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|------------------|---|-------------|
| Report to | Licensing sub committee 27 January 2017 | Item |
| Report of | Head of citywide services Licensing Act 2003: | 3 |
| Subject | Application for the Variation of a Premises Licence – Rooftop Restaurant, Union Building, 51-59 Rose Lane, Norwich, NR1 1BY | |

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 the above premises, following the receipt of relevant representations.

Recommendation

That members determine the application to vary a premises licence in respect of the premises, 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

Tony Shearman, Environmental Protection Manager 01603 212278

Background documents

None

Report

The application

1. The applicant is GC Hotels Limited of 58 Thorpe Road, Norwich, NR1 1RY.
2. In summary the application seeks to:
 - Extend the licensed area to include an outside terrace area.
 - Addition of regulated entertainment in the form of live and recorded music as licensable activities.
 - Extend the hours for licensable activities and opening times.

Operating Schedule

3. A copy of the existing licence and operating schedule is attached at appendix A to the report.
4. The a copy of the application form including additional steps put forward by the applicant to promote the licensing objectives as a result of the proposed variation are attached at appendix B to the report. Also attached at appendix B are the application amendments as agreed with the Police and NCC Environmental Protection Department

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 – Representation received.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

6. The representation from Planning relates to the proposed opening hours and I would draw your attention to para. 9.44 of the Guidance issued under Section 182 of the Licensing Act 2003, copied below:-

Considering cases where licensing and planning applications are made simultaneously

9.44 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

7. 14 representations objecting to the application have been received from other interested parties. Copies of all the representations and a map showing the location of the relevant premises are attached at appendix C to the report.

Norwich City Council Statement of Licensing Policy

8. 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)

9. 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

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. 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.

14. 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**Premises Licence Summary****Premises Licence Number****15/02520/PREM****Premises Details****Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Roof Top Restaurant
Union Building
51 - 59 Rose Lane
Norwich
NR1 1BY

Telephone number**Where the licence is time limited the dates**

Not applicable

Licensable activities authorised by the licence.

Late Night Refreshment - Activity takes place both indoors and outdoors
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

| | | |
|---------------------------|-----------|---------------|
| Late Night Refreshment | Every Day | 23:00 - 00:00 |
| Sale by Retail of Alcohol | Every Day | 08:00 - 00:00 |

The opening hours of the premises

| | |
|-----------|---------------|
| Monday | 07:00 - 00:30 |
| Tuesday | 07:00 - 00:30 |
| Wednesday | 07:00 - 00:30 |
| Thursday | 07:00 - 00:30 |
| Friday | 07:00 - 00:30 |
| Saturday | 07:00 - 00:30 |
| Sunday | 07:00 - 00:30 |

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

Alcohol is supplied for consumption both on and off the Premise

Name, (registered) address of holder of premises licence

GC Hotels Limited
58 Thorpe Road
Norwich
NR1 1RY

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

Registered Business Number 07711613

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

Daryn Ferguson

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



Premises Licence

Premises Licence Number

15/02520/PREM

Part 1 – Premises Details

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

Roof Top Restaurant
Union Building
51 - 59 Rose Lane
Norwich
NR1 1BY

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Late Night Refreshment - Activity takes place both indoors and outdoors
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

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| Thursday | 07:00 - 00:30 |
| Friday | 07:00 - 00:30 |
| Saturday | 07:00 - 00:30 |
| Sunday | 07:00 - 00:30 |

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

Alcohol is supplied for consumption both on and off the Premise

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

GC Hotels Limited
58 Thorpe Road
Norwich
NR1 1RY

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

Registered Business Number 07711613

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

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: PA0744

Licensing Authority: Great Yarmouth Borough Council

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
 - (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).
- 4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5
 - (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.
- 6 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.

7 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.

8 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.

9 (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.

Annex 2 – Conditions consistent with the Operating Schedule

1 General - all four licensing objectives

2 The licence holder will ensure that all staff are trained to be fully aware of their responsibilities in ensuring that the premises will be well run with full attention paid to the requirements of providing a safe environment for their customers to enjoy and for complying with the licensing laws in relation to the sale of alcohol.

3 The licence holder will address matters of Health and Safety and Fire Safety by preparing appropriate risk assessments specific to the premises and its place within the building it occupies.

4 The security of the premises and the alcohol stock will be appropriately provided for utilising a combination of the security measures designed for the whole building and for the restaurant premises itself.

5 The Prevention of Crime and Disorder

6 The physical security of the restaurant premises on the upper floor of the building it occupies will ensure that it can be secured separately from the main building itself by using appropriate locking mechanisms to prevent access to the restaurant and storage areas from the stairway and lift landing areas.

7 When the building is unoccupied an intruder alarm will be set and the entire building locked to prevent and deter entry.

8 Customers using the roof top terraces will be prevented from either deliberately or purposely dropping objects from that area down to the public roadway below by installing a substantial clear toughened glass barrier at least 1.8 metres high around the entire edge of the roof terraced area.

9 Public Safety

10 Matters of public safety will be addressed by formulating site specific Health and Safety and Fire Risk assessments and the training of staff in those matters.

11 Customers using the roof top terraces will be prevented from accidentally falling from that area down to the public roadway below by installing a substantial clear toughened glass barrier at least 1.8 metres high around the entire edge of the roof terraced area.

12 The Prevention of Public Nuisance

13 With the exception of emergency or fire related systems, no loudspeakers will be installed or used in the outside areas edged in blue on the licensing plan.

14 The outside areas edged in blue on the licensing plan will be enclosed by a continuous barrier of at least 1.8 metres in height and of a design without gaps or holes such that an effective acoustic barrier is formed.

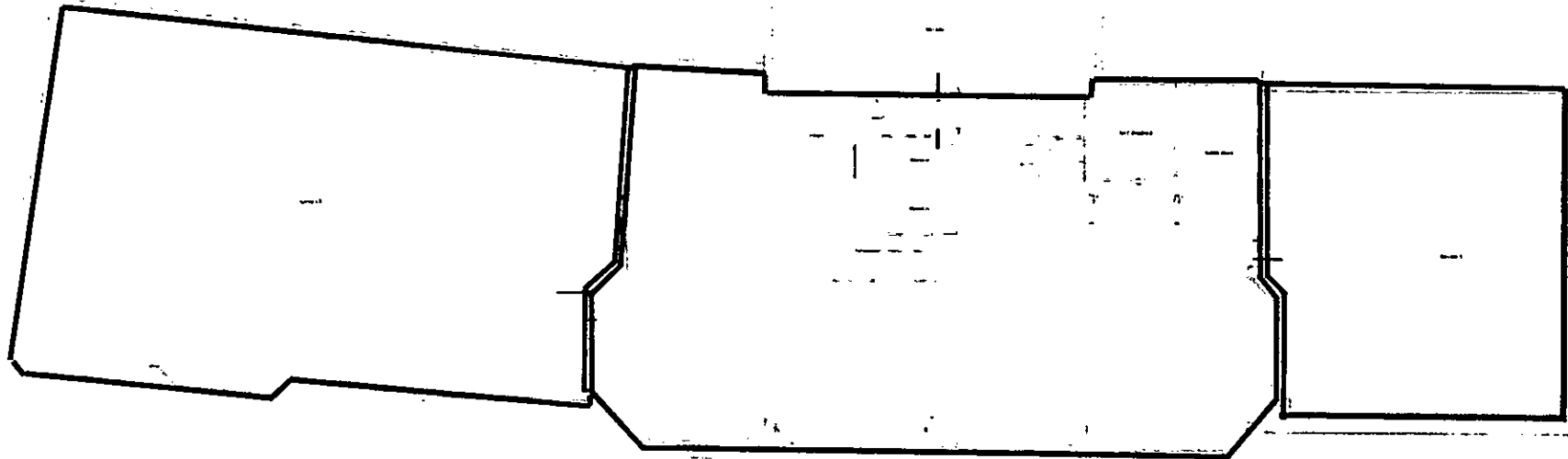
15 The premises will not as a matter of course be providing any regulated entertainment other than that which is permitted under the Live Music Act 2012. If any entertainment is provided it is not envisaged that it will be performed at such a noise level that it would cause any disturbance.

16 The Protection of Children From Harm

17 Children under the age of 16 years will not be permitted in the premises unless accompanied by an adult.

18 Special attention will be given to ensuring that the licensing laws in relation to the provision of alcohol with a meal within the restaurant for those under the age of 18 years are complied with.

19 Staff will be trained to ensure that appropriate ID checks will be in place to comply with the Mandatory Condition preventing the supply of alcohol to those under the age of 18 years are complied with save for the exemption already mentioned.



SCALE 1:100
0 1 2 4 8 10
METRES

RECEIVED

27 JAN 2016

LICENSING OFFICE

Rose Lane Restaurant – Premises Licence Application

Amended Restaurant Licensed Area

(Restaurant only and highlighted within the red line.)

Terraced areas are used as part of the restaurant but not licensed

(Highlighted within the blue lines.)



Norwich
Application to vary a premises licence
Licensing Act 2003

For help contact
licensingapplications@norwich.gov.uk
 Telephone: 0344 980 3333

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

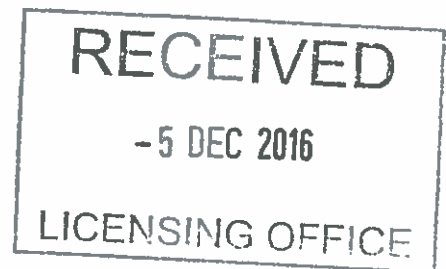
* First name

* Family name

* E-mail

Main telephone number

Other telephone number



Include country code.

☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 17

APPLICATION DETAILS

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.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

15,500

Section 3 of 17

VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

☒ Yes

☐ No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐ Yes

☒ No

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 to the
late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The premises is a public restaurant located on the top floor (6th floor) of an office block. It occupies the whole of the top floor. The main restaurant area is enclosed and there are terraces on either side of the restaurant that overlook the city. The nature of the application is to vary the current premises licence to include the terraced areas as part of the licensed area; to add regulated entertainment by way of live and recorded music; to permit the sale of alcohol from a mobile temporary bar on the terraced areas; to extend the hours for all licensable activities until 02.00 hours each day (save for the terraced areas which will be restricted to conclude at midnight).

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐ Yes

☒ No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to
vary is successful?

☐ Yes

☒ No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

Live entertainment in the form of small bands or solo performers that either play or provide their own accompanying music. The performances may be either acoustic or amplified. It should be noted that it will be the norm that live entertainment would only usually be provided at the weekends. The reason for applying for the same timings for each day is to provide the flexibility of catering for special or corporate events and celebration days without the need for applying for TEN's. Any music provided on the terraced areas will always finish by midnight regardless of the day concerned.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start 12:00

End 02:00

Start

End

THURSDAY

Start 12:00

End 02:00

Start

End

FRIDAY

Start 12:00

End 02:00

Start

End

SATURDAY

Start 12:00

End 02:00

Start

End

SUNDAY

Start 12:00

End 02:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

Recorded music in the form of music played via an internal sound system or via sound equipment provided by a visiting DJ. It should be noted that it will be the norm that recorded music would only usually be provided at the weekends. The reason for applying for the same timings for each day is to provide the flexibility of catering for special or corporate events and celebration days without the need for applying for TEN's. Any music provided on the terraced areas will always finish by midnight regardless of the day concerned and will only ever be just above ambient levels.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 23:00

End 02:00

Start

End

Provide 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.

