

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee

2 July 2009

Report of Head of Legal & Democratic Services

Subject Licensing Act 2003:
Application for the Variation of a Premises Licence -
The Ten Bells PH 74-78 St Benedicts 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 the application to vary a Premises Licence in respect of The Ten Bells PH 74-78 St Benedicts Street Norwich following the receipt of an Interested Party objection.

Recommendation

That Members determine the application to vary a Premises Licence in respect of The Ten Bells PH 74-78 St Benedicts 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 The Application

- 1.1 The applicant is Greene King Retailing Limited Abbot House Bury St Edmunds IP33 1QT.
- 1.2 The premises currently hold a premises licence, the summary of which is attached to the report as Appendix A.
- 1.3 The conditions attached to the current premises licence are attached as Appendix B.
- 1.4 This variation application seeks to:
- Extend the opening hours of the premises by one hour later Monday – Thursday until 01:00 and Friday – Saturday until 01:30; and opening one hour earlier on Sundays from 11:00.
 - Extend the hours for the sale of alcohol by one hour later until 00:30 Monday – Thursday and 01:00 Friday and Saturday.
 - Extend the hours for late night refreshment by half an hour later until 00:30 Monday to Thursday and 01:00 Friday and Saturday.
(Seasonal variations in respect of the three preceding extensions: Christmas Eve, Christmas Day, Boxing Day, New Years Day, All Bank Holidays, Good Friday, Easter Sunday, Sunday & Monday and the day preceding a Bank Holiday 23:00 – 01:00. New Years Eve from 23:00 to the start of permitted hours on New Years Day. On the morning on which summertime begins, where the terminal hour is later than 01:00, the terminal hour shall be extended by one hour).
 - To add the licensable activities of:
 - the provision of facilities for making music(indoors only); and
 - the provision of facilities for dancing (indoors only)

Monday – Thursday	20:00 – 22:00
Friday – Saturday	20:00 – 23:00
Sundays	20:00 – 22:00
 - To amend the plan of the licensed area to include the external drinking area and smoking shelter. (see Appendix C)
 - Remove condition 8 on Annex 2 of the current licence which states that “No outside drinking will be allowed”. (see Appendix B)
- 1.5 Following consultation with the council's Pollution and Enforcement Section the applicant has agreed to the following conditions being attached to the licence:
- Playing of recorded music will be restricted to indoors only.
 - The hatched outside area marked on the plan will be closed between 22:30 – 08:00 everyday. (see Appendix D)

2. Relevant Representations

- 2.1 The responses from the Responsible Authorities are as follows:

- Police – No representations.
 - Environmental Services – No representations.
 - Fire Officer – No representations.
 - Planning Officer – No representations.
 - Area Child Protection Committee – No representations.
 - Trading Standards – No representations.
- 2.2 Five Interested Party responses have been received, four of which support the proposals or have no comment to make (see Appendix E) and one objecting to the application (see Appendix F). The objection relates mainly to the licensing objectives of crime and disorder and the prevention of public nuisance.
- 2.3 A site map of the area identifying the application premises is attached as Appendix G. A more detailed map of the area detailing the Interested Parties residences will be available at your meeting.

3.0 Norwich City Council Statement of Licensing Policy

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

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

- 4.1 Attached at Appendix I 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 The Sub-Committee must take such of the following steps as it considers necessary 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; or
- Reject the whole or part of the application.

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 representations received from the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee is directed to paragraphs 21 and 25 of the local licensing policy at Appendix H which contain examples of factors that impact on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance 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.

5.6 Insofar as the issue of licensing hours is concerned, the Sub-Committee is directed to paragraph 13.41 of the national guidance, which states that licensing hours should not inhibit the development of evening and night-time local economies, and that providing consumers with a greater choice and flexibility is an important consideration. However, this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet. The Sub-Committee is also directed to paragraph 31.7 (a) of the local licensing policy, authorising the restriction of licensing hours, where the licensing authority believes, on the basis of representations, that to not do so would exacerbate public nuisance.

The Committee must decide whether there is a strong enough case for the restriction of licensing hours, based on the representations made, to promote the licensing objectives.

5.7 The Sub-Committee is also reminded of the contents of Appendices 2 and 4 of the local licensing policy (not re-produced in this report) that contain pools of model conditions relating to the prevention of crime and disorder and the prevention of public nuisance.



