

Report to Licensing sub committee
31 January 2022

Report of Head of planning and regulatory services

Subject Application for the Variation of a Premises Licence –
Topsy Jar, 8 Redwell Street Norwich NR2 4SN

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a premises licence in respect of Topsy Jar, 8 Redwell Street, Norwich NR2 4SN, following the receipt of relevant representations.

Recommendation

That Members determine the application to vary the premises licence in accordance with the:

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

Corporate priorities

The report helps to meet the corporate priorities of inclusive economy and people living well.

Financial implications

None.

Ward/s: Thorpe Hamlet

Cabinet member: Councillor Jones – Safer, stronger neighbourhoods

Contact officers

Maxine Fuller – Public Protection Licensing Advisor 01603 989400

Background documents

None

Report

The application

1. The applicant is Ellice Fennell director of L A Mixology.
2. In summary the application seeks to:
 - Extend the hours for the sale of alcohol on Monday to Thursday & Sunday 07:00 to 00:00 (midnight) and on Friday and Saturday 07:00 to 01:00
 - To allow off sales
 - To add the licensable activities of Recorded Music and Late Night Refreshment

Operating Schedule

3. A copy of the existing licence and operating schedule is attached at appendix A to the report.
4. A copy of the application form is attached at appendix B to the report.

Relevant representations

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

Police – no representations

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

6. Representation objecting to the application has been received from 1 local resident. Copy of the representation is attached at appendix C to the report.
7. A location map is attached at appendix D

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

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

Norwich City Council Statement of Licensing Policy

9. Norwich City Council Statement of Licensing Policy was adopted on 1 December 2021 and can be viewed on the Norwich City Council [website](#).

Summary

10. In determining the application with a view to promoting the licensing objectives the sub-committee must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
 - the representations (including supporting information) presented by all the parties;
 - the guidance issued under Section 182 of the Licensing Act 2003 (national guidance); and
 - the council's own statement of licensing policy.
11. The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - Grant the application as asked;
 - Modify the conditions of the licence by altering or omitting or adding to them;
 - Reject the whole or part of the application
12. The sub-committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
13. The representations received appear to relate to issues that fall under the licensing objectives.



Schedule 12

Regulation 33,34

Premises Licence

Premises Licence Number

21/02010/PREM

Part 1 – Premises Details

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

 8 Redwell Street
 Norwich
 NR2 4SN

Telephone number
Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol	Sunday	11:00 - 23:00
New Years Day - from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		

Sale by Retail of Alcohol	Monday to Thursday	11:00 - 23:00
New Years Day - from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		

Sale by Retail of Alcohol	Friday and Saturday	11:00 - 23:45
New Years Day - from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		

The opening hours of the premises

Monday	11:00 - 23:15
Tuesday	11:00 - 23:15
Wednesday	11:00 - 23:15

Thursday	11:00 - 23:15
Friday	11:00 - 00:00
Saturday	11:00 - 00:00
Sunday	11:00 - 23:15

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

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

Alcohol is supplied for consumption on the Premise

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

L A Mixology
3 Hanson Close
Norwich
Norfolk
NR7 8GS

Electronic Mail

ellie@lamixology.co.uk

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

Registered Business Number 12275031

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Jonathan Michael Hook

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference:

Licensing Authority:

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 Where, at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.
- 4
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 5 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.
- 7 The responsible person shall ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider half pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

9 For the purposes of the condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula:

$$P = D + (D \times V)$$

Where:

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

10 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

11 (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

12 But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

13 For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule

1 **General - all four licensing objectives**

2 All bar staff will be trained in the basic law relating to the sale/supply of alcohol and a record of who has received training will be kept at the premises.

3 **The Prevention of Crime and Disorder**

4 The licensee that is the person in whose name the premises licence is issued shall ensure that at all times when the premises are open for a new licensable activity there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

5 A conspicuous notice must be displayed on or immediately outside the premises or which is immediately adjacent to the premises which gives details of any restrictions relating to the admission of children to the premises.

6 The licensee will ensure that there are sufficient staff on the premises to monitor the behaviour of customers whilst in the premises and take action to alert the Police and prevent problems escalating. CCTV will be installed covering entrances and bar areas and maintained in good order.