TUESDAY

Start 23:00

End 02:00

Start

End

WEDNESDAY

Start 23:00

End 02:00

Start

End

THURSDAY

Start 23:00

End 02:00

Start

End

FRIDAY

Start 23:00

End 02:00

Start

End

Continued from previous page...

SATURDAY

Start 23:00

End 02:00

Start

End

SUNDAY

Start 23:00

End 02:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

The provision of hot food and drink during hours licensed for the sale of alcohol and regulated entertainment. The reason for applying for the same timings for each day is to provide the flexibility of catering for special or corporate events and celebration days without the need for applying for TEN's. Any refreshment provided on the terraced areas will always finish by midnight regardless of the day concerned.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 08:00

End 02:00

Start

End

Provide 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.

TUESDAY

Start 08:00

End 02:00

Start

End

WEDNESDAY

Start 08:00

End 02:00

Start

End

THURSDAY

Start 08:00

End 02:00

Start

End

FRIDAY

Start 08:00

End 02:00

Start

End

SATURDAY

Start 08:00

End 02:00

Start

End

SUNDAY

Start 08:00

End 02:00

Start

End

Will the sale of alcohol be for consumption?

- ☐ On the premises ☐ Off the premises ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

None.

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 07:00

End 02:30

Start

End

Provide 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.

TUESDAY

Start 07:00

End 02:30

Start

End

WEDNESDAY

Start 07:00

End 02:30

Start

End

THURSDAY

Start 07:00

End 02:30

Start

End

FRIDAY

Start 07:00

End 02:30

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

The applicant only has an electronic copy of the licence as the original cannot currently be located.

Section 16 of 17

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

It is not anticipated that the additional licensed hours or the addition of live or recorded music will be likely to undermine the licensing objectives. The applicant anticipates that the main cause for concern is likely to be from any use of the terraced areas. For that reason the applicant will not be permitting any form of licensable activity on the outside terraces beyond midnight on any day.

b) The prevention of crime and disorder

It is anticipated that no further crime prevention measures will be required other than those already in place to ensure the safety and security of persons or property as a result of the original licence application.

c) Public safety

It is anticipated that no further public safety measures will be required other than those already in place to ensure the safety and security of persons or property as a result of the original licence application. The clear toughened glass barrier at least 1.8 metres high around the entire edge of the roof terraced area has now been installed to prevent any danger of persons accidentally falling from the terraced areas.

d) The prevention of public nuisance

The applicant has anticipated that there may be some concern regarding the provision of licensed activities on the terraced areas. Any noise from sound coming from the terraced areas will be greatly reduced as the 1.8 metre high glass screen will have the effect of pushing any sound upwards. At the same time the applicant will roll out the temporary canopy which covers the whole of the terraced area. This will also have the effect of dampening any sound coming from the terraced areas. In addition the applicant undertakes to ensure that all licensable activities on the terraced areas will stop at midnight on any day. Sound levels from any sound system used on the terraced areas will not be permitted to go much above ambient levels, and will always remain under the control of the senior staff member on duty at the time.

e) The protection of children from harm

It is anticipated that no further measures will be required other than those already in place to ensure the protection of children from harm as a result of the original licence application.

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

| | |
|---------------------------|----------|
| Band A - No RV to £4300 | £100.00 |
| Band B - £4301 to £33000 | £190.00 |
| Band C - £33001 to £87000 | £315.00 |
| Band D - £87001 to £12500 | £450.00* |
| Band E - £125001 and over | £635.00* |

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

| | |
|----------------------------|-----------|
| Band D - £87001 to £125000 | £900.00 |
| Band E - £125001 and over | £1,905.00 |

Continued from previous page...

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

| | |
|-------------------------|------------|
| Capacity 5000-9999 | £1,000.00 |
| Capacity 10000 -14999 | £2,000.00 |
| Capacity 15000-19999 | £4,000.00 |
| Capacity 20000-29999 | £8,000.00 |
| Capacity 30000-39999 | £16,000.00 |
| Capacity 40000-49999 | £24,000.00 |
| Capacity 50000-59999 | £32,000.00 |
| Capacity 60000-69999 | £40,000.00 |
| Capacity 70000-79999 | £48,000.00 |
| Capacity 80000-89999 | £56,000.00 |
| Capacity 90000 and over | £64,000.00 |

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/norwich/change-1> to upload this file and continue with your application.

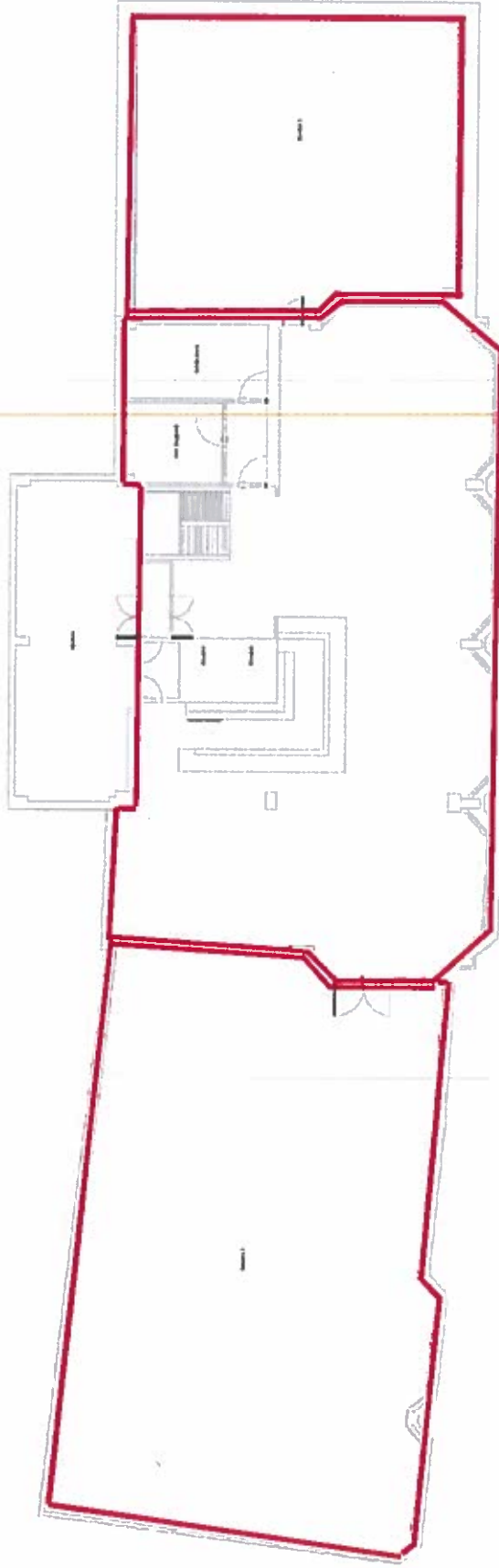
Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

| | |
|----------------------------|--------------------------|
| Applicant reference number | TG/RG/VPL/1216 |
| Fee paid | |
| Payment provider reference | |
| ELMS Payment Reference | |
| Payment status | |
| Payment authorisation code | |
| Payment authorisation date | |
| Date and time submitted | |
| Approval deadline | |
| Error message | |
| Is Digitally signed | <input type="checkbox"/> |

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-5 DEC 2016
LICENSING OFFICE



SCALE 100 METRES

Rose Lane Restaurant – Premises Licence Variation Application

Amended Licensed Area

(Restaurant & terraced areas - highlighted within the red lines.)

Fuller, Maxine

From: Shearman, Anthony
Sent: 03 January 2017 12:04
To: LICENSING;
Cc: Divey, Richard
Subject: FW: Rooftop Gardens Restaurant, Union Building, Rose Lane
Attachments: Licensed Area - Amended 04.12.16.docx

Dear Licensing,

Please see the attached amendments to the licence application, including an updated plan and the extra proposed conditions in items 2 and 3 of Tony Grover's email below. These will be sufficient to negate the representation from Environmental Protection.

Dear Tony,

Although this means that there will be no outstanding representation from EP, I understand that there have been representations from local residents and therefore it will mean a hearing will still be necessary.

Licensing will be able to supply details of the representations and the hearing time/date in due course.

Regards ... Tony

Tony Shearman
Environmental Protection Manager
Norwich City Council
01603 212278
anthonyhearman@norwich.gov.uk
anthonyhearman@norwich.gcsx.gov.uk

Finalist in the Council of the Year category – LGC Awards 2016

The city council's main offices will close from the end of the working day on Friday 23 December and reopen on Tuesday 3 January.

In the event of an emergency, please call our out-of-hours number 01603 412180.

Tenants or leaseholders who have a heating or hot water emergency on Christmas day, Boxing Day or New Year's Day should call our out-of-hours number. For all other times please contact Gasway on 01603 258617.

To make a non-urgent enquiry, please visit www.norwich.gov.uk.

From: Tony Grover
Sent: 02 January 2017 23:24
To: Shearman, Anthony
Subject: FW: Rooftop Gardens Restaurant, Union Building, Rose Lane

Good morning Tony,

I am seeking assistance from you in the absence of Richard Divey as I believe he is not back to work for another week or so.

I had been in consultation with him regarding his objections to the variation application from the Rooftop Gardens Restaurant and had hoped that we had achieved the compromises that he was seeking. I understand his reason for wanting to restrict the area for the bar (as you can see from the attached emails) but from a practical point of view to make the area any smaller that we have offered will not give sufficient room to place the bar and the stock space to go with it. With the Planning Permission Conditions also in place the chance of any significant noise coming from the rooftop would breach those conditions. That is something my client is aware of. In any case it not my clients intention to have loud music outside anyway.

Are you able to bring this matter to a conclusion in Richards absence? The consultation period ended today (2.1.17). We agreed conditions with the Police and unless there have been any more Richards objection is all that could be preventing the licence variation from being granted.

Please call me to discuss if you need to or respond by email.

Thanks for your consideration.

Best wishes,

Tony.

Tony Grover
Licensing Consultant
SMART Licensing
M: -----
E: -----
W: www.smartlicensing.co.uk

From: Tony Grover
Sent: 23 December 2016 14:56
To: 'Divey, Richard' <RichardDivey@norwich.gov.uk>
Subject: RE: Rooftop Gardens Restaurant, Union Building, Rose Lane

Richard,

Is that really necessary? The bar is going to be a removeable structure and may vary in size within that small area according to stock requirements.

Tony.