Premises Licence Summary

Premises Licence Number

06/01258/PREMTR

Premises Details

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

Ten Bells
74 - 78 St Benedicts Street
Norwich
Norfolk
NR2 4AR

Telephone number 01603 667833

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Late Night Refreshment
Live Music
Sale by Retail of Alcohol
Recorded Music

Private Entertainment as defined under section 2 of the Private Places of Entertainment (Licensing) Act 1967

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Sunday 23:00 - 00:00
Monday to Thursday 23:00 - 00:00
Friday and Saturday 23:00 - 00:30

Non Standard Timings

Xmas Eve, Xmas Day, Boxing Day, Spring and Aug Bank Holidays, Good Friday, Easter Saturday, Sunday and Monday and any other bank holiday 23:00 - 00:30

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

Live Music

Monday to Thursday 20:00 - 22:00
Monday to Thursday 20:00 - 22:00
Friday and Saturday 20:00 - 23:00

Sale by Retail of Alcohol

Sunday 11:00 - 23:30
Monday to Thursday 11:00 - 23:30
Friday and Saturday 11:00 - 00:00

Non Standard Timings

Xmas Eve, Xmas Day, Boxing Day, Spring and Aug Bank Holidays, Good Friday, Easter Saturday, Sunday and Monday and any other bank holiday 11:00 - 00:00

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

Recorded Music

The opening hours of the premises

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	12:00 - 00:00

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

Alcohol is supplied for consumption both on and off the Premise

Name, (registered) address of holder of premises licence

Greene King Retailing Limited
Abbot House
Bury St. Edmunds
Suffolk
IP33 1QT

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 5265451

Name, designated premises supervisor where the premises licence authorises for the supply of alcohol

Jennifer Powell

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

Children are not allowed on the premises after 20:00
All children on the premises must be accompanied by an adult.

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.

3 The following are not prohibited:

a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

b) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

c) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

d) The sale of alcohol to a trader or club for the purposes of the trade or club;

e) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

f) The taking of alcohol from the premises by a person residing there; or

g) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

h) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

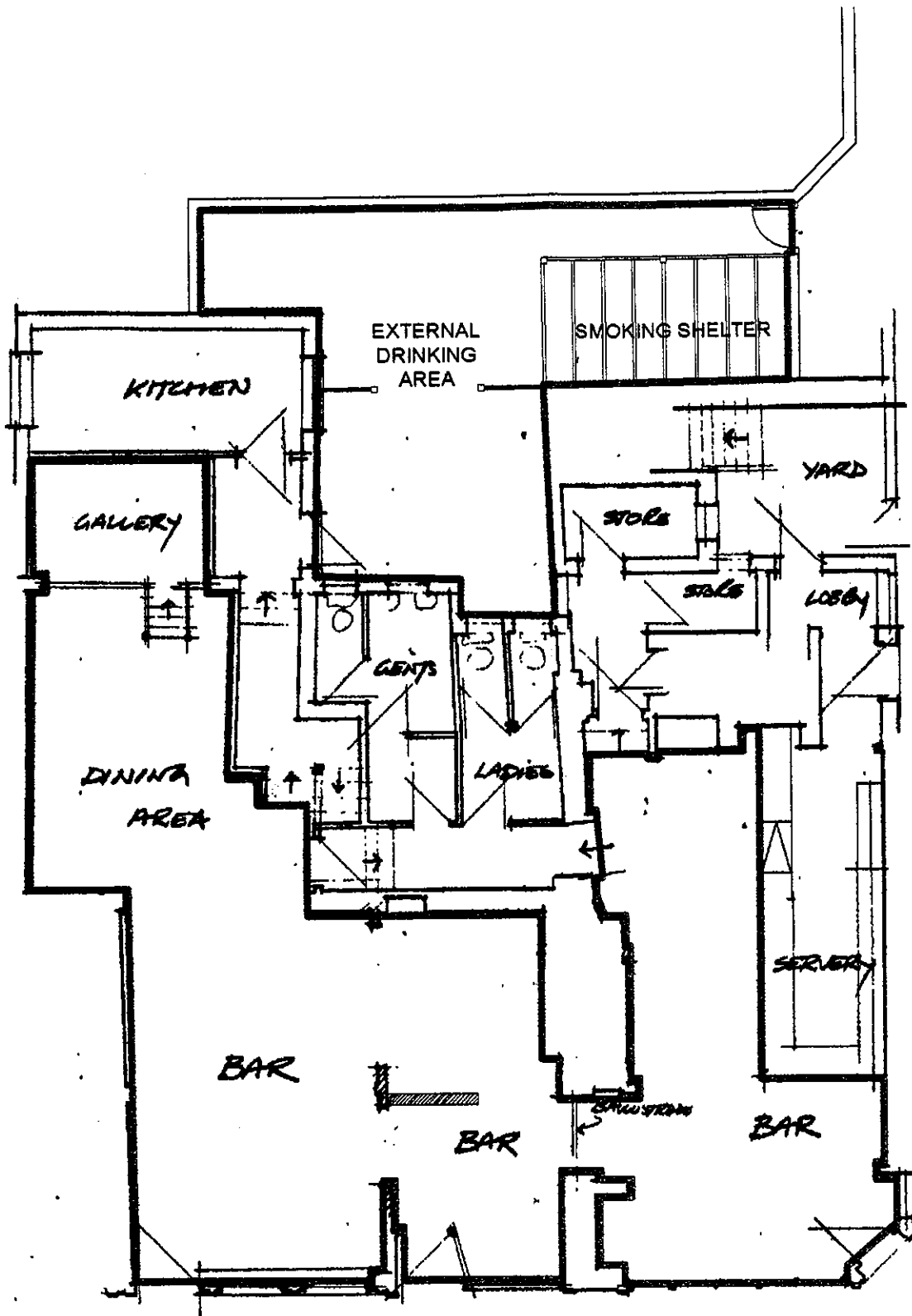
Annex 2 – Conditions consistent with the Operating Schedule

