

### **Licensing sub committee**

**Date:** Friday, 10 March 2017

**Time:** 10:15

**Venue:** Westwick room

**City Hall, St Peters Street, Norwich, NR2 1NH**

**Pre-meeting briefing for members of the committee only  
15 minutes before the start of the meeting**

**Committee members:**

**For further information please contact:**

**Councillors:**

Button

Raby

Woollard

**Committee officer:** Lucy Palmer

t: (01603) 212416

e: [lucypalmer@norwich.gov.uk](mailto:lucypalmer@norwich.gov.uk)

Democratic services  
City Hall  
Norwich  
NR2 1NH

[www.norwich.gov.uk](http://www.norwich.gov.uk)

### **Information for members of the public**

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website.

## **Agenda**

### **1 Apologies**

To receive apologies for absence

### **2 Declarations of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

### **3 Application for the Grant of a Premises Licence - Mr Postles Apothecary, 2 Upper King Street,**

**3 - 44**

**Purpose** - Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a premises licence in respect of 2 Upper King Street Norwich, NR3 1HA following the receipt of relevant representations.

Date of publication: **Wednesday, 01 March 2017**

<b>Report to</b>	Licensing sub committee 10 March 2017	<b>Item</b>
<b>Report of</b>	Head of citywide services Licensing Act 2003:	<b>3</b>
<b>Subject</b>	Application for the Grant of a Premises Licence – Mr Postles Apothecary, 2 Upper King Street, Norwich, NR3 1HA	

---

## **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a premises licence in respect of 2 Upper King Street Norwich, NR3 1HA following the receipt of relevant representations.

## **Recommendation**

That members determine the application to grant a premises licence in respect of 2 Upper King Street Norwich, NR3 1HA in accordance with the:

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

## **Corporate and service priorities**

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

## **Financial implications**

None.

**Ward/s:** Thorpe Hamlet

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

## **Contact officers**

Ian Streeter, Licensing Manager

01603 212761

## **Background documents**

None

## **Report**

### **The application**

1. The applicant is Access Commercial Investors 2 Limited, Graphical House, 2 Wharf Street, Leeds, LS2 7EQ.
2. The application seeks to allow the licensable activities, times and opening hours as set out in the application form, which is attached at appendix A. This also includes the steps proposed to promote the licensing objectives (operating schedule) together with a plan of the premises.

### **Relevant representations**

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

Police – no representations.

Environmental Protection – representations received (see appendix B).

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

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

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

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

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

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

### **Summary**

7. In determining the application with a view to promoting the licensing objectives the sub-committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);

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

Norwich City Council



**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We Access Commercial Investors 2 Limited

*(Insert name(s) of applicant)*

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

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Mr Postles Apothecary 2 Upper King Street			
Post town	Norwich	Postcode	NR3 1HA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£50,000.00

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |                                                 |                                     |                             |
|-------------------------------------------------|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |

- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a  
 statutory function or ☐  
 a function discharged by virtue of Her Majesty's prerogative ☐

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

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name Access Commercial Investors 2 Limited
Address Graphical House 2 Wharf Street Leeds LS2 7EQ
Registered number (where applicable) 10034380
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)



### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
AS	A P	

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

DD	MM	YYYY

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

The premises operate as a bar at 2 Upper King Street, Norwich.

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

N/A

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

# B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	12.00	02.00			
Tue	12.00	02.00			
Wed	12.00	02.00	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur	12.00	02.00			
Fri	12.00	02.00	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	12.00	02.00	From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day and on Sunday's before a Public Holiday when the hours will be until 03.00.		
Sun	12.00	00.00	At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.		

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed			

Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

## D

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

# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	12.00	03.00			
Tue	12.00	03.00			
Wed	12.00	03.00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	12.00	03.00			
Fri	12.00	03.00	<b>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</b> (please read guidance note 5)		
Sat	12.00	03.00	From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day and on Sunday's before a Public Holiday when the hours will be until 03.00.		
Sun	12.00	00.00	At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.		