Tony Grover
Licensing Consultant
SMART Licensing
M: -----
E: -----
W: www.smartlicensing.co.uk

From: Divey, Richard [<mailto:RichardDivey@norwich.gov.uk>]
Sent: 23 December 2016 14:41
To: 'Tony Grover'
Cc: Shearman, Anthony <AnthonyShearman@norwich.gov.uk>
Subject: RE: Rooftop Gardens Restaurant, Union Building, Rose Lane

Looks like we are nearly there!

Can we have the plan with the bar marked in place, a small thing I know but it reduces the likelihood of the area being used without the bar for live music.

Thanks

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

From: Tony Grover
Sent: 23 December 2016 14:28
To: Divey, Richard
Subject: FW: Rooftop Gardens Restaurant, Union Building, Rose Lane

This time with the attachment.....

Tony Grover
Licensing Consultant
SMART Licensing
M:
E:
W: www.smartlicensing.co.uk

From: Tony Grover
Sent: 23 December 2016 14:27
To: 'Divey, Richard' <RichardDivey@norwich.gov.uk>
Subject: RE: Rooftop Gardens Restaurant, Union Building, Rose Lane

Dear Richard,

I apologise for the delayed response. As I informed you earlier this morning I was engaged in consultation with my clients representatives concerning your representation in connection with the current licensing application.

I pointed out your observations following your visit to the premises last week concerning clauses in the recent planning permission have not yet been resolved. i.e.

1. That the solid glass screening around the terraced areas are not solid all the way round and that the gaps between the panels require sealing
2. That planning permission states that there is to be no use of the outside areas between midnight and 7am on any day
3. That an acoustic consultant still has to be engaged to set noise levels from any speakers installed in the outside areas

I have advised my client that these matters need to be attended to without further delay or they may risk action being taken by the Planning Authority against them.

I also pointed out your concerns regarding the proposed licensing of the outside area and the effect that doing so might have in regard of the Live Music Act.

To cut to the chase, my client has now agreed to the following which they hope you will accept in resolution to your concerns:

1. Regarding your concerns about the size of the licensed area outside. My client submits an amended plan of the premises (attached). The plan shows that:
 - a. The smaller of the terraced areas is not now required to be licenced for any purpose.
 - b. The larger terrace is only to be licensed for the purposes of the provision of Late Night Refreshment (as highlighted by the orange line).
 - c. The area of the larger terrace required to be licensed for the purpose selling alcohol is to be restricted to an area adjacent to the restaurant measuring 3 metres x 4 metres (as highlighted by the red line).
2. Regarding your desire to ensure that the possibility of 'vertical drinking' is minimised by clearing all the tables and chairs away from the terraced areas, my client agrees to the following suggested condition being included on the licence if it is granted: *"the licensed terraced area will be subject to the proviso that at all times when the premises are open for business sufficient tables and chairs will be set out for the use of customers in such a manner that does not encourage customers to gather in large groups in any particular area"*.
3. Regarding your concerns regarding the use of the terraced after midnight for smoking purposes we accept that whilst planning permission prevents the outside area from being used after midnight it would still be possible for customers to nip outside for smoking purposes. To that end my client would agree to a condition that states, *"customers will be prevented from taking drinks in any form of container out onto the terraced area after midnight"*.

I hope that these measures will satisfy your concerns and that you will be able to inform the Licensing Authority that the Environmental Health objections can be withdrawn thus allowing the opportunity for the licence application to be granted. I would therefore invite you to forward a copy of this response from my client to the Licensing Authority for their information and action.

Kind regards,

Tony Grover
Licensing Consultant
SMART Licensing

W: www.smartlicensing.co.uk

From: Divey, Richard (<mailto:RichardDivey@norwich.gov.uk>)
Sent: 23 December 2016 09:09
To: 'Tony Grover'
Cc: Streeter, Ian <IanStreeter@norwich.gov.uk>; 'Bartram, Michelle' <bartramm@norfolk.pnn.police.uk>; Shearman, Anthony <AnthonyShearman@norwich.gov.uk>
Subject: RE: THE UNION BUILDING Rose lane

Since I have not had anything confirmed and I am on leave until the 16th Jan.

Please take this email trail as an objection if details cannot be agreed before the end of the consultation period.

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

From: Divey, Richard
Sent: 15 December 2016 13:16
To: 'Tony Grover'
Cc: Streeter, Ian; 'Bartram, Michelle'
Subject: THE UNION BUILDING Rose lane

Hi Tony as discussed

The licence for this use may be unacceptable in the format applied for, given some concern that noise issues may be created.

I am aware that your clients are operating in a responsible manner but I am duty bound to ensure licences are appropriate for any manner of uses.

I would however suggest that some restrictions on the way the licence operates would allay those concerns.

In relation to my concerns that granting a licence for the outside area will allow uncontrolled live music until 23:00;

I would accept a plan showing that the licenced area was specific to the bar and showed the bar as being in that position (the area available for live music is therefore filled with the bar and not available for live music)

Please remember to still licence the outside area for late night refreshment if this is required.

In addition the licence should be conditioned to operate with tables and seating in a manner that prevents its use for mainly vertical drinking (i.e. so that the table cannot be pushed to one end or cleared away to allow large numbers of patrons to gather in any particular area which may cause noise issues).

I note that the outside area is not to be used after midnight, this may cause your client issues with the use of the smoking area, I would suggest that this is conditioned so that no drinks can be taken outside but allow the use of the smoking area until closing.

With this in mind can you consult your client and submit amended plans and agree wording of conditions.

Yours sincerely

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

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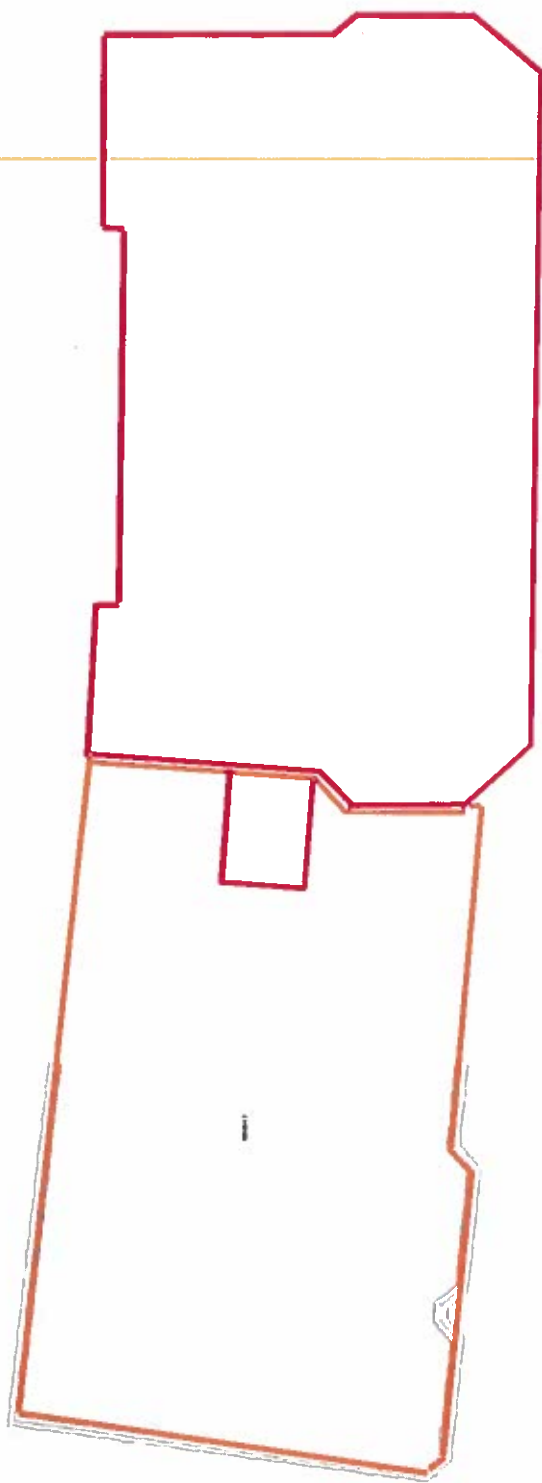
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23 DEC 2016
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SCALE 1:100
0 1 2 3 4
METRES

Rose Lane Restaurant – Premises Licence Variation Application

Amended Licensed Area

(Restaurant & terraced areas - highlighted within the coloured lines.)

Licensed area for all licensable activities (including bar area outside) = 
Licensed area for Late Night Refreshment only on the Terrace = 

Fuller, Maxine

From: Bartram, Michelle <bartramm@norfolk.pnn.police.uk>
Sent: 29 December 2016 11:57
To: LICENSING
Cc:
Subject: FW: Letter of representation Rooftop Gardens - Agreement to Police Conditions.

Hello Licensing

Please see the email below from the applicant's representative for Rooftop gardens. This email agrees that the proposed conditions by the Police will be added to the premises licence.

With this, please accept my email as a withdrawal of the Police representation now that this will feature within the premises licence.

I have been informed that there have been other representations from residents so this application may go to committee.

Regards

Michelle Bartram

Licensing Officer

Licensing

Norfolk Constabulary

Bethel Street Police Station

Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025

Follow us @nfklicensing



It takes 24 trees to produce 1 ton of office paper!

Think... is it really necessary to print this email?

From: Tony Grover
Sent: 23 December 2016 12:41
To: Bartram, Michelle
Subject: RE: Letter of representation Rooftop Gardens - Agreement to Police Conditions.

Dear Michelle,

Thank you for your letter of 20th December referring to the Police representation concerning the Premises Licence Application for the Rooftop Gardens Restaurant, Rose Lane, Norwich.

I have had the opportunity to consult with the applicants representatives and am duly authorised to say that my client agrees to include your suggested Conditions on the Premises Licence when it is granted.

Thank you for your consideration concerning this application.

I would be grateful if you would forward a copy of this email response to Mr Ian Streeter at the Licensing Authority for his information when considering the determination of my clients application.

Kind regards,

(Authorised agent on behalf of the applicant GC Hotels Ltd.)

Tony Grover
Licensing Consultant
SMART Licensing
M:
E: !
W: www.smartlicensing.co.uk

From: Bartram, Michelle [<mailto:bartramm@norfolk.pnn.police.uk>]
Sent: 20 December 2016 16:03
To:
Subject: Letter of representation Rooftop Gardens

Hello Tony

Hope you aren't working too hard,

I have visited the Roof top gardens however I have some proposals which are attached.

Can you discuss them with your applicant and get back to me.

The security staff condition may not be a welcomed one however I am aware they currently employ them now.

Speak to you soon

Regards

Michelle Bartram
Licensing Officer
Norfolk Police
Norwich

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NORFOLK
CONSTABULARY

Our Priority is You

Mr Ian Streeter
Licensing Manager
Norwich City Council
St Peters Street,
Norwich
NR1 2NN

Date: 20th December 2016

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Dear Sir

Application to vary the premises licence – Roof Top Gardens, Rose Lane Norwich

Police have received a copy of the application to vary the premises licence for Roof Top Gardens, Rose Lane Norwich.