- 1 **General - all four licensing objectives**
- 2 The premises will operate a zero tolerance policy towards drugs/drunkenness/underage drinking/abusive and violent behaviour.
- 3 **The Prevention of Crime and Disorder**
- 4 A Proof of Age Scheme (including the Portman Group) will be in operation at the premises.
- 5 **Public Safety**
- 6 The large picture windows will be left uncovered for external observation during trading hours.
- 7 There will be regular patrolling by staff both inside and outside the premises.
- 8 No outside drinking will be allowed.
- 9 **The Prevention of Public Nuisance**
- 10 There will be regular litter patrols made by staff.
- 11 Notices will be displayed requesting consideration for neighbours when leaving the premises.
- 12 There will be firm management and regular staff briefing and training on potential problems that may arise.
- 13 **The Protection of Children From Harm**
- 14 Children will not be allowed on the premises after 20:00
- 15 All children on the premises must be accompanied by an adult.

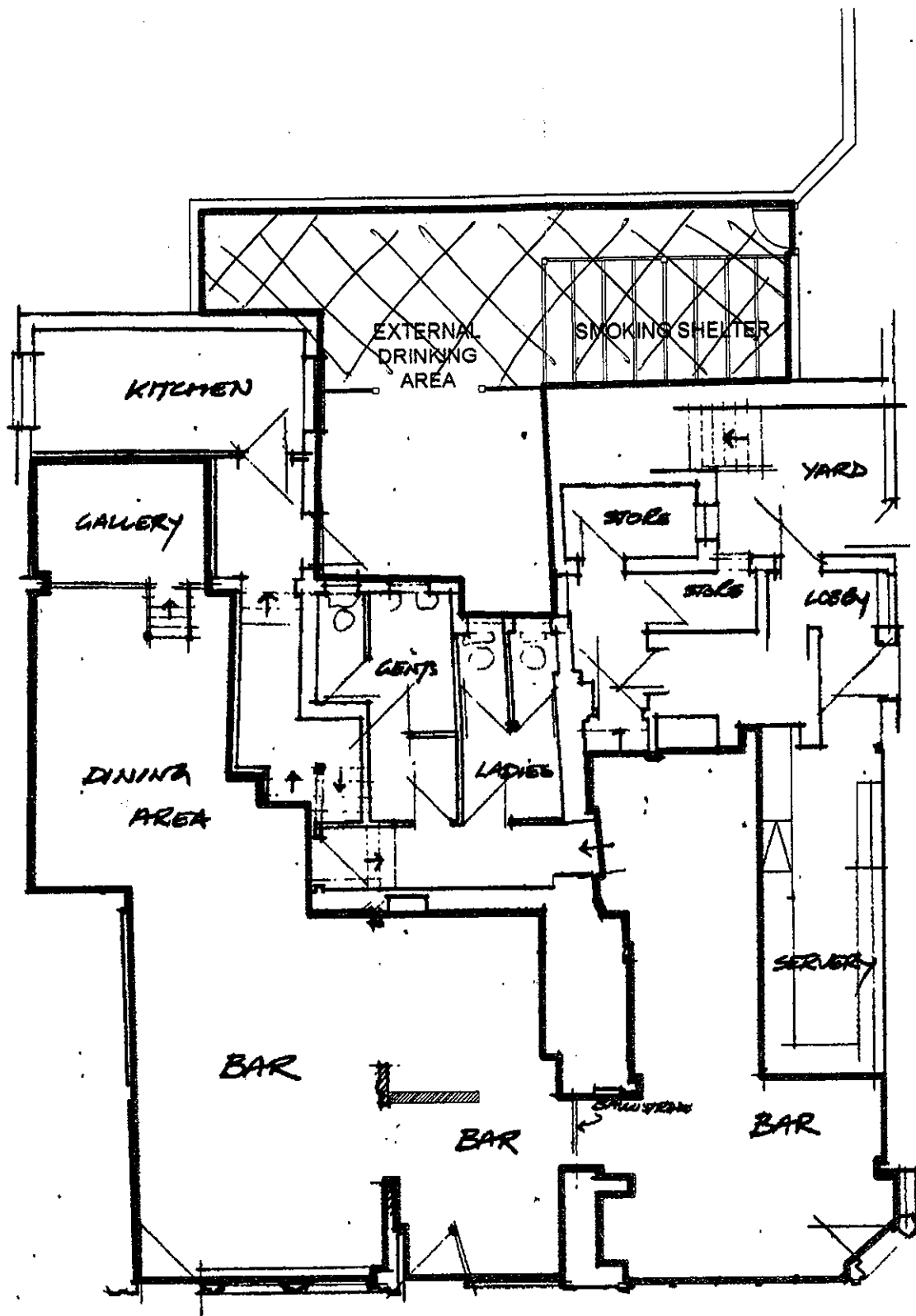
Annex 3 – Conditions attached after a hearing by the licensing authority