8 CCTV will cover Redwell Street at all times when the premises are open to the public.

9 The CCTV system will be capable of recording footage for a minimum of 31 days. The footage will be available to Police and Licensing Authorities on reasonable request.

10 Door supervisors will be employed during the evening proportionate to the perceived risk.

11 A minimum of one SIA Door Supervisor will be on duty from 20:00 hours until the premises close on Friday and Saturday evenings.

12 The door supervisor will sign on and off duty in a signing in book and this will be available for inspection by Police or Licensing Authorities on request.

13 An incident book will be provided and available for inspection by the Police and reasonable authorised authorities.

14 Patrons will be monitored leaving the premises especially during the terminal hour to assist in the quiet and orderly dispersal of patrons.

15 All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence shall include a photo of the customer and will be a current passport, a current photographic driving licence, Portman proof of age card, citizen card, connexions card or Pass Card Scheme.

16 The licensee shall not advertise promote sell or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.

17 A conspicuous notice must be displayed on or immediately outside the premises adjacent to the entrance of the premises which gives details of times when the premises are permitted to be open for any licensable activity.

18 The training record of staff will be available to Police and Licensing Authorities on request.

19 A Challenge 21 policy will be in use.

20 No patron will be allowed to leave the premises whilst in the possession of any open drinking vessel whether empty or containing any beverage.

21 **Public Safety**

22 The provisions of the Regulatory Reform (Fire Safety) Order 2005 apply to these premises and accordingly all fire and health and safety risk assessments will be fully implemented.

23 All regulatory requirements will be met as extant at any given time, including but not limited to the provisions of the Regulatory Reform (Fire Safety) Order 2005.

24 **The Prevention of Public Nuisance**

25 Deliveries and collections shall be restricted to a period between 9:00am to 5:00pm on any day of the week.

26 Clear signage must be erected to ask patrons to leave the events quietly.

27 All doors and windows (except for access and ingress) are to be closed whenever necessary to prevent nuisance to neighbouring premises.

28 Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining premises.

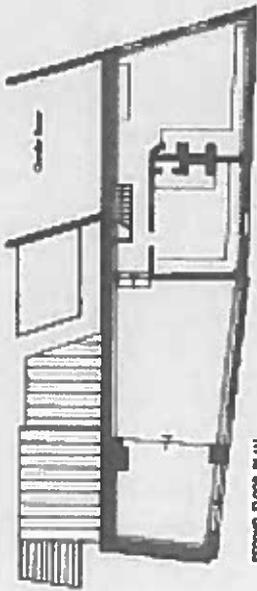
29 The premises must remove their waste and refuse in a timely fashion to a licensed waste disposal facility.

- 30 An adequate number of staff must monitor the activity of persons leaving the premises and remind them of their responsibilities where necessary.
- 31 There must be clear and legible notes displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents.
- 32 All doors and windows at the premises must be kept closed when the licensable activities are taking place other than when doors are used for ingress or egress from the premises.
- 33 Subject to any necessary consents being obtained, secondary double glazing will be installed to the windows at first floor level overlooking Redwell Street to assist in the attenuation of noise and the prevention of noise nuisance.
- 34 Subject to any necessary consents being obtained, access and egress to the premises shall be as follows:
- Ingress via Redwell Street
 - Egress via St Andrews Street
- 35 When extant COVID-19 regulations and/or guidance permit, acknowledging the risk of noise nuisance arising in Redwell Street from the operation of the premises, and subject to any necessary consents, best endeavours will subsequently be used to focus all ingress and egress from the premises via the door on St Andrews Street.
- 36 **The Protection of Children From Harm**
- 37 This issue is covered by the photo ID requirement and proof of age scheme.
- 38 All members of staff on the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 21 years and who is seeking to purchase and consume alcohol on the premises.
- 39 A simply worded sign of sufficient size and clarity must be displayed at the point of entry and in a suitable location at any point of sale advising customers that they may be asked to produce evidence of their age.
- 40 A suitably worded sign of sufficient size and clarity must be displayed at the point of entry and in a suitable location at any point of sale advising customers that they may be asked to produce photographic evidence of their age.
- 41 No children under the age of 18 years to be allowed access to that part of the premises during any time when any activity or entertainment of a sexual nature is being provided.

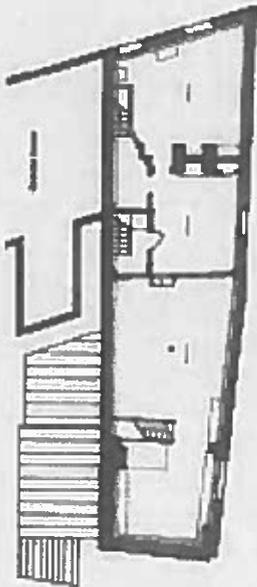
Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

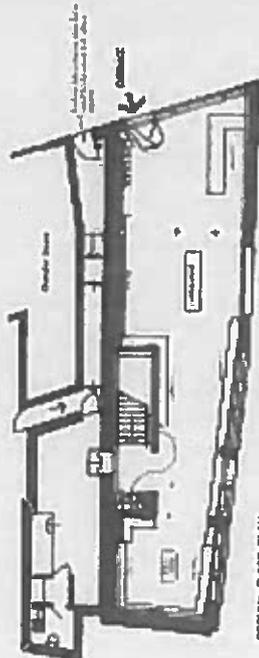
SP



SECOND FLOOR PLAN

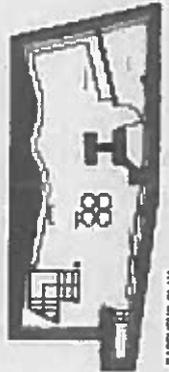


FIRST FLOOR PLAN



GROUND FLOOR PLAN

Scale 1:100



BASMENT PLAN

RECEIVED
11 JUN 2020
LICENSING OFFICE

Extent of
Havanna area



SITE LAYOUT PLAN
Scale 1:600



- 1. The proposed development is in accordance with the provisions of the Planning and Building Act, 2016.
- 2. The proposed development is in accordance with the provisions of the Planning and Building Act, 2016.
- 3. The proposed development is in accordance with the provisions of the Planning and Building Act, 2016.
- 4. The proposed development is in accordance with the provisions of the Planning and Building Act, 2016.



HAVANNA GROUP
111 HATHOR ROAD, BANGKOK STREET,
NORWICH NR11 1PW
Tel: 01603 254444
www.havannagroup.com

Client: HAVANNA GROUP

Address: 8 REDWELL STREET, NORWICH

Project: DETAIL DESIGN PLANS

Date: 11/06/20
City: PA

Scale: 08/35/11



NORWICH
City Council

Citywide Services
Public Protection (Licensing)
City Hall
St Peters Street
Norwich NR2 1NH



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We Ellice Fennell

(Insert name(s) of applicant)

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

Premises licence number

21/02010/PREM

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
8 Redwell Street
Norwich
Norfolk

Post town

Norwich

Postcode

NR2 4SN

Telephone number at premises (if any)

Non-domestic rateable value of premises

£TBC

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To allow off license purchases in line with our existing business. We have offered a cocktail delivery service for 18 months in Broadland district, having recently moved to a Norwich City premises we hope to continue from here in the same manor. This involves pre-orders taken for set times/days, our cocktails will be made fresh on site and delivered to customers homes (typically 5:30-8pm delivery slot, with one afternoon also on Saturday of 2-4pm). As well as this, we would like to offer collection from the bar, hoping to catch those after work who would like to take a few jars home on their way. We would absolutely not encourage drinking within the public domain and make this clear in marketing. The concept is much like grabbing a bottle of wine on the customers way home.

Driver is fully trained in think 25, but we have found the pre-order system and earlier delivery times (ie finishing work) have not caused any issues in anybody being too drunk for service, and the higher price tag of the products are purposefully not attractive for anybody under the age of 18. In any instance, as standard, full 'Think 25' training is given to anybody serving the public within the business, including delivery drivers.

Also to increase our license to 12pm week nights and 1am Friday/Saturday which will help with the slightly longer seasons such as Christmas/December.

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

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for performing plays (please read guidance note 6)		
Tue					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for the performance of live music (please read guidance note 6)		
Tue					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u> Background music for guests to enjoy, low volume throughout the night.		
Mon	07:00	00:00			
Tue	07:00	00:00			
Wed	07:00	00:00			
			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Thur	07:00	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri	07:00	01:00			
Sat	07:00	01:00			
Sun	07:00	01:00			
		00:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) Extention of current license for busier months such as December where people stay out a bit later, allowing us to call last orders at midnight		
Mon	07:00	00:00			
Tue	07:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Wed	07:00	00:00			
Thur	07:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) New Years Eve, Christmas Eve we would like to stay open until 01:00 irrespective of which day of the week it is		
Fri	07:00	01:00			
Sat	07:00	01:00			
Sun	07:00	00:00			

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	07:00	00:00	
Tue	07:00	00:00	
Wed	07:00	00:00	
Thur	07:00	00:00	
Fri	07:00	01:00	
Sat	07:00	01:00	
Sun	07:00	00:00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)

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

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Challenge 25 – All staff (in bar and delivery drivers) are trained in challenge 25 and have previous experience working in busy bar environments. We provide full training and refreshers for age verification and refusal of alcohol to people who have drunk too much. For deliveries, we have a record of address and contact information readily available. CCTV throughout the venue.

b) The prevention of crime and disorder

CCTV recording constantly throughout the venue, with a back up readily available. The cameras are obvious, and a screen in the bar shows these are on throughout the venue which acts as a preventative measure to anybody walking in, who can clearly see they are on camera. Age identification checks at all points of sale, and delivery.

c) Public safety

We have CCTV records readily available, and hope to maintain a good working relationship with the police. We will always be fully cooperative, and ensure standards are kept to the expectations of all authorities.
Our table service style leads itself well to encouraging a calm environment.
Off premises sales are made via delivery to peoples homes, or people are able to take away if they are going straight home. We ask this questions, and would not allow off sales if people were going to stay out into the evening.

d) The prevention of public nuisance

We have taken actions as per points a, b and c above. Our atmosphere remains calm, with low level music, table service. We always ask guests to leave quietly from the premises. Off premises deliveries are made to peoples homes, we have done this for the last 18 months which has worked well with no instances.
We appreciate the rules regarding not drinking in the city, and will uphold this. We will not allow people to take drinks off the premises to drink if we do not feel they are taking them home. We have implemented training in regards to this.

e) The protection of children from harm

Children will not be allowed on the premises after 19:30. No children will be left unattended and our service does not lend itself to encourage children in any instance.

Checklist:

Please tick to indicate agreement

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	Ellice Fennell
Date	30-11-21
Capacity	Director

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	Laura Whatling
Date	30-11-21
Capacity	Director

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Ellice Fennell 8 Redwell Street			
Post town	Norwich	Post code	NR2 4SN
Telephone number (if any)			

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

Notes for Guidance

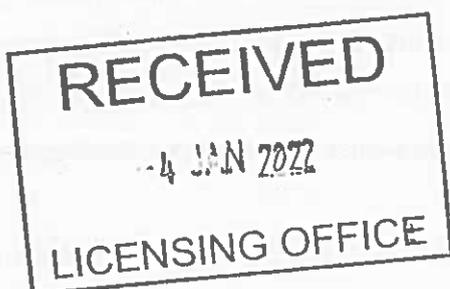
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the

- relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not

exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.



Mr L Bennett
4 Elm Hill
Norwich
NR3 1HN

4 January 2022

Dear Sirs,

Re: 8 Redwell Street Norwich NR2 4SN, application for a variation to a Premises Licence [21/02010/PREM]

I should be grateful if the Licensing Authority ("LA") would accept this letter as my written representations in respect of the application for a variation to a Premises Licence [21/02010/PREM] in relation to premises at **8 Redwell Street, Norwich NR2 4SN** ("the Premises").

The application is made by Ellice Fennell ("Applicant").

The Application Form ("Application") is dated 7 December 2021.

I object to the application for the reasons more fully set out below.

For ease of reference my representations are in numbered paragraphs.

Introduction and summary

1. My property is situated a short distance from the Premises. It forms part of the timber framed rusticated building which sits at the top of Elm Hill at the junction with Princes Street and Redwell Street. I have been here since 2009, which predates the first grant by the LA of any licence in respect of the Premises, which were formally used for retail.
2. In June 2020 the then Freeholder of the Premises ("the Pilson Group") applied for a licence in respect of the Premises. The Pilson Group, and its then intended Leaseholder

of the Premises, agreed terms with me, and those terms were subsequently made part of the licence for the Premises by the Licensing Committee at a hearing on 11 September 2020 (see APPENDIX 1). It should be noted that the terms agreed specifically included the hours of operation and that no off sales would be made from the Premises.

3. Since then, it appears that the LA issued a licence on 25 November 2021 to the Applicant trading as L A Mixology. I was not aware of any new application having been notified or published and therefore I assume that this was by way of transfer and that the terms of the licence agreed with me at grant remain extant in relation to the Premises. Unfortunately, the LA does not make available a copy of the licence submitted by the Applicant with the Application.
4. I confirm that the Applicant did not contact me prior to submitting the Application.
5. **It is of particular concern that the Applicant looks to fundamentally alter the agreement I made with the Pilson Group by:**
 - a) **extending the hours of the supply of alcohol (Operating Schedule J) and the hours the premises are open (Operating Schedule L) from 07.00 to midnight Sunday to Thursday, thus enabling the bar to “call last orders at midnight” (Operating Schedule I), and from 07.00 to 01.00 Friday and Saturday, and**
 - b) **by introducing off sales from the Premises for the same hours (Operating Schedule J).**
6. I fundamentally object to the hours sought. The hours previously agreed with me and seemingly provided for in the current licence are necessary to meet the Licensing Objectives. The variation sought is not appropriate for the Premises and will undermine the Licensing Objectives of the prevention of public nuisance and the prevention of crime and disorder.
7. As presented in the Application on and off sales are sought for the same hours and therefore I also object to that part of the Application to vary.

8. My objection to the Application and my respectful request for it to be rejected is premised on the application of the Norwich Cumulative Impact Policy ("CIP")¹ and the Licensing Objectives, specifically the prevention of public nuisance and the prevention of crime and disorder.

Cumulative Impact Policy

9. In my view the Application seems precisely the kind of attempt to extend to midnight and beyond the hours of operation of a licensed premises that the CIP is intended to meet head on. The attempt to add off sales only compounds the problem.
10. Queen Street is now a busy bar area. There are also a number of licensed premises on St Andrews and St Georges Streets.
11. It is self-evident that the location of a bar in Redwell Street operating at the extended hours sought runs the real risk of it becoming an extension of Queen Street or a link destination between there and licensed premises beyond, including the St Andrews Brew House.
12. The plain truth of the matter is that licensed premises in this location draws patrons to a street and a vicinity to which they would not otherwise be drawn and would certainly have no reason to linger. If the variation sought is permitted this will have a detrimental impact on residential premises near the Premises.
13. I invite the LA to consider §29.7 of the NCC Licensing Policy, which says:

“29.7 The cumulative impact policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates in respect of premises that fall within the designated cumulative impact area will normally be refused if relevant representations are received, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.”

¹ NCC Licensing Policy §29.6.

14. In my view, the Applicant does not demonstrate in its Application, or otherwise, “that there will be no negative cumulative impact on one or more of the licensing objectives”. I therefore invite the LA to give effect to the presumption contained in its CIP and reject the Application.
15. I note that the CIP should not be considered absolute and that the LA “will consider whether it would be justified in departing from its CIP in the light of the individual circumstances of the case”².
16. On the information provided, there would appear to be no reasonable grounds to justify departing from the CIP.

Representations in respect of the Application and the Licensing Objectives

17. I now turn to the Licensing Objectives.

Operating Schedule, J, Supply of alcohol

Operating Schedule, L, Hours Premises are open to the public

18. As noted above I strongly object to the hours sought in relation to the supply of alcohol and the hours the Premises are open to the public.
19. Selling alcohol for consumption off the Premises in this location is also a concern to me; despite what is indicated by the Applicant this inevitably runs the risk of encouraging yet more people to drink in the vicinity.
20. I explain below how I consider the Licensing Objectives are engaged in relation to these aspects of the Application.
21. In my view, these matters will lead to or exacerbate problems of public nuisance, crime and disorder if the Application is granted as sought.

² NCC Licensing Policy §29.11.

22. Trading beyond 23:00³ is particularly damaging to me as a resident in this vicinity. The effect is amplified with the absence of any respite because the Premises trade every day of the week.
23. Section E of the NCC Licensing Policy⁴ explains the circumstances under which restrictions may be applied to the hours of trading and I would urge the LA to maintain the current hours and not extend them.

Specific representations in respect of the Licensing Objectives

Prevention of Public Nuisance

24. My main concern in relation to this Licencing Objective is noise nuisance.
25. The immediate vicinity of the Premises includes residential premises. The LA is specifically invited to acknowledge that fact and give sufficient weight to this important characteristic of the vicinity.
26. Most of the residential premises in the vicinity are listed buildings. Some, like my own, are timber framed Grade 2 listed. They are subject to constraints in terms of what we can do to insulate them from noise emanating from outside our own premises.
27. The Premises themselves are likewise listed. They were not constructed with a view to operating as licensed premises.
28. Redwell Street is a narrow street with equally narrow pavements on either side.
29. By the way it is configured Redwell Street is acoustically challenging. Noise travels down the street towards the building containing my property.
30. Please also note that access and egress to and from the Premises is still understood to be via Redwell Street. This means patrons must use Redwell Street when attending and

³ NCC Licensing Policy, §24.7 identifies this as a material factor.

⁴ NCC Licensing Policy, Section E – hours of trading, §§30.2(iv), 30.3, 30.5 and 30.7 are relied upon.

leaving the Premises. Moreover, it is in Redwell Street and the vicinity that patrons will congregate.

31. In sum, the Premises by their individual type, location, characteristics and configuration pose a significant risk in relation to the Licensing Objective of the prevention of public nuisance.
32. Further, the variation requested in the Application merely exacerbates the risk by the expanded hours of operation which are asked for.
33. The risk to which I speak is real. This is supported by my experience as a resident. If reported correctly, these former retail premises were first given a grant for wine tasting during restricted hours until 20:00. As is the unfortunate pattern, this quickly morphed into the Norwich Tap House⁵. Then Panda Bar⁶, a prosecco, wine and cheese bar. All failed. However, the pattern is clear: more alcohol, sold for more hours to an ever-greater intended capacity.
34. The result of these past decisions was that patrons visited a street and its vicinity when they would not otherwise do so. You had a noise source in the street that would otherwise not exist to the same extent or degree. You also got to experience the noise and behaviour of some patrons as they came to and left the Premises.
35. I make plain that the noise and behaviour experienced was not always at a level that would constitute a public nuisance, but it was disproportionate and unreasonable at times.
36. In relation to this Licensing Objective, I note that the duty of the LA in this respect is purposive. The objective is to *prevent* public nuisance arising in the first place. Consequently, I respectfully suggest that it is no answer to proceed on the basis that a risk can be taken and if a problem were to arise it can be addressed by other means. That would run contrary to the obligation on the LA to *promote* the objectives as a paramount consideration at all times⁷.

⁵ <https://www.edp24.co.uk/news/norwich-set-to-get-a-new-real-ale-pub-1-1537456>

⁶ <https://www.edp24.co.uk/news/panda-norwich-prosecco-wine-bar-1-5696298>

⁷ s.182 Guidance, §1.2-1.4

37. In relation to the CIP, I note the presumption in favour of rejecting the Application and the burden on the Applicant if that presumption is to be rebutted. I should be grateful if the LA would bear that test firmly in mind when it comes to consider this particular Licensing Objective.

Prevention of crime and disorder

38. Since the Premises were first used for licensable activities there has been a deterioration in Redwell Street in relation to crime and disorder.
39. Unfortunately, the adjacent property was tagged with graffiti. My own property was likewise tagged with graffiti.
40. No doubt the LA is aware of the incidence of anti-social behaviour in Norwich East⁸. Unfortunately, this appears to remain a persistent issue in this area of the city.
41. The connection between anti-social behaviour and the concentration of licensed premises in the exact same area in which the Premises is situated is beyond doubt; that much is manifest by the terms and effect of your own CIP.
42. Permitting the extended hours and use sought by the Applicant must come with an associated risk of the low level, but still impactful, crime and disorder which the Licensing Objective seeks to prevent.
43. It is very much a privilege to live here, and I am prepared to spend the time, money and effort to ensure that the area remains clean and respectable, but some support in that regard from those making decisions likely to impact those efforts would be appreciated.

Conclusion

44. For the reasons set out above, I repeat the position I set out at the outset, namely:

⁸ <https://www.police.uk/your-area/norfolk-constabulary/norwich-east/?tab=Statistics>

45. I object to the Application made and the variation sought.
46. I invite the LA to reject the Application.
47. I ask the LA to consider this a relevant representation for the purpose of applying the CIP and the associated presumption against the granting of the variation sought.
48. In my view, the Applicant does not demonstrate in its Application, or otherwise, “that there will be no negative cumulative impact on one or more of the licensing objectives”⁹. I therefore invite the LA to give effect to the presumption contained in its CIP.

I apologise in advance if I have made any mistakes in the representations I have made, particularly as to the reading of the NCC Licensing Policy.

I reserve the right to amend or supplement these representations if necessary.

In closing I should want to acknowledge that there seems to be something of a disconnect between what the Applicant says it wants to achieve in terms of the use of the Premises and that which is sought in the Application itself. If occasional extended hours of operation “such as Christmas/December” and limited off sales via a delivery service are really what is wanted, then perhaps there are other means of achieving this in cooperation with the LA without the kind of extensive variation sought in the Application. I would encourage the Applicant to reconsider.

Yours faithfully,

L Bennett

⁹ NCC Licensing Policy §29.7.

APPENDIX 1

NORWICH CITY COUNCIL

LICENSING SECTION

THE LICENSING ACT 2003

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

8 REDWELL STREET, NORWICH NR2 4SN

APPLICATION NUMBER: 20/00860/PREM

Amendments to the Application Form before The Licensing Authority

By reference to the Application Form currently before the Licensing Authority, the Applicant has agreed to make the following amendments:-

Section 15 of 21, Supply of Alcohol

Standard days and timings

Sunday to Thursday:

Start 11:00

End 23:00

Friday and Saturday:

Start 11:00

End 23:45

The sale of alcohol will be for consumption on the premises only, not off the premises.

Premises supervisor

The individual to be specified on the licence as premises supervisor:

Jonathan HOOK

The proposed designated premises supervisor consent is to be provided to the authority.

Section 17, Hours premises are open to the public

Sunday to Thursday:

Start 11:00

End 23:15

Friday and Saturday:

Start 11:00

End 00:00

In addition to that which is already set out in the Application Form, the following matters are also agreed to be included:

Section 18, Licensing Objectives

b) Prevention of crime and disorder

CCTV will cover Redwell Street at all times when the Premises are open to the public.

A minimum of one SIA Door Supervisor will be on duty from 20:00 hours until the Premises close on Friday and Saturday evening.

c) Public safety

All regulatory requirements will be met as extant at any given time, including but not limited to the provisions of the Regulatory Reform (Fire Safety) Order 2005.

d) The prevention of public nuisance

All doors and windows at the premises must be kept closed when the licensable activities are taking place other than when doors are used for ingress or egress from the premises.

Subject to any necessary consents being obtained, secondary double glazing will be installed to the windows at first floor level overlooking Redwell Street to assist in the attenuation of noise and the prevention of noise nuisance.

Subject to any necessary consents being obtained, access and egress to the premises shall be as follows:

Ingress via Redwell Street

Egress via St Andrews Street

Other Matters

The Applicant also agrees to record the following matters:

d) The prevention of public nuisance

When extant Covid 19 regulations and/or guidance permit, acknowledging the risk of noise nuisance arising in Redwell Street from the operation of the Premises, and subject to any necessary consents, best endeavours will subsequently be used to focus all ingress and egress from the Premises via the door on St Andrews Street.

National Guidance

(issued under section 182 of the Licensing Act 2003)

Licence conditions – general principles

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

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

Each application on its own merits

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

Crime and disorder

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

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

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

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

Public nuisance

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

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well

as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

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

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

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

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

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

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

9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations

should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

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

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

Conditions attached to premises licence

General

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

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

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

Proposed conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or

certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

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

Consistency with steps described in operating schedule

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

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

Imposed conditions

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

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

Proportionality

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

Hours of trading

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

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

The need for licensed premises

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