The purpose of this application is to extend the current permitted hours so that the sale of alcohol can take place until 0200 hrs and to permit the premises to open until 0230 hrs.

The venue has been operating for a year and is predominately a fine dining restaurant which provides food until 2130 hrs. I understand that the intention is use the 0230 hrs opening every weekend but to have the facility to extend the hours of operation for functions and special events such as New Year's Eve and Christmas.

Although it is accepted that this type of establishment does not usually cause crime and disorder, by increasing the hours of operation for the consumption of alcohol and entertainment the potential for an incident occurs.

Therefore in order to reduce this risk and promote the licensing objectives, I propose the following conditions are added to the Premises Licence:

- **The premises shall install and maintain a CCTV system covering the main public areas of the premises. The CCTV shall record for a minimum of 28 days and be available to Police or Licensing Authority on request.**
- **There will be a minimum of 1 SIA licensed security staff employed from 2300 until close when the premise opens after midnight.**
- **A register logging the security staff details will be kept at the premises and available on request. This register will include SIA names, Badge number and tour of duty.**

I have visited the premises and spoken to the management who have advised that it is their usual practice to employ security staff and already have a CCTV system installed, therefore I don't believe this will be an issue for them to agree.

Yours faithfully,

Michelle Bartram
Licensing Officer

Fuller, Maxine

From: Parkin, David
Sent: 07 December 2016 16:58
To: Fuller, Maxine
Subject: Variation of premises licence - Roof Top Gardens

Dear Maxine

Thank you for your e-mail re: the above amendments to the licence for the Roof Top Gardens restaurant. From a planning point of view, the use of the building as a restaurant is covered by two permissions:-

- 16/00532/F covers the use of the roof terrace; and
- 16/00129/F covers the use of the top floor of the building.

Both permissions were granted subject to a condition that prevents the premises being open to the public, trading, or having members of the public as customers or guests on the premises between midnight and 06:59. The reason for attaching the condition is "To safeguard the amenity of the surrounding area in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014".

The proposed changes to the licence would conflict with the terms of the condition. The Council as Local Planning Authority has just refused an application to vary the hours of use condition for the top floor in line with the licence application for the following reason:

"The proposed variation of the opening hours of the restaurant/bar would have a significant detrimental impact upon the living conditions of the existing residents in the vicinity and future residents of the adjoining Imperial House by virtue of noise pollution and disturbance at anti-social hours. Therefore the proposal is considered to be contrary to policies DM2 and DM23 of the Development Management Policies Plan December 2014 and paragraphs 9 and 17 of the National Planning Policy Framework 2014."

The Local Planning Authority would be equally unlikely to support an application to vary the hours of use for the roof top restaurant, for the same reasons.

Consequently, the Local Planning Authority raises an objection to the proposed amendments to the licence on the basis that the changes would lead to an adverse impact on the amenity of existing and future residents by virtue of noise pollution and increased disturbance at anti-social hours.

In the event that the variation is granted, the LPA requests that the applicant is reminded that they must still comply with the terms of the planning permission, which, as stated above, precludes the use of the restaurant between midnight and 06:59.

Regards

David Parkin
 Planning Team Leader
 DD 01603 212505
david.parkin@norwich.gov.uk

Planning Services,
 Norwich City Council,
 City Hall,
 St Peter's Street
 Norwich
 NR2 1NH



Hand delivered to The
Licensing dept
Norwich City Council
4/1/2017.

7 pages in total
* part 1
+
* part 2.
Received by

licensing with an S
so where does licencing with
a 'C' go ???



Re: Roof Top Gardens Restaurant - Variation - 16/02529/PREM

4 messages

John Fuller

2 January 2017 at 20:47

To: LICENSING & MARKETS <LICENSING&MARKETS@norwich.gov.uk>

Cc:

Norwich City Licensing
By Email

Dear Sirs

Thank you for the acknowledgement to by OBJECTION to the Roof Top Gardens Restaurant - Variation - 16/02529/PREM application

Further to this objection I now include for your information some web links to some videos by residents of Maidstone Road taken at and after midnight on 31st December 2017.

Here is the link https://www.dropbox.com/sh/wy60b46gzftjcp/AACyUxrVDIGbrLkEA_pGxFkJa?dl=0

What these videos show is that

1 The licencees are in flagrant breach of their existing licencing restrictions by playing amplified music on the outside terraces at all. Let alone until Midnight as their new application requests. And after midnight, which even their variation application purports to limit. It is unacceptable that the licencees are acting in breach.

2 Whilst the applicants state in their application that the combination of glass balustrades and fabric roof to their terraces in some measure mitigates the sound emissions to the neighbourhood, the videos prove that these are totally ineffective in doing so regardless of what the applicants may say. This demonstrates that they lack the ability to actively control or monitor their activities effectively. It can be seen that amplified music goes well beyond ambient levels and is clearly and distinctly heard, especially at low and high frequencies.

3 Aside from the amplified music, the inability of the licencees to control their customers with the result that chanting and singing reaches far beyond the first rank of neighbouring properties. In fact, the loudness of the amplifications simply encourages even more vocal accompaniment from the customers. This is unacceptable in a residential area located away from the 'latenight activity zone DM23'. Later, lewd chants were directed from customers to residents of the Maidstone Road apartments, which fortunately were not captured on video. This is distressing to adult residents and troubling to younger occupants.

4 In particular individual shouts and shrieks can clearly be heard above the sound of the amplified music, which dispels the suggestion that the customers will only provide a background 'hubbub' that is no louder than ambient levels. Furthermore, in "WhatsApp Video 2017-01-02 at 15.06.19" at approximately 1:25- there appears to be the encouragement for customers to sing and chant.

6 What has been reported to me but cannot be seen in the video was that alcohol was being dispensed/served outside on the terraces by mobile dispesing/chilling units in further breach of their licence.

This evidence shows that the Rooftop Gardens are

- an unneighbourly and intrusive operator that is dramatically and unacceptably affecting the amenity of local residents in a residential area
- It shows that the licencees are incapable of controlling their operations within either technical boundaries or have any regard for neighbours in respect of acoustic or light-based pollution and their purported mitigation measures are ineffective
- The licencees are incapable of controlling their customers and fail to take action when customers stray over an acceptable line
- They have demonstrated a cavalier disregard for their existing licence. Now is not the time to reward this behaviour with additional freedoms. Instead, this disregard should be punished by enforcement action.

In conclusion, this application for variation should be dismissed and enforcement action against the licencees should be taken to restrain the operation within the existing terms.

Circlet Homes Ltd

John Fuller
Director, Circlet Homes Ltd
The Old Hall Coach House, The Street Brooke Norwich Norfolk NR15 1LB
Phone 01508 500305
Email www.circlethomes.co.uk
Registered in England, Company Number 8305541 VAT Registration Number: 152 5479 04

On 19/12/2016 15:28, LICENSING & MARKETS wrote:


Dear John Fuller,

Your objection has been received and has been placed with the pending application.

Regards

Maxine Fuller
Licensing Assistant/Licensing Office
Norwich City Council
(01603) 212761
maxine.fuller@norwich.gov.uk

From: John Fuller
Sent: 19 December 2016 13:28
To: LICENSING
Subject: Fwd: Roof Top Gardens Restaurant - Variation - 16/02529/PREM

 Please note this email of OBJECTION, which is a copy of the one I sent to licencing@norwich.gov.uk on 13th December but did not bounce. 

----- Forwarded Message -----

Subject:Roof Top Gardens Restaurant - Variation - 16/02529/PREM

Date:Tue, 13 Dec 2016 10:39:34 +0000

From:John Fuller

To:licencing@norwich.gov.uk

Dear Sirs

We have been made aware of the application to vary the premises licence

for the new Rooftop Gardens on Rose Lane in Norwich.

Our company is currently developing a residential apartment block at 26/36 Rose Lane, which is immediately opposite the proposed development.

We wish to make the following observations which amount to an OBJECTION to the variation of licence on the following grounds.

We are concerned that the application anticipates that live, recorded, DJ music would be played on BOTH outside terraces. The application explains that the sound emissions would be mitigated as a result of the movable roof. We note that the temporary roof only exists on the East-Terrace and does not exist on the West Terrace. On this basis, we OBJECT to any extension of the currently permitted activity on the West Terrace, whilst retaining other concerns relating to the East terrace.

The application explains that further mitigation is offered by the 1.8m glass wall and that sound "will only ever be just above ambient levels". To be acceptable, a stronger definition of what constitutes ambient levels needs to be set out and agreed. Whilst spoken words could most likely be contained, amplified sounds can travel long distances, especially the repetitive deep bass tones associated with dance music. Until that is clarified, we OBJECT on the grounds that the amplified sound levels beyond ambient levels have not been defined.

Further, it is noted that new residential development is being constructed all around the premises. This part of Rose Lane is being regenerated as a residential area. Planning Policies CC5 and CC6 are immediately neighbouring allocated residential sites. There are the Maidstone and Greyfriars Developments too. All have been permitted that rise to 5 or 6 storeys to the same height as the rooftop gardens. Setting aside concerns about damaging the residential amenity of the occupants of these new developments by lighting, overlooking and intervisibility into bedrooms, any measure of ambient noise needs to be made reference to neighbours at the same level [the 6th floor] rather than from measurements from the ground. In summer, windows of habitable rooms will be open within 10 metres of the terraces. 10 o'clock would be considered a reasonable bed-time, earlier for children. But midnight is beyond what is acceptable or reasonable in a residential area.

We note that the RoofTop Gardens sits outside the Council's Late Night Activity Zone set out in policy DM23 in your adopted plan. Whilst this is a Licencing application, not a planning application, the expectation would be that such Nighttime use would be constrained within the DM23 designated area so as to protect the amenity of surrounding occupants and the vitality and viability of the area generally and to minimise the potential for crime and disorder."

Extract from DM23 Evening, leisure and late night uses

"To enhance the vibrancy of the city centre and local and district centres, , leisure

uses, hospitality uses and late night entertainment uses will be

permitted within the

areas defined below and where they would not give rise to unacceptable amenity

and environmental impacts which could not be overcome by the imposition of conditions. Where necessary, permission will be granted subject to conditions

restricting hours of opening and/or removing permitted development rights to change to alternative uses in order to protect the amenity of surrounding occupants

and the vitality and viability of the area generally and to minimise the potential for

crime and disorder."

Looking at the planning history for the buildings at NR1 1BY, we note that planning application 16/01594/VC, which sought to amend the hours was refused on the grounds that it was contrary to policies DM2 & DM23 and in the potential harm to neighbours. The Licencing process should note the Council's decision in this regard given that there are residential uses close by.

Our Objection mainly relates to an intensification of the use of the TERRACED areas, where sound and light can travel unimpeded within what is becoming a residential area away from the designated night time economy.