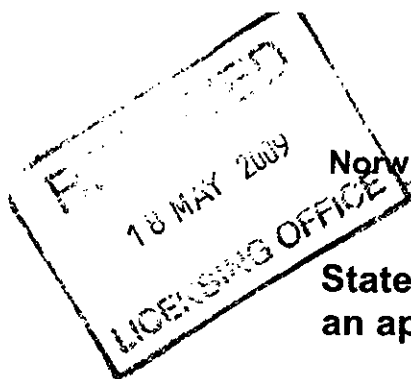
- 1 All doors and windows shall be kept closed after 22:00

APPENDIX C



APPENDIX D





Norwich City Council Licensing Authority
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	Steve Matthew Asco.
Postal address	cardinal House, 86 St Benedicts Street Norwich NR2 4BA
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Ten Bells
Address of the premises you wish to support or object to.	ST BENEDICTS 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	Better in a Pub than wandering the streets.
Public safety	
To prevent public nuisance	It will keep people wild & give late drinkers somewhere to go
To protect children from harm	N/A

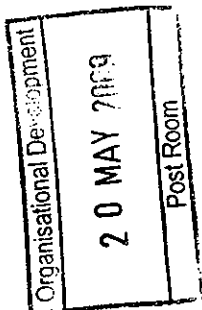
Please suggest any conditions which would alleviate your concerns.	IT will also, hopefully improve Pubs Turnover.
--	--

Signed:

Date:

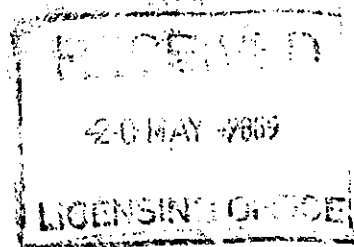
15/5/09

Please see notes on reverse



Norwich City Council Licensing Authority
Licensing Act 2003

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



Your name/organisation name/name of body you represent (see note 1)	ERICA HORTON
Postal address	70A ST. BENEDICTS STREET.
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	THE TEN BELLS
Address of the premises you wish to support or object to.	74-78 ST BENEDICTS STREET.

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

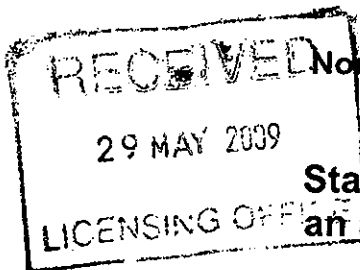
Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Other establishments are open later with less agreeable customers. I don't see any problems with crime for allowing the pub to open
Public safety	The staff are very responsible and sensible in my experience. These changes make no real difference to public safety an extra how.
To prevent public nuisance	I have never had any trouble from customers of the Ten Bells; I never hear any noise from the pub or from patrons.
To protect children from harm	Children aren't allowed in the pub so late on, so extended hours and music cannot affect children.

Please suggest any conditions which would alleviate your concerns.	I fully support these changes to the Ten Bells licensing and welcome the chance to see more music locally.
--	--

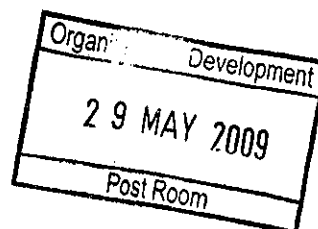
Signed:

Date: 17/05/09.