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	10.00	03.00			
Tue	10.00	03.00			
Wed	10.00	03.00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	10.00	03.00			

Fri	10.00	03.00	<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Sat	10.00	03.00	From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day and on Sunday's before a Public Holiday when the hours will be until 03.00.
Sun	12.00	00.00	At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon	10.00	03.00	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Tue	10.00	03.00				
Wed	10.00	03.00	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)			
Thur	10.00	03.00				
Fri	10.00	03.00	<b><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></b> (please read guidance note 5)			
Sat	10.00	03.00	From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day and on Sunday's before a Public Holiday when the hours will be until 03.00.			
Sun	12.00	00.00	At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	12.00	02.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	12.00	02.00	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed	12.00	02.00			
			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Thur	12.00	02.00			
Fri	12.00	02.00	<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	12.00	02.00			
Sun	12.00	00.00	From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day and on Sunday's before a Public Holiday when the hours will be until 03.00.		
			At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.		

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	23.00	03.00			
Tue	23.00	03.00			
Wed	23.00	03.00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur	23.00	03.00			
Fri	23.00	03.00	<b><u>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</u></b> (please read guidance note 5)		
Sat	23.00	03.00	From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day and on Sunday's before a Public Holiday when the hours will be until 03.00.		
Sun	23.00	00.00	At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.		

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)		
Mon	10.00	03.00			
Tue	10.00	03.00			
Wed	10.00	03.00			
Thur	10.00	03.00	<b><u>Non standard timings. Where you intend to use the premises for the</u></b>		



			<b><u>supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)  From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day and on Sunday's before a Public Holiday when the hours will be until 03.00.  At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.
Fri	10.00	03.00	
Sat	10.00	03.00	
Sun	12.00	00.00	

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name Hayley Elizabeth Evans	
Postcode	NR4 6TP
Personal licence number (if known) PA1685	
Issuing licensing authority (if known) Wakefield Council	

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 8).</p> <p>N/A</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	08.30	03.00	
Tue	08.30	03.00	
Wed	08.30	03.00	
Thur	08.30	03.00	
Fri	08.30	03.00	
Sat	08.30	03.00	
Sun	08.30	00.00	

**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** (please read guidance note 5)

From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day and on Sunday's before a Public Holiday when the hours will be until 03.00.

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

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

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

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

1. The licensee to maintain the existing CCTV system to the satisfaction of the Licensing Authority and in consultation with Norfolk Police.
2. CCTV to cover the main public areas, entrance and exits of the premises including the smoking shelter area.
3. The licensee shall retain recordings for 31 days, which will be delivered to the Police or Licensing Authority upon request (subject to the Data Protection Act 1998).
4. Staff to regularly monitor the smoking shelter and to remove glasses and bottles as soon as possible.
5. A record of staff training in relation to Licensing Law will be kept and available on request.
6. Staff will be instructed that persons who look under 18 years must be asked for identification before they are sold alcohol or admitted to the premises on certain occasions. The only identification that will be accepted is that approved by PASS, photo driving licences or passports.
7. There will be no irresponsible drinks promotions.
8. Best endeavours will be used to prevent customers from bringing bottles into the premises and to prevent them leaving with bottles or open containers (except for genuine off sales).
9. One pint and half pint capacity glassware and highball (tumbler) drinking glassware, in which drinks are served, shall be of strengthened glass material.