We are especially concerned that the West Terrace, which does not benefit from a temporary mitigation structure, should not benefit from a change in the existing conditions.

Whilst the glass wall will mostly contain the normal spoken words from users of the terrace to retain it largely within ambient levels, it is UNACCEPTABLE that amplified music from whatever source, [piped music, performers or DJs] especially with deep bass tones, which travel through structures be permitted until midnight.

It seems to us that the licencing process should seek to control development and activities so that it does not adversely affect neighbours, protects public safety and avoids disturbance. This premises variation departs from what is required to protect neighbouring amenity and should be refused.

Circlet Homes Ltd

--

John Fuller

Director, Circlet Homes Ltd

The Old Hall Coach House, The Street Brooke Norwich Norfolk NR15 1LB

Phone 01508 500305

www.circlethomes.co.uk

Registered in England, Company Number 8305541 VAT Registration Number: 152 5479 04

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Scanned by the Email Gateway.

John Fuller

To:

2 January 2017 at 21:51

I have read the rules and it seems that email objections made on the last day need to be followed up by a paper copy the following day. Might I ask you to drop-off a paper copy of my email to City Hall tomorrow as I can't get there myself.

When you're there you might state to the officer that, in view, the application FAILS at least 2 of the 4 licencing objectives

the prevention of crime and disorder

public safety

** the prevention of public nuisance

** the protection of children from harm

And, because of the effect of the proposals there should be a *Hearing* on the modification.

And because of the gravity of the breaches, there should be a *Review* of the existing licence.

John

John Fuller

Director, Circlet Homes Ltd

The Old Hall Coach House, The Street Brooke Norwich Norfolk NR15 1LB

Phone 01508 500305

www.circlethomes.co.uk

Registered in England, Company Number 8305541 VAT Registration Number: 152 5479 04

[Quoted text hidden]

2 January 2017 at 21:59

To: John Fuller

Will do...just saw this email...will print and deliver.

Lynn

[Quoted text hidden]

John Fuller

To: licencing@norwich.gov.uk

Cc:

2 January 2017 at 22:05

PART # 2

Norwich City Licencing

By Email

Dear Sirs

Further to my previous email summarising the contents of the five videos https://www.dropbox.com/sh/wy60b46gzfvjtjcp/AACyUxrVDIGbrLkEA_pGxFkJa?dl=0 demonstrating the breach of licencing conditions earlier this evening, I consider that the activities of the licencees and their failure to operate within their licence conditions amounts to a failure of THREE of the FOUR licencing objectives indicated by a ** below

- ** the prevention of crime and disorder - by dint of offensive and lewd behaviour by customers of the Rooftop Gardens, which is not controlled by the licencees.
- public safety
- ** the prevention of public nuisance - by way of excessive intrusive acoustic and illumination to the detriment of a wide variety of neighbouring residents and occupants of a nearby hotel
- ** the protection of children from harm - by the offensive and lewd behaviour of customers in clear view of and within close proximity of habitable rooms in the residential block opposite.

It is unlikely that conditions could be applied that could make the proposals acceptable as the mitigation proposed in the modification has already demonstrated to be ineffective and the controls available to an outside location mean that technical solutions like acoustic baffles are not relevant.

As a result of the materiality of the the variation proposals and the 'mission creep' over several successive applications in quick succession, I request that there should be a *Hearing* on the modification.

And because of the gravity of the flagrant breaches of existing conditions, which go beyond even what is applied for in the modification, exhibited by the licencees, evidenced by the videos, I request that there should be a *Review* of the existing licence.

Circlet Homes Ltd

John Fuller

Director, Circlet Homes Ltd

The Old Hall Coach House, The Street Brooke Norwich Norfolk NR15 1LB

Phone 01508 500305

Email

www.circlethomes.co.uk

Registered in England, Company Number 8305541 VAT Registration Number: 152 5479 04

[Quoted text hidden]

Our Ref: TJN/LJW/316055.0001
Your Ref:
Date: 22 December 2016

Citywide Services
Public Protection (Licencing)
City Hall
St Peter's Street
Norwich
Norfolk



Birketts LLP
22 Station Road
Cambridge
CB1 2JD

T: +44 (0)1223 326600
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DX: 131969 Cambridge 6
E: mail@birketts.co.uk

www.birketts.co.uk

Dear Sirs

**Licensing Act 2003 – Application Reference 16/02529/PREM
Lyn Lockhart – Rooftop Gardens, 51-59 Rose Lane, Norwich**

We are instructed by residents in adjacent properties to this application site and who wish to express their objection to it in the strongest possible terms.

Planning Permission for change of use for the top floor of the Union Building (51-59 Rose Lane) was issued on 12 April 2016 under reference number 16/00129/F. This was change of use of the top floor of the building to a restaurant (use class A3). It was not change of use to use Class A4 (use as a public house, wine bar or other drinking establishment). Whilst we appreciate that it is a matter of fact and degree as to whether a premises falls within use class A3 or A4, it is clear that this application represents the very familiar “mission creep” experienced with restaurant applications.

The majority of the Union Building is used for offices. Planning permission for the erection of an additional floor on this existing office was refused on 03 October 1989 under reference 4/1989/1157 but otherwise it has a relatively simple planning history.

Whilst planning permission was granted for a change of use of the top floor in 2016 (as stated above) to alter the use to Class A3, condition 3 stated that **no use of the rooftop or terrace** was permitted to ensure adequate protection between different uses and to avoid unacceptable noise and disturbance.

Condition 3 was effectively overridden via a new planning application in 2016 (reference number 16/00532/F) but subject to stringent conditions such as the erection of a 1.8 metre acoustic screen licensing hours and caps as to amplified noise.

It is clear that in its previous considerations of relevant planning applications, the Council has quite rightly been conscious of the location of the site and has sought to safeguard the residents from excessive noise and disturbance.

By way of example, planning permission to vary Condition 4 of 16/00129/F (NB the restaurant **not** the roof terrace) form a condition preventing opening of the premises between 00:00 and 06:59 to a condition preventing opening between 01:30 and 06:59 on any day. This application was reference number 16/01594/VC and was refused.

The applicant sought to extend the hours that the fully enclosed restaurant was permitted to be open to the public from 00:00 to 01:30 each day. Specifically, the delegated officer highlighted in his report,

15835663.V1 Let to Countrywide Services
316055.0001 19/12/2016

Offices also in: Chelmsford, Ipswich and Norwich

that the proposed variation of the opening hours would have a ***'significant detrimental impact upon the living conditions of the existing residents in the vicinity and future residents of the adjoining Imperial House by virtue of noise pollution and disturbance at anti-social hours'***. The officer also made reference to the increased traffic on the roads surrounding the site and that Union building was not in Norwich City Council's Late Night Activity Zone.

This licensing application goes beyond even what the 16/01594/VC planning application sought, as it is requesting licensing to be granted to extend the hours the restaurant is permitted to be open to the public from 00:00 to 02:00 each day. In addition and equally troubling, it also requests permission for the sale of alcohol from a mobile bar on the terraced areas and live music and 'visiting DJs' to perform outside.

Whilst the applicant states that the music will cease at midnight, the sale of alcohol on the terrace will continue until 2 a.m. which is totally unacceptable in a residential area. We also understand that the Rooftop gardens has already begun selling alcohol on its terraced areas (a breach of its current licence) and the local amenity is already suffering as a result. Furthermore, even though it is emphasised in the application that live music and/or visiting DJs will only play at weekends, it is also a part of the application that private events could be held on any day of the week. Again, this is a residential area and the amenity of residents will be very detrimentally affected by this.

It is stated in the application that the provisions made by the applicant such as the acoustic screen will 'dampen' the excessive noise caused by the late night activities. However, 'dampening' is not sufficient to prevent the local residents from being disturbed, particularly during the working and school week.

The applicant has also stated that they believe no further works need to be undertaken regarding health and public safety. We are strongly concerned by this, in particular as the increase in activity (including public presence, electrical equipment and flammable substances) on the top floor of the building evidently increases the risk of fire. Yet, the applicant proposes nothing to mitigate for this risk, and is content to rely on the fire escape which was added to the building without anticipation that the rooftop would be converted into a restaurant and/or bar. This is both unsatisfactory and dangerous. The Health and Safety and Building Regulations implications of this proposal must not be considered in isolation to changes to the planning or licencing.

Moreover, consideration needs to be paid to such disturbances caused by other sources such as intoxicated customers on the terrace, or the noise of customers and traffic caused in the street, until 02:00. This is in addition to the disturbances that are already been caused in the area, such as the glare of the bar's lighting that is on constantly from 7 a.m. to midnight, and the privacy issues that have been caused as a direct result of the overlooking view of the roof terrace into residents' properties. This detriment to residents amenity is apparent despite comments from a planning offer previously in relation to overlooking and this application will only serve to make things worse in this regard.

Such allowances would be, and are in, in complete contradiction with policy DM2 whereby it is set out that development will be permitted where it would not result in an unacceptable impact on the amenity of the area or the living or working conditions or operations of neighbouring occupants, and particular regard is given to the prevention of disturbance from noise, odour, vibration, air or artificial light pollution.

On their own and collectively, these disturbances are already having an unacceptable effect on the area. Not only are the residents having to endure these upsets daily but it has now become apparent that as a result of Rooftop Gardens, some residents are now struggling to sell their properties.

Norwich City Council has a designated Late Night Activity Zone which is set out in detail in policy DM23 and this is well known by both local residents and those in the trade in Norwich. The Rooftop Gardens restaurant sits outside of this Late Night Activity Zone and as such it is completely inappropriate to have the potential for regular outdoor amplified music until 12 'o' clock and outdoor drinking until 2am. The impact of this on residential amenity for existing residents and those who will be moving into the new residential schemes surrounding Rose Lane will be almost completely unmitigated, with sound able to travel large distances at this height, and this licencing application is totally outwith both the Councils planning policies and its licencing obligations. We therefore respectfully suggest that the application is refused.

Should we be able to provide you with any further assistance please do not hesitate to contact us.

Yours faithfully

Birketts LLP

Direct Line: 01223 326611
Direct e-mail: tom-newcombe@Birketts.co.uk

Fuller, Maxine

From: Isla Bharatan
Sent: 28 December 2016 11:28
To: LICENSING
Cc: J
Subject: Reference - 16/02529/PREM - Appeal to licensing application - Norwich
Attachments: Norwich Riverside - Interested_party_representation_form TS.docx

Dear Sirs

Reference - 16/02529/PREM - Appeal to licensing application - Norwich

In reference to the application to vary the premises licence for the Roof Top Gardens, Norwich, we wish to formally object.

Attached is the form as completed by the hotel manager of our Norwich Riverside Travelodge hotel detailing the reasons for the objection.

We trust that our objection will be reviewed and we will be informed of the meeting of the authority's Licensing sub-committee to discuss this matter in more detail.

Please forward all relevant correspondence to myself and those cc'ed into this email.