Please see notes on reverse



Norwich City Council Licensing Authority
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	James Brett
Postal address	Hindes Yard St. Benedicts
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	10 BELLS PH
Address of the premises you wish to support or object to	74/78 St. Benedicts

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	
To protect children from harm	

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

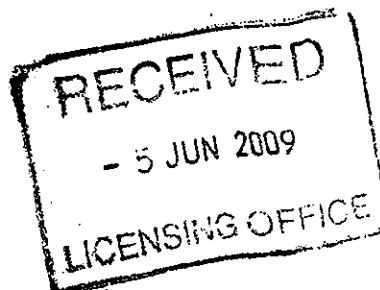
Signed:

Date: 27/5/09

Please see notes on reverse

We have no objection.

Norwich City Council Licensing Authority
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	RESIN DAUNCEY - RESIDENT, - IMMEDIATE NEIGHBOUR
Postal address	72 ST. BENEDECTIS ST. NR2 4AR
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	10 BELLS P.M.
Address of the premises you wish to support or object to	74 - 76 ST. BENEDECTIS ST.

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	IN THE 14 YEARS I HAVE LIVED NEXT DOOR TO THE 10 BELLS I HAVE NEVER KNOWN IT NECESSARY FOR THE POLICE TO BE CALLED.
Public safety	I DON'T SEE ANY THREAT TO PUBLIC SAFETY.
To prevent public nuisance	THE 10 BELLS HAS A FRIENDLY AND CIVILISED CHIEFTELLE. THEY ARE NOT THREATENING OR ANTI-SOCIAL - I SEE NO REASON FOR THIS TO CHANGE.
To protect children from harm	MY SON LIVES WITH ME - HE HAS NEVER BEEN THREATENED OR DISTURBED BY ANY ACTIVITIES AT THE 10 BELLS.

Please suggest any conditions which would alleviate your concerns.	I HAVE NO CONCERNS.
--	---------------------

Signed:

Date:

1st JUNE 09

Please see notes on reverse



Norwich City Council Licensing Authority
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	Peter Brimblecombe - resident Caroline Brimblecombe - resident
Postal address	49 St Benedict's Street Norwich NR2 4PG
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Ten Bells 74-78 St Benedict's Street NR2 4AR
Address of the premises you wish to support or object to.	74-78 St Benedict's Street NR2 4AR

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	please see attached
Public safety	
To prevent public nuisance	please see attached.
To protect children from harm	

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

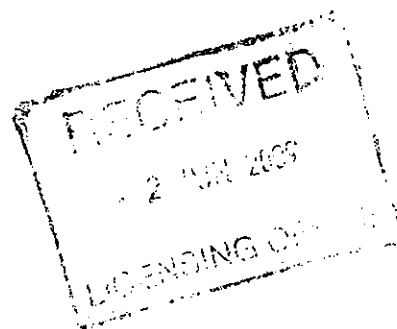
Signed:

Date: 19 May 2009.

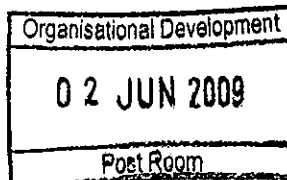
Please see notes on reverse

Caroline Brimblecombe 1 June 2009.

Caroline and Peter Brimblecombe
49 St Benedict's Street
Norwich NR2 4PG



1 June 2009



Norwich City Council
Licensing Section
City Hall
St Peter Street
Norwich NR2 1NH

Dear Licensing Officer

**Re: Ten Bells, 74-78 St Benedicts Street, Norwich, NR2 4AR
Licensing Act 2003 Premises License - Variation**

Attached please find the signed form indicating our wish to object to the licensing variation proposed by the Ten Bells including the extension of opening hours for the sale of alcohol and late night refreshment, addition of facilities for making music and facilities for dancing, the removal of the condition which currently prohibits outside drinking, and the introduction of a shelter for outside drinking and smoking.

We are an "interested party" on the basis that we live a few metres down the opposite side of St Benedict's Street from the Ten Bells. We wish to object on the bases of preventing a public nuisance and preventing crime and disorder.

To prevent public nuisance: We already have our sleep disturbed and are often unable to enjoy our front room due to the noise from patrons at the Ten Bells at weekends and even some weekday nights. This would be made worse by later opening hours and by the addition of music and dancing. We cannot see in practical terms how the outside drinking would be contained to the proposed shelter, and how the proposed shelter would be sufficient to contain those patrons wishing to drink or smoke outside in the warmer weather. Drinking outside and groups of patrons loudly congregating outside isn't controlled now, (even when the weather was colder), people congregate at the front of the pub and talk loudly, break glasses, etc, so we cannot see how it will be controlled under the provisions of the proposed change. Later opening would also mean more late night noise as people left the pub later at night, which would present a public nuisance. We would be left as we are now to deal with each incident on a reactive basis, and with no practical remedy.