#### **c) Public safety**

1. An incident book will be kept to record any significant incidents, including the signing on and off of door supervisors. This book will be available for inspection on request.
2. On Fridays there must be a minimum of two SIA registered door supervisors working at the premises from 22.00 until thirty minutes after the premises close. On Saturdays there will be a minimum of three SIA registered door supervisors working at the premises from 22.00 until thirty minutes after the premises close. Additional nights such as private functions will be risk assessed to see if door supervisors are required.
3. The premises will operate a zero tolerance towards drugs.
4. The maximum numbers of persons who can be accommodated on this site will be 315. This figure will not be exceeded without express permission from the Fire and Environmental Health Officers. Arrangements will be made to ensure that any capacity limit set for the premises can be properly monitored and information regarding the capacity should be given to an authorised officer on request.
5. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice and risk assessment being given to the Council:-
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - motor vehicles
  - lasers
  - explosives (excluding party poppers) and highly flammable substances.

#### **d) The prevention of public nuisance**

1. Premises to open until 03.00 hours and on 12 occasions a year the premises will open until 04.00 hours. The DPS will advise the Police and Licensing Authority in writing of the intended dates of late opening with 5 days notice.
2. Sale of alcohol to cease at least 30 minutes before closing time to allow for dispersal of customers.
3. Music and other amplified sound will be controlled at the premises in such a way as to be inaudible 1m from the nearest noise sensitive premises.
4. Notices will be prominently displayed at the exits requesting customers to respect the needs of local residents and to leave the premises and the area quietly.
5. No rubbish, including bottles, will be moved, removed or placed in outside areas between 00.00 hours and 07.00 hours.

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

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	
Date	11 January 2017
Capacity	Woods Whur 2014 Limited - Solicitors for the applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

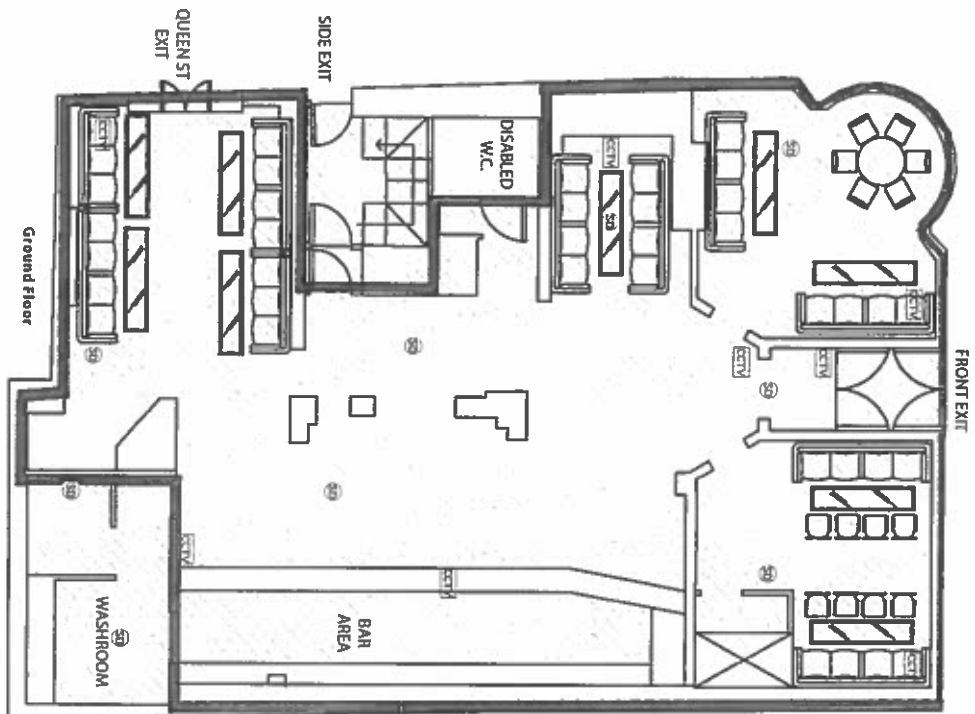
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Paddy Whur  
Woods Whur 2014 Limited  
Devonshire House  
38 York Place

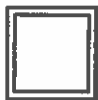
Post town	Leeds	Postcode	LS1 2ED
-----------	-------	----------	---------

