winding down" periods at the end of the night. By gradually "winding down" entertainment such as loud music before ending the sale of alcohol and the end of trading hours, and then allowing patrons to leave of their own volition, those patrons may behave less boisterously after they have left licensed premises.

31.7 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 H

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

Small venues providing dancing and amplified or unamplified music

3.25 In addition, section 177 of the 2003 Act applies to suspend most licensing conditions relating to music entertainment in certain small venues when the conditions specified in the licence are met. The section is directed at premises with a capacity of 200 or less and which are licensed for the provision of music entertainment such as, for example, some pubs with entertainment licences. A detailed description of section 177 follows below.

3.26 Subsections (1) and (2) of section 177 of the 2003 Act provide that where,

- a premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provision of "music entertainment" (live music or dancing or facilities enabling people to take part in those activities),
- the relevant premises are used primarily for the supply of alcohol for consumption on the premises, and
- the premises have a permitted capacity limit of not more than 200 persons (see paragraph 2.29).

any conditions relating to the provision of the music entertainment imposed on the premises licence or club premises certificate by the licensing authority, other than those set out by the licence or certificate which are consistent with the operating schedule, will be suspended except where, under subsection (5), they were imposed as being necessary for public safety or the prevention of crime and disorder or both.

3.27 Examples of premises used "primarily" for the supply of alcohol for consumption on the premises would include some public houses and some qualifying club premises, but would not normally include, for example, a restaurant.

3.28 In addition, subsection (4) of section 177 provides that where

- a premises licence or club premises certificate authorises the provision of music entertainment, and
- the premises have a permitted capacity limit of not more than 200 persons

then, during the hours of 8am and midnight, if the premises are being used for the provision of unamplified live music or facilities enabling people to take part in such entertainment, but no other type of regulated entertainment, any conditions imposed on the licence by the licensing authority, again other than those which are consistent with the operating schedule, which relate to the provision of that music entertainment will be suspended.

3.29 The "unamplified" music exemption covers any premises appropriately licensed, including, for example restaurants.

3.30 The area to which the 200 "permitted capacity limit" applies concerns the area covered by the terms of the premises licence or club premises certificate. In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the Fire Safety Order (see paragraph 2.29). The permitted capacity limit is only applicable to part of the premises where that part has been separately and accordingly licensed.

3.31 Section 177 can be disapplied in relation to any condition of a premises licence or club premises certificate following a review of the licence or certificate. This means that conditions attached to the existing premises licence relating to the provision of music entertainment can be given effect at the relevant times or that new conditions may also be imposed as an outcome of the review process.

Relevant, vexatious and frivolous representations

9.8 A representation would only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises.

9.9 The "cumulative impact" on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.

9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority's decision by way of judicial review.

9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.

Reviews

11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.

11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

11.4 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.

11.5 Licensing officers may not initiate their own reviews of premises licences, but elected members of the licensing authority may request reviews if they are concerned about licensed activities at a premises or such matters are brought to their attention (see paragraph 8.15 above). Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may also request reviews on any matter which relates to the promotion of one or more of the licensing objectives.

11.6 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.

11.7 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.8 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

11.9 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested

parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.

11.10 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption) ;
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.