Caroline and Peter Brimblecombe
49 St Benedict's Street
Norwich NR2 4PG

**Page Two: 1 June 2009, Ten Bells, 74-78 St Benedicts Street, Norwich,
NR2 4AR
Licensing Act 2003 Premises License - Variation**

Prevention of crime and disorder: There are already many problems occurring in the road resulting from pub users including those who patronise the Ten Bells. We can see people congregating there (outside the pub, whether or not there is a provision relating to outside drinking) especially at the weekends while the pub is open and after the pub has closed. In practical terms, what will the pub do to prevent this occurring in future? There is supposed to be a city centre drinking ban, as city centre dwellers we see this is not enforced at present by responsible parties so how in practical terms will the pub be able to do this (prevent people drinking in the street). We regularly see fights and other illegal behaviour in the street in the evenings, particularly at weekends which obviously is the result of drunkenness. Just last weekend where the police had to be called to a violent fight outside our house. If pub hours were to be extended, we do not believe there would be sufficient controls to prevent crime and disorder. We have recently seen in another area of Norwich a murder and nearly fatal injuries occurring as a result of fighting after leaving a licensed premises (Prince of Wales Road) - and this is an area where they routinely have 'bouncers' and security staff. (And these are only two recent examples.)

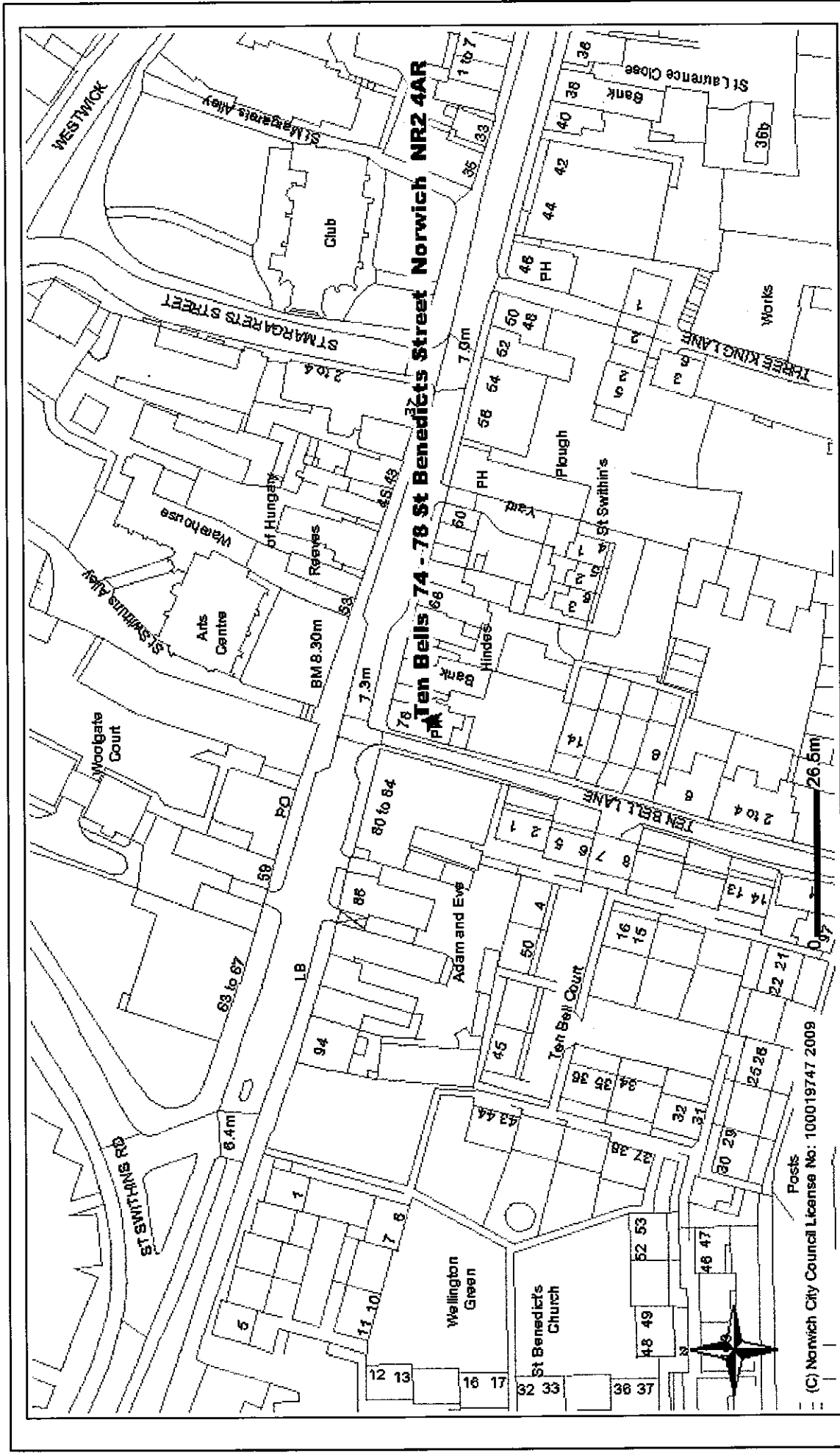
We have been able to find very little practical information on how to present our objections in a way that satisfies the council, and we have even gone so far as to read the Licensing Act 2003 itself, and so we have used common sense and what information we could find to formulate our objections. (We have seen plenty of admonitions not to make 'vexatious or frivolous' objections though, and we intend this to be neither.) We have presented these objections in good faith as long time residents of St Benedicts Street who take a keen interest in our area and who support local businesses. In summary, and leaving the semantics of bases for objections aside, we object to the licensing variations because of the adverse impact these would have on our quality of life. We base this on our current experience living in the street.