Telephone number (if any)	0113 234 3055
---------------------------	---------------

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
paddy@woodswhur.co.uk



**LICENSING ZONES KEY:**



Areas to be used for licensable activities

**Legend**

Smoke Detector  
CCTV Cameras

RECEIVED  
13 JAN 2017  
LICENSING OFFICE

Mr Postles  
2 Upper King St,  
Norwich  
NR2

**Fuller, Maxine**

---

**From:** Divey, Richard  
**Sent:** 06 February 2017 16:27  
**To:** LICENSING  
**Subject:** Mr Postles Apothecary 17/00094/PREM

Dear Sir/Madam

As NCC have received noise complaints related to noise escape from the premises due to doors being left open while licensable activity is taking place I believe the following condition to be relevant the prevention of public nuisance.

- 1) Windows and doors shall be maintained closed except for access and egress whenever amplified live or recorded music is being played as a licensable activity.

It should be noted that in c) Public safety, condition 4. The reference to Environmental Health Officers should be removed as they are not able to set or assess maximum capacity of a venue.

Regards

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

## 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)	Pernille Rudlin
Postal address	26 Princes Street, Norwich NR3 1AE
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	Mr Postle's Apothecary
Address of the premises you wish to support or object to.	2 Upper King Street Norwich NR2 1HA

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	Allowing music to be played and alcohol to be served until 2am will encourage binge drinking and increased use of the Tombland area late at night - which is not under police surveillance as Prince of Wales Road is - to be used for criminal or disorderly activities. Tombland Alley next to our house is already regularly used for drug taking (as well as vomiting, fighting, urination, copulation, littering and defecation) and graffiti has been scribbled on the walls of our house at night by people using late night bars in the area.
Public safety	
To prevent public nuisance	We have been badly affected (unable to sleep) in the past by late night music noise from Tombland restaurants turning themselves into nightclubs/bars/music venues such as Farmer Browns, La Tasca, Beluga (where Mr Postle's Apothecary now is) and Bam Bam in the past, regularly reporting them to Norwich Council's anti-social hotline. The buildings are old, listed office buildings, not soundproofed and not capable of being properly soundproofed - not designed to be nightclubs.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Bar and music to end at 11pm.
--------------------------------------------------------------------	-------------------------------



Norwich City Council Licensing Authority  
Licensing Act 2003

CORPORATE RESOURCES  
08 FEB 2017  
POST ROOM

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

Your name/organisation name/name of body you represent (see note 1)	W. G. MYALL QUAYSIDE HOMEWATCH / RESIDENTS ASSOCIATION
Postal address	ASSAM HOUSE 19 QUAYSIDE, NORWICH. NR3 1RQ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	MR. POSTLES
Address of the premises you wish to support or object to.	2 UPPER KING STREET, 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	
Public safety	
To prevent public nuisance	SEE SEPARATE SHEET ATTACHED
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	REFUSE APPLICATION FOR ANY TYPE OF NIGHT CLUB ACTIVITY
--------------------------------------------------------------------	-----------------------------------------------------------

Signed

Date:

7/02/17

Please see notes on reverse



**QUAYSIDE HOMEWATCH AND RESIDENTS ASSOCIATION**

**Re: MR POSTLES, 2 UPPER KING STREET, NORWICH.**  
**OBJECTION TO LICENCE APPLICATION.**

On behalf of the residents of the Quayside area we consider that an increase in public nuisance will occur if this application is approved. We already have to endure anti social behaviour in the form of excessive noise and bad behaviour from people walking through Tombland, Wensum Street and Fye Bridge Street on their way home in the early hours of the morning returning from night clubs and pubs in the City, as well as excessive noise emanating from clientele leaving the Mischief Tavern. These problems occur primarily during the early hours of Saturday and Sunday mornings disturbing residents who are trying to sleep.