We look forward to your response and please feel free to contact me to discuss.

Many thanks

Isla

Isla Bharatan
Estates Surveyor

Travelodge is a part of Travelodge Hotels Ltd.

Registered Office: Travelodge Hotels Ltd, Sleepy Hollow, Aylesbury Road, Thame, Oxon, OX9 3AT.

Registered No: 769170 VAT No. 805367726.

Please consider the environment before printing this e-mail.

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) Tracy Storey / Travelodge Norwich Riverside

Postal address 8-12 St Vedast Street, Norwich, NR1 1BT

Email address

Contact telephone number

Name of the premises you wish to support or object to Roof Top Gardens Restaurant

Address of the premises you wish to support or object to. 51-59 Union Building, Rose Lane, Norwich, NR1 1BY

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 This objective can be tied in with 'preventing public nuisance' in the sense that Prince of Wales road is already heavily policed due to its reputation and past incidents of drunken violence etc. We object to the proposals as we wish to contain the nightlife, which is notoriously violent on occasion, to the area of Prince of Wales Road rather than extending it down Rose Lane which could lead to more crime and violence even closer to the hotel than it is already.

Public safety

To prevent public nuisance

The hotels location means we experience noise disturbance from many of the nightclubs situated on Prince of Wales Road, which backs on to 50% of our rooms. The proposed development at Roof Top Gardens will then cause further noise disturbance on the opposite side of the building, which we currently use as the "quite side." Resolving complaints we currently receive can mean refunding a guest anything from 50% to 100% of what they have paid meaning we already lose high amounts of revenue due to guests having to hear music and loud conversations of intoxicated people leaving nightclubs until all hours of the morning. The Roof Top Restaurant already overlooks our hotel and its bright lights can be seen from 25% of the rooms and the noise can already be heard without the addition of live music, DJ's and a closing time of 2am as suggested. This, if successful, will cause detrimental effect to our guests who will either complain, meaning we need to reimburse them for their disturbed nights sleep, or they will simply choose not to stay with us any longer. We are continually taking steps to



ensure our guests have a peaceful stay with us, such as installing new windows to attempt to counter the increasing noise levels from Prince of Wales which cost thousands of pounds per room.

The suggestion that the noise at RTG will be, and I quote, "not permitted to go much above ambient levels" is a cause for concern as this is something we are forced to chase with Norwich City Council on a regular basis regarding other businesses on Prince of Wales. We do not believe the noise will be ambient nor do we think the nightlife should be extended this far from Prince of Wales Road, where it is relatively contained, as doing this leaves us boxed in by it, which completely undermines what our business is about - providing a good night sleep.

Roof Top Gardens will only intensify the issues we already face, plus cause more nuisance in the area for which we already take multiple steps to fight against. We therefore wish to clarify we OBJECT to this proposal.

To protect children from harm

Please suggest any conditions which would alleviate your concerns.

Not to allow the open air nightclub is the only way to alleviate the concerns we have

Signed:

Date:

Please see notes below

**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) | Matthew Rogowski |
| Postal address | 90 Maidstone Road, Norwich, Norfolk, NR1 1EA |
| Email address | |
| Contact telephone number | |

| | |
|--|---|
| Name of the premises you wish to support or object to | Roof Top Gardens Restaurant |
| Address of the premises you wish to support or object to. | Level 6 Rose Lane Business Centre, 51-59 Rose Lane, Norwich |

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

| | |
|--------------------------------------|---|
| Licensing Objective | <i>Please set out your support or objections below. Please use separate sheets if necessary</i> |
| To prevent crime and disorder | |
| Public safety | The small "acoustic screen" is not very tall and someone could still lean over and/or throw something off - I'd give it a week before drunk patrons are throwing things over the edge of what is a 4 storey building. |



| | |
|--------------------------------------|---|
| To prevent public nuisance | <p>I am quite frankly horrified by this proposal because this restaurant has already caused residents in our block an immense amount of stress. We already have a restaurant looking into our living rooms, and an awning and roof terrace on either side where people can stare directly into our living rooms. We have absolutely no privacy in our own homes, we are having to keep our blinds shut, and the new block going up next to us is even closer to this building, so these poor people will have even less privacy than we do. To have people drinking up there and <i>playing music</i> until 2 in the morning is simply unacceptable. I repeat, <i>this building is directly opposite a block, soon to be two blocks, of residential flats</i>. This proposal would further restrict our already compromised privacy, and would further decrease the value of our properties. I have to say, if this proposal is approved I will be forced to seek legal advice about this entire establishment, because as stated, our quality of living and personal privacy has already been reduced beyond an acceptable standard. I very much welcome the owner of this property to come and speak to the residents in this block, as per note 5 below, I can assure you we would all have plenty to discuss with them. This is, of course, all assuming that "public nuisance" covers "lowly taxpayer residents directly over the road".</p> |
| To protect children from harm | |

| | |
|---|---|
| Please suggest any conditions which would alleviate your concerns. | <p>Keep it to some degree of a reasonable hour. We already have Prince of Wales Road open until the early hours, Norwich does not need another area like this. How much more are the residents in this block going to have to tolerate?</p> |
|---|---|

Signed: Matthew Rogowski

Date: 09/12/16

Please see notes below

Fuller, Maxine

From: Joe Taylor
Sent: 18 December 2016 15:41
To: LICENSING
Subject: 16/02529/PREM

It has been brought to my attention that there is an application for live music on the Roof Top Gardens Bar on Rose Lane. I object this application as it will cause a disturbance to all the residents in the flats opposite. I own a property on Maidstone Road.

Many thanks,

--
Joe Taylor

Fuller, Maxine

From: Lynn Lockhar
Sent: 19 December 2016 12:59
To: LICENSING
Subject: Ref the Rooftop gardens application 51-59 Rose Lane Norwich Variation 16/02529/PREM Objection

Ref the Rooftop gardens application 51-59 Rose Lane
Norwich Variation 16/02529/PREM **Objection**

My Name is Lynn Lockhart and I am one of the residents at the circle/wherry housing blocks opposite the abovementioned Building now known as
" The Union Building "

I have worked very hard all my life and am now in my early retirement

I want to make it clear that I OBJECT to the variation being considered by the licencing department as already it is an invasion of my privacy.

The office buildings themselves have no "window dressings" as such we now live in a goldfish bowl where they can simply stare into our homes and we have to look out at their messy windows and are ever aware of their presence.

I have had to spent a lot of money getting reflector film to reduce the observers in the daylight hours ...however once a light is on in my property anyone can see right into my living areas.

Not withstanding the New roof top gardens and restaurant has made our blocks more like an observatory into the private lives of all us residents as if we are a reality television show.....a complete goldfish bowl .

our bedrooms and living rooms are all completely overlooked now on a 20 hour basis from their offices and restaurant opening at 0600 untill 0200 from the Roof garden restaurant as it is....the licence for the Restaurant should never have been granted as it shows a complete disregard for the almost 300 residents right opposite the premesis, not to mention the advertising materials have had the audacity to show photographs of our windows and french doors right into our homes.

As for even the consideration that you could even vaguely think that this road should need another "club" like setting IN THE OPEN AIR is beyond contempt for all of us here in the Maidstone Road/Greyfriars Blocks...the Noise will without doubt keep all of us awake, and the lighting already has us having to live behind closed windows and curtains all day and all night in the present situation.

As for the potential NOISE...already one outside party on the roof a week ago has created the necessity for me to close my windows and turn up my TV to block out the chitter chatter which travels right into our flats...In the Summer this NIGHTMARE will be 1000 fold as we will need to open our windows for fresh air in the summer heat...plus again leaving our living areas completely open to looky loos on the rooftop opposite.

As for the fact that anyone in the roof gardens just observes our lives at this time and the thought that they will be drinking , talking with raised voices and dancing to whatever kind of music this operation deems to play until at least 0200 is totally unacceptable.

This is an unacceptable option and violates all protection of our residential rights. in what has over the past 10 years become almost a completely residential area. (and growing steadily as such)

Please note that the Clubs in this street were all closed down many years ago and the Prince of Wales road became the place for the nighttime activities and the Police have been able to monitor the crime and disgusting habits of revellers falling about and defecating in the streets...agreeing to this application will bring all this activity right outside our homes even more so than it does already..creating addition noise and sirens etc.

Maidstone road is just a few yards long, and already the clients to the restaurant are parking on the inordinately small area we residents can park on the one night where we wont have to rise in the sunday morning to move our cars...people are not willing who go to any club type place to park in the new multi storey car park...they prefer to invade our space for free.

This is an unacceptable option and violates all protection of our residential rights.

I would also like to add that your (the councils) **MINIMUM** requirement to let the residents surrounding made aware is that of 21 days...is also considering that both Christmas holidays and the New year break falls right into this timing ...is somewhat of a " snide " action and we want you to note that we want an extension of a minimum of 3 weeks to continue giving the residents their time to have their say .

The devaluing of the properties here at Maidstone Rd notwithstanding will also create an almost impossible option of resale.

I personally have applied for a mutual exchange and have been turned down by applicants no less than 4 times due to the Union Building and the Restaurant and how it appears visually and the invasion of our homes privacy.

This is to be considered a formal **OBJECTION** to this variation of licence.

I anticipate a receipt of this email from you office by return

Yours sincerely.

Lynn Lockhart
79 Maidstone Rd, Norwich Norfolk NR1 1EA



Fuller, Maxine

From:
Sent: 19 December 2016 20:44
To: LICENSING
Subject: URGENT-: Roof top gardens restaurant -Variation- 16/02529/PREM

Ref the Rooftop gardens application 51-59 Rose Lane Norwich

My Name is Jill Batch and I am one of the first set of residents at the circle/wherry housing blocks opposite the above mentioned Building now known as " The Union Building "

I work at the Norwich hospital, often I have to go in early and leave late, thus my time at home is very precious.

I want to make it clear that I OBJECT to the variation being considered by the licensing department as already it is an invasion of my privacy.

The office buildings themselves have no "window dressings" as such we now live in a goldfish bowl where they can simply stare into our homes and we have to look out at their messy windows and are ever aware of their presence.

our bedrooms and living rooms are all completely overlooked now on a 20 hour basis from their offices opening at 0600 until 0200 from the Roof garden restaurant as it is....the licence for the Restaurant should never have been granted as it shows a complete disregard for the 300 residents right opposite the premises, not to mention the advertising materials have had the audacity to show photographs of our windows and french doors right into our homes.

For all of us here in the Maidstone Road/Greyfriars Blocks...the Noise will without doubt keep all of us awake, and the lighting already has us having to live behind closed windows and curtains all day and all night in the present situation.

As for the fact that anyone in the roof gardens just observes our lives at this time and the thought that they will be drinking , talking with raised voices and dancing to whatever kind of music this operation deems to play until at least 0200 is totally unacceptable.