Thank you for considering our objections. We are happy to provide any further information required or to attend a hearing (or to send a representative if we are away at the time of the hearing).

Yours sincerely

Caroline Brimblecombe

APPENDIX G



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Norwich City Council. License No: 100019747 2007.

NORWICH
City Council

Norwich City Council
City Hall
Norwich NR2
1NH
Tel: 01603 212212
info@norwich.gov.uk

Scale: 1:1000

(C) Norwich City Council License No: 100019747 2009

APPENDIX H

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.

(a) 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.

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 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.**

3.5 **The Council will not accept any application that is incomplete or fails to satisfy the requirements of the Act or the regulations. Incomplete applications will be returned with an explanation of why it is incomplete.**

4.0 Representations

- 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. Representations, 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.

8.0 The Impact of Licensed Premises

i)

- 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 level of likely car parking demand on principal roads and surrounding residential streets and its effect on local residents, in comparison with the existing situation, and the effect on residential parking and emergency access;
- 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 A Premises Supervisor must be specified in the Operating Schedule for a premises, in which alcohol will be sold ('Designated Premises Supervisor' DPS). The DPS will have responsibility for running the premises on a daily basis. They should normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, they should either undergo additional training, or to be able to demonstrate they have the experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

13.2 There must be proper management arrangements in place in all licensed premises, whether or not alcohol is sold or not, which will ensure there is an appropriate number of responsible, trained/instructed persons at the premises to provide the proper management of the premises, the activities taking place and compliance with all statutory responsibilities and the terms and conditions of the premises licence.

LICENSING OBJECTIVES

21.0 Objective - Prevention of Crime and Disorder

21.1 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.

21.2 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.

- 21.3 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.

- 21.4 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

23.0 Objective - Public Safety

- 23.1 The safety of any person visiting or working in licensed premises must not be compromised. **Applicants are expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.**
- 23.2 The occupancy capacity for premises, and events, is also considered to be an essential factor in the achievement of Public Safety (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **Applicants should address the issue of occupancy capacity, where necessary, within an applicant's operating schedule and, in most instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule and on the opinion of the Responsible Authorities.**
- 23.3 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Applicants must consider other factors when assessing the appropriate capacity for premises or events. These include:
- the nature of the premises or event
 - the nature of the licensable activities being provided

- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation

23.4 Also when addressing the issue of public safety, an applicant must demonstrate that they have considered other public safety issues. These include:

- the age, design and layout of the premises, including means of escape in the event of fire
- the nature of the licensable activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- customer profile (e.g. age, disability)
- the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- having Public Liability Insurance

23.5 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:

- Suitable and sufficient risk assessments
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- Effective management of number of patrons within different parts of the premises
- Determine sensible occupancy limits according to the nature of the premises and activities being carried out.
- Impose occupancy limits rigorously, employing registered doorstaff as necessary. In order to manage occupancy effectively, consider automated systems like electronic door counters.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (further advice can be obtained from the Norfolk Fire Service on 01603 810351 www.norfolkfireservice.gov.uk)
- The Event Safety Guide, Safety in Pubs published by the BBPA)
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic drinking vessels

Implementation of crowd management measures
Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

25.0 Objective - Prevention of Public Nuisance

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.

25.7 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.

27.0 Objective - Protection of Children from Harm

27.1 *The Council will consult with the appropriate Area Child Protection Committee for consideration of all applications for licences.*

27.2 *With a view to the promotion of the licensing objective relating to the 'Protection of Children from Harm' the Council will work closely with the Police and Trading Standards Authority to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol products to children. (For Minor Sales Major Consequences information please contact Trading Standards on 0844 800 8013 trading.standards@norfolk.gov.uk)*

27.3 Applicants should be aware that the protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.

27.4 There should be no presumption of giving children access nor any presumption of preventing their access to licensed premises. Where no licensing restriction is necessary, the admission of children will remain entirely

a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.