It is our opinion that if the consumption of alcohol until 03.00, and 04.00 during British Summer Time, is permitted at these premises the problems of anti social behaviour will be exacerbated with potentially in excess of 300 people leaving these premises many of whom may find their way from Upper King Street into Tombland and Wensum Street. This will add to the number of people, many of whom are intoxicated, causing excess noise and anti social behaviour in the Tombland, Wensum Street and Fye Bridge Street area constituting a public nuisance to the local residents.

We have always understood that the policy of both the police and the licensing authority has been to confine night club activity to the Prince of Wales Road and the Riverside entertainment areas of the City. The application for live and recorded music with dancing, as well as a licence to serve alcohol until 03.00, (04.00 BST) for a maximum capacity of 315 people, if approved, will convert these premises into a night club. We are extremely concerned that the approval of this application, together with that for The House of Tiago, will result in night clubs, and the anti social behaviour associated with them, spilling over from the Prince of Wales Road area into the Tombland area which is completely unacceptable in this historical and residential part of the City.

7<sup>th</sup> February 2017.



**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)	Paul Binski Anne Page
Postal address	24 Princes St Norwich NR3 1AE
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	<del>House of</del> Mr Postler
Address of the premises you wish to support or object to.	2 Upper King 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	See separate sheet
Public safety	
To prevent public nuisance	See separate sheet
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	<div style="border: 2px solid black; padding: 5px; transform: rotate(-5deg); display: inline-block;"> <b>RECEIVED</b> - 6 FEB 2017 <b>LICENSING OFFICE</b> </div>

Signed:

Date: 3.2.17

Please see notes below

We object to the granting of this licence.

On January 13 2017 two applications for a premises licence were received by Norwich city Council. The applicant in both cases is Access Commercial Investors 2 Limited registered at an address in Leeds. The applications are for the House of Tiagos, 22 Tombland and for Mr Postles Apothecary, 2 Upper King Street. The licences are almost identical with slight variations between them. Both applications include provision for live and recorded music and dancing, late night refreshment with provision of alcohol on (and in the case of Tiagos, also off) the premises until 2 and 3am or later. The same person, Hayley Elizabeth Evans is named as the Designated Premises Supervisor for both the House of Tiago and Mr Postles.

We note that these are applications for new licenses. The criteria by which these applications should be decided is therefore on the basis of new licenses without reference to or comparison with any license the premises may have previously held. We wish to draw attention to Norwich City Council's Local Plan and Development Management Policies DM23 in relation to the Late Night Activity Zone. **Neither of these premises is in the zone designated as the Late Night Activity Zone. Both are within the Designated Leisure Area.**

In considering these applications we draw the Council's attention to its own Policy documents:

[https://www.norwich.gov.uk/info/20199/local\\_plan/1457/development\\_management\\_policies/23](https://www.norwich.gov.uk/info/20199/local_plan/1457/development_management_policies/23)

Accessed 11.00 on 2.2.17

*DM23 Supporting and managing the evening and late night economy.*

*Late night activities*

*Proposals for new late night entertainment uses will only be permitted within the defined Late Night Activity Zone. Where permission is required, residential and other noise-sensitive uses will not be permitted either within this area, or outside the area in premises where the impact of noise from late night entertainment uses (including direct impact from structural transmission) is shown to have an unacceptably harmful impact on living and/or working conditions for future occupants.*

*Standing police advice is that premises outside the Late Night Activity Zone should not be permitted to open past midnight unless it can be clearly demonstrated that there would be no detrimental impact on the living conditions of nearby residents or that there is no potential threat of crime and disorder to the public.*

We can demonstrate clearly that there has been and would be again detrimental impact on the living conditions of nearby residents if these licences are allowed.

When we moved to Princes Street in Norwich in 2004 the message from the Council was that clubs were to be moved to the Riverside area and residents were to be encouraged back to the city centre. We took the Council at its word but our experience since that time has been mixed. We have suffered for years from late-night public nuisance in the form of loud music from 11pm to 2am and 3am from premises on and adjacent to Tombland. We have been woken from sleep or prevented from sleeping, have had to get up, dress and go down to Tombland in the middle of the night to remonstrate with premises supervisors who should have been seeing that the premises did not breach licencing conditions and even at times call the police when the conditions were being flagrantly breached.

We have made a long string of complaints to hotlines in the middle of the night and filled in logs recording the occurrence of public nuisance. There have been two license reviews as the result. It should be noted that both premises (the Edith Cavell and La Tasca) have either changed their operating strategy or closed down since the reviews, to be replaced by more considerate businesses which do not cause a public nuisance. There is also drunken and disorderly behaviour from people in transit through our street and we have had our windows broken. Several premises have operated as quasi-clubs (particularly the premises operating as Mr Postles) with bouncers at the door and very loud music broadcast across Tombland and audible from within our house. This infringes our rights according to the Human Rights Act 1998 quoted in the Council's Licensing Policy Document 2015:

*2.3 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for the council to act in a way that is incompatible with a convention right. Particular regard will be given to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:*

- *Article 8 that everyone has the right to respect for their home and private life.*

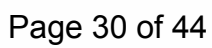
To be forced against one's will to partake of other peoples' chosen form of entertainment is at variance with this Article. To be prevented from sleeping or woken at unreasonable hours is a breach of respect for our home and private life.

That the same person has been named as DPS shows that the applicant has disregard for ensuring that they comply fully at all times with licensing conditions. The Council's Licensing Policy Document 2015 states:

*13.1 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a premises supervisor must be designated (designated premises supervisor) and such person must be in possession of a current personal licence. The licensing authority will normally expect the designated premises supervisor [DPS] to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis.*

The same person cannot 'be present on the licensed premises on a regular basis' in any meaningful sense on two different premises to ensure that licensing objectives are being met.

It should be noted that the premises on Tombland are not suitable for sound attenuation and that restaurants and bars adjacent to the premises which are the subject of these applications have the additional condition of having a sound limiter fitted. To allow these applications as they stand would be against the objectives of the Council's own policy according to Policy DM23. They should therefore be declined.



## Local Policy considerations

### 1.0 Introduction

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

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

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

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

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

### 3.0 Applications for Licences

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

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

### 4.0 Representations

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

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

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



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

### 13.0 Management of Licensed Premises

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

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

## **LICENSING OBJECTIVES**

### 20.0 Objective - Prevention of Crime and Disorder

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

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

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

Underage drinking

Drunkenness on premises

Public drunkenness

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

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

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

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

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

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

Effective and responsible management of premises;

Training and supervision of staff;

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

Provide sufficient seating for customers;

Patrols of staff around the premises;

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

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

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

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

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

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

Provision of effective CCTV in and around premises;

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

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

Provision of toughened or plastic drinking vessels and bottles;

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

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

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

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

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

Responsible advertising;

Distribution of promotional leaflets, posters etc;

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

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

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

Implement a dispersal policy;

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

#### 24.0 Objective - prevention of public nuisance

- 24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises

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

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

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

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

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

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

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

30.7 Consideration will always be given to an applicant's individual case and if the matter of trading hours has been raised in a representation, the council will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises. It is however, unlikely that statements such as the premises being well-managed, or that the applicant is of good character or that the style of the premises is

intended and likely to attract a discerning clientele, will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.

# **APPENDIX E**

## **National Guidance**

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

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

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

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

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

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

## **Crime and disorder**

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

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

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

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

## **Public nuisance**

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

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



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

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

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

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

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

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

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

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

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

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

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

## **Conditions attached to premises licence**

### **General**

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

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

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

### **Proposed conditions**

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

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

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

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

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

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

## **Imposed conditions**

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

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

## **Proportionality**

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

## **Hours of trading**

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

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

## **The need for licensed premises**

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