Please note that the Clubs in this street were all closed down many years ago and the Prince of Wales road became the place for the night time activities and the Police have been able to monitor the crime and disgusting habits of revellers falling about and throwing up in the streets...agreeing to this application will bring all this activity right outside our homes even more so than it does already. There is also the safety aspect I would not feel safe walking down Prince of wales road of an evening and if this goes ahead it will be the same on Rose lane, This is an unacceptable option and violates all protection of our residential rights.

The council's MINIMUM requirement to let the residents surrounding made aware is that of 21 days...is also considering that both Christmas holidays and the New year break falls right into this timing ...is somewhat of a " snide " action and we want you to note that we feel an extension of a minimum of 3 weeks to continue giving the residents their time to have their say

This is to be considered a formal OBJECTION to this variation of licence.

Please acknowledge receipt of this e-mail from you office by return

Yours sincerely.

Jill Batch
80, Maidstone Road
Norwich
NR1 1 EA

Fuller, Maxine

From: Max Crowley
Sent: 20 December 2016 23:50
To: LICENSING
Cc: licence@norwich.gov.uk
Subject: Rooftop gardens restaurant

Dear Sir/Madam,

I live in Imperial House, Rose Lane and I am writing to object to the application for the stated business, rooftop gardens restaurant, to extend their licensing application until 2AM in the morning with live music.

Between the music and their customers, the noise already created by the restaurant at nighttime 8-11 is already disruptively loud, especially on Friday and Saturday. It can still be heard inside interior rooms, with interior doors and windows closed.

To extend their licensing hours until the early hours would be a sleepless nightmare, please don't approve the request.

Yours sincerely,

Max Crowley

Fuller, Maxine

From: Richard Steer
Sent: 20 December 2016 18:30
To: LICENSING
Subject: Objection to Licensing Application
Attachments: Interested_party_representation_form - R Steer.doc

To Whom It May Concern,

Please find attached my objection to the application to vary a premises licence for the Union Building Roof Terrace Restaurant, 51-59 Rose Lane, Norwich.

Please acknowledge receipt of this objection and let me know when the application is due to be considered by the Licensing Committee.

Yours sincerely

Richard Steer
86 Maidstone Road
Norwich
NR1 1EA

**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) | Richard Steer |
| Postal address | 86 Maidstone Road Norwich NR1 1EA |
| Email address | |
| Contact telephone number | |
| Name of the premises you wish to support or object to | Union Building |
| Address of the premises you wish to support or object to. | 51-59 Rose Lane, Norwich |

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

| | |
|--------------------------------------|--|
| Licensing Objective | <i>Please set out your support or objections below. Please use separate sheets if necessary</i> |
| To prevent crime and disorder | |
| Public safety | |
| To prevent public nuisance | The roof terrace for which this application has been made for the sale of alcohol and playing of live music, until late at night, 7 days a week, is in very close proximity to my flat. Even with the presence of a sound screen and canopy, any amplified music (recorded or live performances) is going to provide an unwanted level of late night disturbance to all of those living in the flats on Maidstone Road directly facing the Union Building. Outdoor bars, and the attendant noise of drinkers talking loudly/shouting/singing etc will only add to this. The opening of this restaurant has already negatively impacted residents, by taking away our privacy, as we are directly overlooked by the restaurant. I object to being subjected to outside amplified music late at night, as set out in the application. This is a mixed residential and commercial area, NOT part of the zone of bars and nightclubs on PoW Road. It would set a terrible precedent for the quality of life of residents if the Licencing Committee grants what in effect would be an extension of the Night Time Economy from Prince of Wales Road to Rose Lane. I strongly object to this application. |
| To protect children from harm | |

| | |
|---|--|
| Please suggest any conditions which would alleviate your concerns. | Live music to be played indoors only, with doors and windows kept shut, to avoid noise nuisance and disturbance to neighbouring residential properties. Sale of alcohol to take place indoors only; no outside bars. |
|---|--|

Signed: Richard Steer

Date: 20/12/2016

Please see notes below

NOTES

1. In order for you to be able to support or object to an application for a premises licence, your representation must be 'relevant' (i.e. it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives) and is not frivolous or vexatious.
2. The four licensing objectives are:-
 - to prevent crime and disorder
 - public safety
 - to prevent public nuisance
 - to protect children from harm
3. An application for a premises licence will be notified to residents by displaying it on the premises, in the local press and on the council's website. Comments in support or objections must be made within 28 days of the date given in the public notice.
4. If you have made valid comments of support or objection you will be expected to attend a meeting of the authority's Licensing sub-committee and any subsequent appeal proceeding. If you do not attend, the sub-committee will still consider your comments, but they may not carry the same weight as if you had attended if, for example, the contents are disputed or challenged.
5. Your statement of support or objection will be passed to the applicant to allow them the opportunity to address your concerns in line with the Licensing Act 2003. Your statement, which will include your name and address but not your email address, telephone number or signature, will also be published in the report to the Licensing sub-committee, which is publicly available and displayed on the city council's website.
6. In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. Where an authority consider that the person has a genuine and well-founded fear of intimidation, they may decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, guidance issued to licensing authorities states that withholding such details should only be considered where the circumstances justify such action. If you consider that the contents of this paragraph apply to you please submit with your representation a written justification as to why your personal details should be withheld.
7. Please return this form when completed to:

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

Tel: 01603 212761 / 212760
Email: licensing@norwich.gov.uk

Fuller, Maxine

From: Phillipa Levy
Sent: 22 December 2016 21:04
To: LICENSING
Subject: Statement of Objection - Re: roof top gardens restaurant
Attachments: Interested_party_representation_form - The Roof Top Gardens.doc

Please find attached our objection to the application for a live music license at the Roof top gardens restaurant.

regards,

Phillipa

NSIO

**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) | Phillipa Levy and Christopher Warlow |
| Postal address | 17 Maidstone Road, Norwich, Norfolk, NR1 1EA |
| Email address | |
| Contact telephone number | |

| | |
|--|---|
| Name of the premises you wish to support or object to | Roof Top Gardens Restaurant |
| Address of the premises you wish to support or object to. | Roof Top Gardens Restaurant, 51-59 Rose Lane, NR1 1BY |

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 | <p>We live in the buildings located opposite the venue. Our reasons against the venue obtaining a licence to hold live music are as follows.</p> <p>Initially, we were only made aware of this by one of the resident's in our block photocopying a letter which was sent to them detailing the plans of the application. There has been no attempt to set up a meeting with local residents by the venue to discuss this matter.</p> <p>The fact that the music licence they are applying for would allow them to have live music being played until 2.00am nightly is very unfair due to both myself and my partner, and other people in our block, potentially having to start work early on any of the 7 days a week. Although the application notes that live music will not be played daily until 2.00am and that '<i>the norm that live entertainment would only usually be provided at the weekends</i>' this licence would grant them the opportunity to have the music any day of the week up until this time and therefore leave us powerless to any form of complaint or any future action against the noise being made at this time in the morning etc. This also implies that live music can be played until 2.00am on a Sunday night (being the weekend). How is this fair or justified when most people have work on Monday morning?</p> <p>They mentioned in the application that the glass sides will reduce</p> |

the noise levels along with the roof. This is not the case given that a hard surface like glass cannot absorb sound and can only deflect it. This means with the roof extended the sound has nowhere to go other than the space between the glass surround and the roof i.e. project straight towards our flats. There are no details as to what material the roof is made of. we assume it must be fabric or some sort of folding metal? Either of which will do nothing to absorb sound. Metal will simply deflect it, as above, meaning it will travel sideways towards the flats. If it is fabric it will have no effect on deadening the sound. The application seems to suggest that the noise will simply travel upwards towards the sky? Given that there is no detail in the application of any other attempt to deaden the sound made by live music this further shows the applicants disregard for residents in the area.

The application details '*small bands or solo performers*' and that the '*performances may be either acoustic or amplified*'. This general statement does not define what type of music will be played as '*small band's/amplified*' could mean a live band consisting of 3 members fully amplified and gives no suggestion as to what accurate volume this will be played at.

There is no mention of decibel limit only that '*music will only ever be just above ambient levels*' further more there is no mention or testing of current noise levels to give us any indication of what '*just above ambient levels*' really means.

I feel the entire application has been written in haste with very little thought for the residents and with very few details of how they intend to reduce noise/nuisance other than a few very ambiguous sentences, some of which are mentioned above.

Finally, we have already seen marketing collateral on social media advertising '*acoustic musicians and DJ's*' to be played on New Year's Eve 2016 and the event is scheduled to run until 1.00am. Again, this shows a blatant disregard for their current licence and any application they have made to date as it is to our understanding there is no license in place for this currently, hence the application being discussed.

I do hope that you will consider this as a strong objection against granting this live music licence with credible arguments to justify the above.

We live very close to venues in Norwich which have licenses for music to be played already, we moved here knowing this and therefore have no problem with their current setups, due to this being a new license and that it will be an outside. This is the reason we are objecting to this application.

To protect children from harm

Please suggest any conditions which would alleviate your concerns.

Music to finish no later than 23:00 nightly as this is reasonable for any venue with live music being played.
Music to be limited to inside areas only to limit noise.
A realistic explanation as to how sound would be controlled.

Signed:

Date:

Please see notes below

NOTES

1. In order for you to be able to support or object to an application for a premises licence, your representation must be 'relevant' (i.e. it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives) and is not frivolous or vexatious.
2. The four licensing objectives are:-
 - to prevent crime and disorder
 - public safety
 - to prevent public nuisance
 - to protect children from harm
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7. Please return this form when completed to:

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

Tel: 01603 212761 / 212760
Email: licensing@norwich.gov.uk

Fuller, Maxine

From: Donnie Rust
Sent: 22 December 2016 23:31
To: LICENSING
Subject: ref 16/02529/PREM

>
> To whom it may concern
>
> As I live directly next to the Roof Top Gardens I would sincerely object to the new license for 2am as this has not
been a nightclub road and residences will be affected. Liquor is bad enough for hooligans on the road but pipe music
will just add to noise pollution. Again, I strongly object.
>
> Don Campbell

> 8 Tudor Hall
> NR1 1PJ
>
>
> Sent from my iPhone

Fuller, Maxine

From: ANNA KONEFAL
Sent: 23 December 2016 00:02
To: LICENSING; LICENSING
Subject: Ref the Rooftop gardens application 51-59 Rose Lane Norwich Variation 16/02529/P REM Objection
Attachments: Interested_party_representation_form -22.12.16.doc

Ref the Rooftop gardens application 51-59 Rose Lane Norwich Variation 16/02529/P
REM Objection

My Name is Anna Konefal and I am one of the residents at the circle/wherry housing blocks opposite the abovementioned Building now known as "The Union Building "

I am shared owner of the property and I am working person.

I want to make it clear that I OBJECT to the variation being considered by the licencing department as already it is an invasion of my privacy.

The office buildings themselves have no curtain and we are living with people witnessing our private life every day. Windows of our property on this side of the building are our only light windows and they are living room windows. Now we also have restaurant guests observing us through the windows witch feels intrusive.

I am concern about overnight music events in open air – which means noise and drunken people right in my face and overnight.

This is an unacceptable option and violates our residential rights in residential area with new residential building has being rising up right now.

Prince of Wales road became the place for the nightie activities and the Police have been able to monitor the potential crime and agreeing to this application will bring all this activity right outside our homes.

Maidstone road is just a few yards long and already the clients to the restaurant are parking on the inordinately small area we residents can park.

This is to be considered a formal OBJECTION to this variation of licence.

I anticipate a receipt of this email from you office by return

Yours sincerely.

Anna Konefal
85 Maidstone Rd, Norwich Norfolk NR1 1EA

Please find my form in attachment.

Kind Regards

Anna Konefal

**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) | Anna Konefal |
| Postal address | 85 Maidstone Road NR1 1EA Norwich |
| Email address | |
| Contact telephone number | |
| Name of the premises you wish to support or object to | Roof Top Gardens Restaurant Level 6 Rose Lane Business Centre 51-59 Rose Lane Norwich |
| Address of the premises you wish to support or object to. | Roof Top Gardens Restaurant Level 6 Rose Lane Business Centre 51-59 Rose Lane Norwich |

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

| Licensing Objective | <i>Please set out your support or objections below. Please use separate sheets if necessary</i> |
|--------------------------------------|---|
| To prevent crime and disorder | Any extension to the hours of alcohol consumption will increase noise levels and anti-social behaviour in the residential area. It should be noted that the applicant's premises is not within Norwich City Council's Late Night Activity Zone and it is a highly populated residential area. |
| Public safety | Consumption of alcohol in a highly populated residential area increases the risk to public safety which would only be worsened by the extension of drinking hours. |
| To prevent public nuisance | Amplified music on an open air terrace in a residential area would highly increase the risk of disturbance causing a public nuisance. |
| To protect children from harm | Extended drinking hours may increase the risk to vulnerable individuals including children both resident to the area and those walking past the premises which is located on a busy main route to and from the City centre. |

| | |
|---|---|
| Please suggest any conditions which would alleviate your concerns. | Any restaurant in this sensitive location would need to have appropriate controls on alcohol consumption and noise disturbance. Residents are already experiencing concerns with levels of privacy and light pollution from the restaurant any further extensions to alcohol consumption, noise levels and light pollution would be unacceptable. |
|---|---|

Signed: Anna Konefal

Date: 22.12.2016

Please see notes below

NOTES

1. In order for you to be able to support or object to an application for a premises licence, your representation must be 'relevant' (i.e. it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives) and is not frivolous or vexatious.
2. The four licensing objectives are:-
 - to prevent crime and disorder
 - public safety
 - to prevent public nuisance
 - to protect children from harm
3. An application for a premises licence will be notified to residents by displaying it on the premises, in the local press and on the council's website. Comments in support or objections must be made within 28 days of the date given in the public notice.
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Norwich City Council
Licensing Section
City Hall
St Peter Street
Norwich
NR2 1NH

Tel: 01603 212761 / 212760
Email: licensing@norwich.gov.uk

23 DEC 2016

POST ROOM

NORWICH CITY COUNCIL
PUBLIC PROTECTION (LICENSING)
CITY HALL
N12 1NH

JONATHAN BUTLER
88, MAIDSTONE ROAD
NORWICH
NR1 1EA
22ND DEC 2016

REF: 16/02529/DEM (LETTER)
15/07520/DEM (ONLINE)

Dear Ian Streeter

Re: Roof Top Garden Restaurant.

I would strongly object to above application. The restaurant is surrounded by flats and any "live and recorded music" will have a detrimental effect on the quality of life of hundreds of Norwich citizens. The nightlife on Prince of Wales Road comply, in the main, with restrictions such as keeping back doors shut. We therefore are not affected as noise is contained within the buildings. The rooftop restaurant will have the opposite effect. Sound, late at night, will carry and damage sleep patterns of myself and others.

I would also object to any increase in the opening hours of the Roof Top Garden Restaurant. At 88 Maidstone Road I am overlooked directly by the business. Given that one of the "attractions" of the restaurant is the views - I do not want their customers looking into my flat more than already occurs. I am sure that this business will have damaged the market price for all overlooked properties in the area. The other offices in the block at

Rose Lane Business Centre close at night and during the day most people are at work. Therefore being overlooked doesn't impact to such a degree. The restaurant, on the other hand, is open at night and I am conscious that customers and staff are looking directly into my property.

Extending the opening hours will also increase the poor behaviour of customers who already are using Maidstone Road as a toilet. The noise from their anti-social actions will be later than now, again disrupting the sleep pattern of residents in the vicinity.

I hope the licensing committee take into account the three points I have raised and reject the application.

Yours sincerely

Flat 5 Imperial House
61-65 Rose Lane
Dear Pan. Nch. Nfk. NR11BZ
YOUR REF 16/02529/PREM
REF: Roof Top Gardens
Restaurant Level 6 Rose
Lane Business Centre
51-59 Rose Lane Nch
Licensing Act 2003
Premises Licence
Application - Variation

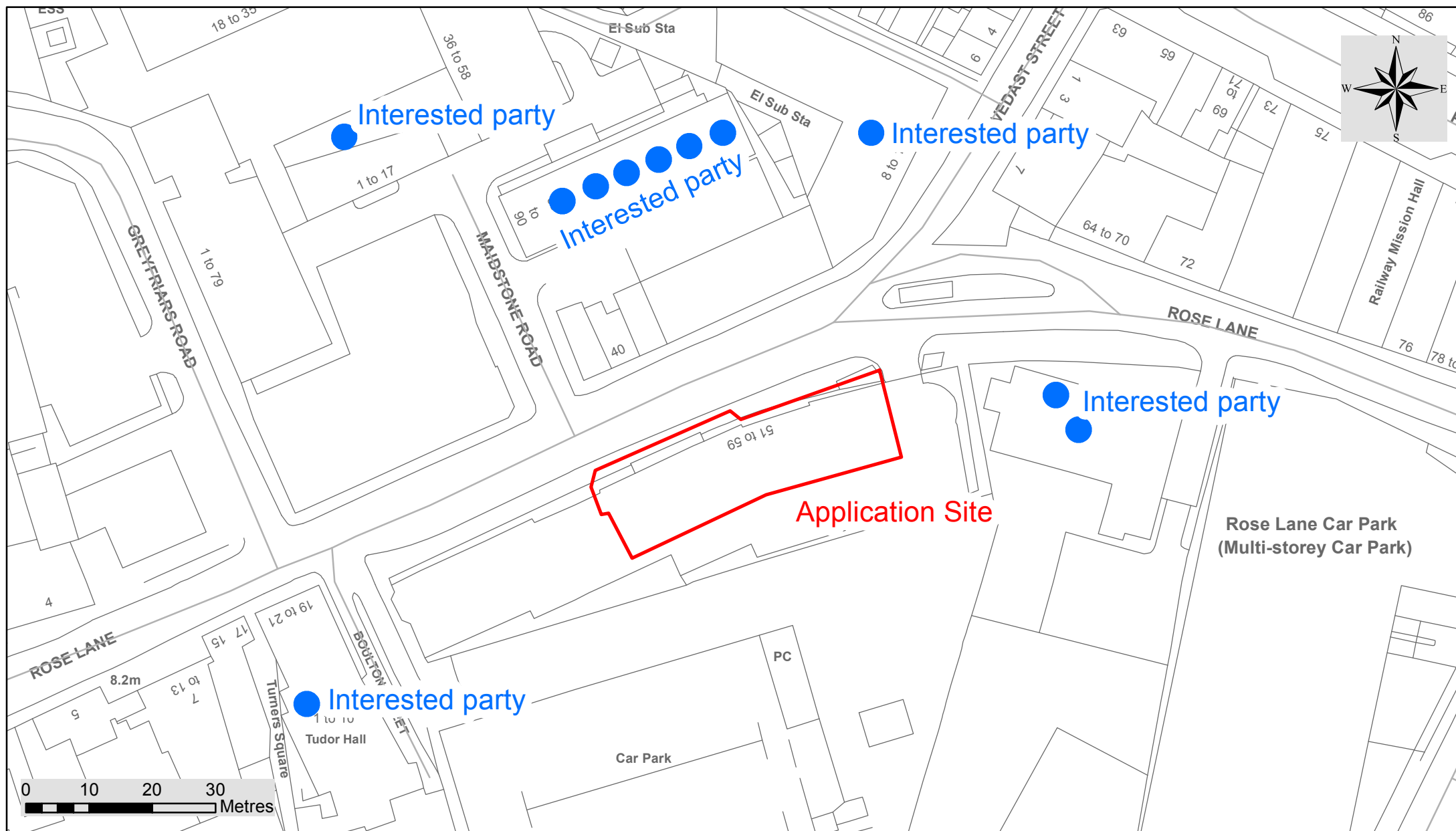
I object most strongly
to this application, as it
affecting my peace & quiet
Request a 3 wk
Extension.

Yours truly

Organisational Development

21 DEC 2016

Post Room



This copy has been produced specifically to supply an individual with authority data. No further copies can be made.



NORWICH
City Council

Norwich City Council - Licensing

Premises: Rooftop Restaurant

Scale: 1: 800

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APPENDIX D

Local Policy considerations

1.0 Introduction

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

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

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

2.0 Consultation and Links to other Policies and Strategies

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

3.0 Applications for Licences

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

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

4.0 Representations

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

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

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

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

13.0 Management of Licensed Premises

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

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

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

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

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

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

Underage drinking

Drunkenness on premises

Public drunkenness

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

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

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

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

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

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

Effective and responsible management of premises;

Training and supervision of staff;

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

Provide sufficient seating for customers;

Patrols of staff around the premises;

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

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

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

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

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

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

Provision of effective CCTV in and around premises;

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

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

Provision of toughened or plastic drinking vessels and bottles;

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

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

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

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

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

Responsible advertising;

Distribution of promotional leaflets, posters etc;

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

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

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

Implement a dispersal policy;

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

24.0 Objective - prevention of public nuisance

24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.

24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises

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

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

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

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

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

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

SECTION E - Hours of Trading

30.7 Consideration will always be given to an applicant's individual case and if the matter of trading hours has been raised in a representation, the council will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises. It is however, unlikely that statements such as the premises being well-managed, or that the applicant is of good character or that the style of the premises is intended and likely to attract a discerning clientele, will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.

APPENDIX E

National Guidance

(issued under section 182 of the Licensing Act 2003)

Licence conditions – general principles

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

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

Each application on its own merits

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

Crime and disorder

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

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

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

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

Public nuisance

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

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

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

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

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

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

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

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

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

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

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

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

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

Conditions attached to premises licence

General

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

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

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

Proposed conditions

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

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

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

Consistency with steps described in operating schedule

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

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

Imposed conditions

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

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

Proportionality

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

Hours of trading

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

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

The need for licensed premises

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