- 27.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving for example; topless female bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. The Council has given particular consideration to the types of entertainment referred to above, and has included within this policy their expectations of applicants in Section A, paragraph 16.
- 27.6 **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 protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.**
- 27.7 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. **When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on harm to children have been considered.** These include:
- where entertainment or services of an adult or sexual nature are commonly or regularly provided
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - where there has been a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises, and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 27.8 The Council commends the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. **The Council will expect all licensees to agree not to replenish their stocks following notification of a Retailer Alert Bulletin by the Portman Group in relation to any product that is in breach of that code. Commitment to that Code should be included in Operating Schedules.**
- 27.9 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:
- Effective and responsible management of premises

- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- Adoption of best practice guidance (e.g. Minor Sales Major Consequences)
- Ensure that all drinks containers carry a price tag or other sticker that identifies your premises. This will be a useful tool for working with authorities to tackle underage drinking if problems arise.
- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Train staff to deal with – and be vigilant about – potentially harmful situations, e.g. children in the presence of adults who are excessively drunk
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs, or passports
- Measures to ensure children do not purchase, acquire or consume alcohol
- Measures to ensure children are not exposed to incidences of violence or disorder

These examples can be adopted in any combination.

27.10 In the case of film exhibitions, licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act should implement measures that restrict children from viewing restricted films classified according to the recommendations of the British Board of Film Classification or the Council. In the case of a film exhibition that has not been classified, the licensee should conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.

27.11 In premises where there may be children unaccompanied by adults any supervisors must have undergone appropriate checks through the Criminal Records Bureau.

a. SECTION E - Hours of Trading

31.7 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.

APPENDIX I

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

Interested Parties

8.8 Local councillors play an important role in their local communities. They can make representations in writing and at a hearing on behalf of an interested party such as a resident or local business if specifically requested to do so. They can also make representations as an interested party in their own right if they live, or are involved in a business, in the vicinity of the premises in question.

8.9 However, local councillors are subject to the Local Authorities (Model Code of Conduct) Order 2007 which restricts their involvement in matters, and participation in meetings to discuss matters, in which they have a 'prejudicial' interest (i.e. an interest that a member of the public would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest). However, the latest version of the Code, which came into force on 3 May 2007, has relaxed the rules on prejudicial interest. In terms of licensing, this has the effect of allowing councillors with a prejudicial interest in an application to attend relevant meetings to make representations, answer questions or give evidence, provided that the public are also allowed to attend for the same purpose, whether under the licensing legislation or otherwise and as long as they withdraw from the meeting immediately afterwards. It must be emphasised that councillors have a duty to act in the interests of all of their constituents. Their role as a community advocate must therefore be balanced with their ability to represent specific interests.

8.10 The Code applies to any council member whether or not they are a member of the licensing committee. A member of a licensing committee, representing others or acting in their own right, would need to consider carefully at a committee meeting whether they had a prejudicial interest in any matter affecting the licence of the premises in question which would require them to withdraw from the meeting when that matter is considered. In addition, a member with a prejudicial interest in a matter should not seek to influence improperly a decision on the licence in any other way.

8.11 In addition, councillors who are not themselves interested parties or representing interested parties may wish to be kept informed of licensing related matters within the area, such as applications and reviews. The Act does not prevent licensing authorities from providing this information to councillors, for instance by way of regular updates, as long as it is done in a neutral way that could not be seen as 'soliciting' representations. It should be remembered that the 'licensing authority' in most cases is the full council, including all ward councillors, and each is therefore entitled to information required to inform that role.

Standardised Conditions

- 13.20 "...statements of policy should make it clear that a key concept underscoring the 2003 Act is for conditions to be tailored to the specific premises concerned. This effectively rules out standardised conditions...However, it is acceptable for licensing authorities to draw attention in their statements of policy to pools of conditions which applicants and others may draw on as appropriate."

The Scope of the Licensing Act 2003

- 13.16 "...licensing is about regulating licensable activities on licensed premises...and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity."
- 13.17 "...whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case."

Licensing Law and the Control of Anti-Social Behaviour

- 13.18 "...licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises."

Licensing Hours

Extended Opening Hours

- 13.40 "...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."
- 13.41 "...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies."

Consideration for Residents

- 13.41 "...providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet."
- 9.4 "...it is for the licensing authority to decide in the first instance whether or not representations are relevant. This may involve determining whether they have been made by an interested party and whether or not, for example, an individual making a representation resides or is involved in business "in the vicinity" of the premises concerned."

- 9.5 "...licensing authorities should consider whether the individuals residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises."