

Licensing sub committee

Date: Thursday, 02 August 2018

Time: 10:15

Venue: Mancroft room

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

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

Committee members:

For further information please contact:

Councillors:

Malik

Ackroyd

Stewart

Committee officer: Alex Hand

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Democratic services

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NR2 1NH

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Information for members of the public

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

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

Agenda

1 Apologies

To receive apologies for absence

2 Declarations of interest

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

3 Application for the Grant of a Premises Licence – Unit 5 The Terrace The Terrace, Castle Mall, Norwich NR1 3DD 3 - 60

Purpose - Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a premises licence in respect of Unit 5 The Terrace, Castle Mall, Norwich NR1 3DD following the receipt of relevant representations.

***4 Exclusion of the public**

Consideration of exclusion of the public.

Date of publication: **Wednesday, 25 July 2018**

Report to	Licensing sub committee 2 August 2018	Item
Report of	Head of citywide services Licensing Act 2003:	3
Subject	Application for the Grant of a Premises Licence – Unit 5 The Terrace The Terrace, Castle Mall, Norwich NR1 3DD	

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a premises licence in respect of Unit 5 The Terrace The Terrace, Castle Mall, Norwich NR1 3DD following the receipt of relevant representations.

Recommendation

That members determine the application to grant a premises licence in respect Unit 5 The Terrace The Terrace, Castle Mall, Norwich NR1 3DD 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: Mancroft

Cabinet member: Councillor Maguire – Safe City Environment

Contact officers

Rachel Bennett – Licensing Assistant

01603 212760

Background documents

None

Report

The application

1. The applicant is Unit 5 The Terrace The Terrace, Castle Mall, Norwich NR1 3DD
2. The application seeks to allow the licensable activities, times and opening hours as set out in the application form, which is attached at appendix A. This also includes the steps proposed to promote the licensing objectives (operating schedule).

Relevant representations

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

Police – representations (withdrawn).

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

4. 5 representations objecting to the application has been received from local residents. Copies are attached at appendix B to the report.

Norwich City Council Statement of Licensing Policy

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

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

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

Summary

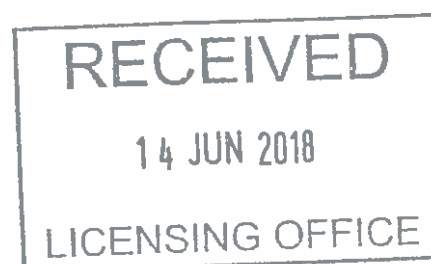
7. In determining the application with a view to promoting the licensing objectives the sub-committee must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and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

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



NORWICH
City Council

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



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

We Morgarten Restaurants (Norwich) Ltd trading as Bourgee
(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Unit 5, The Terrace, Castle Mall,			
Post town	Norwich, Norfolk.	Postcode	NR1 3DD
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£TBC		

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * ☐ please complete section (A)
- b) a person other than an individual *

- i as a limited company/limited liability partnership ☒ please complete section (B)
- ii as a partnership (other than limited liability) ☐ please complete section (B)
- iii as an unincorporated association or ☐ please complete section (B)
- iv other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
- statutory function or ☐
- a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/> Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	

Daytime contact telephone number	
E-mail address (optional)	

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Morgarten Restaurants (Norwich) Ltd trading as Bourgee
Address M W S Kingsridge House, 601 London Road, Westcliff-On-Sea, United Kingdom, SS0 9PE
Registered number (where applicable) 11312951

Description of applicant (for example, partnership, company, unincorporated association etc.) Company		

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
09	07	2018

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
Two storey restaurant and luxe lounge venue. The ground floor restaurant has an open kitchen and small bar, the first floor has a bar with tapas style food offering and toilet area for staff and customers. The basement is storage only.

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

n/a

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |

- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) ☐

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) The applicant may decide to have live music however there is no fixed timetable as yet. The premises is open from 9:00 until 01:00 and live music would be operated within these times. The music may be amplified however the applicant would keep music within reasonable parameters to minimise the impact on local residents and it would be indoors only.		
Mon	09:00	01:00			
Tue	09:00	01:00			
Wed	09:00	01:00			
Thur	09:00	01:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) None		
Fri	09:00	01:00			
Sat	09:00	01:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) None		
Sun	09:00	01:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Recorded music will be played during normal opening hours. Music is amplified and streamed centrally to ensure correct genre. Volume is controlled using a central control available to senior management only, volume is at ambient noise levels.		
Mon	9:00	01:00			
Tue	9:00	01:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) None		
Wed	9:00	01:00			
Thur	9:00	01:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) None		
Fri	9:00	01:00			
Sat	9:00	01:00			
Sun	9:00	01:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

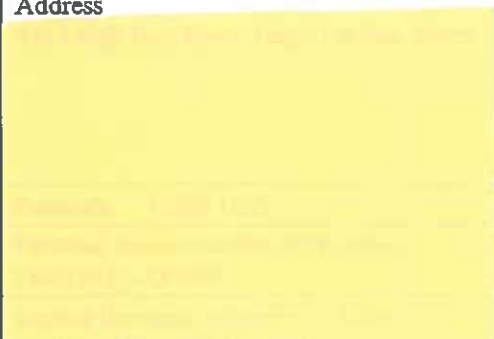
I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Premises to be operated as a restaurant, with the ground floor having an open kitchen and the first floor having tapas style food offering.			
Mon	23:00	01:00				
Tue	23:00	01:00				
Wed	23:00	01:00				
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5) None			
Thur	23:00	01:00				
Fri	23:00	01:00				
Sat	23:00	01:00				
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) None			
Sun	23:00	01:00				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) None		
Mon	9:00	01:00			
Tue	09:00	01:00			
Wed	09:00	01:00			
Thur	09:00	01:00			
Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) None					
Fri	09:00	01:00			
Sat	09:00	01:00			
Sun	09:00	01:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Benjamin William Wells
Address 

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) None
Day	Start	Finish	
Mon	09:00	01:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) None
Tue	09:00	01:00	
Wed	09:00	01:00	
Thur	09:00	01:00	
Fri	09:00	01:00	
Sat	09:00	01:00	
Sun	09:00	01:00	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The premises are designed to operate as a high end restaurant attracting a target customer base of 30 years plus of age. The applicant does not enter into price based promotions of alcohol. The public area of the premises is largely occupied by fixed furniture to accommodate diners taking substantial refreshment to which the service of alcohol is ancillary. Service of food and alcohol is by waiter/waitress to the table. There are limited drinking facilities at the bar areas (ground floor and first floor) where there are fixed bar stools and sofas. There are no gaming machines, juke boxes or pool tables or anything of a similar nature.

b) The prevention of crime and disorder

The premises will be fully equipped with high resolution CCTV monitoring access doors and the whole of the premises is by one door only. Limited stocks of alcohol are kept on public display. The stock rooms are windowless and alarmed. As part of general Health & Safety policies the applicant regularly assesses the need for door security staff to preserve the comfort and safety of its customers within the premises assessing both internal and external risks posed by prevailing circumstances. Restroom areas will be monitored by CCTV and have been designed to discourage the unlawful use of prohibited substances.

c) Public safety

The premises are newly refurbished by a leading developer and a full fire protection system is to be installed together with high resolution CCTV, smoke and heat detection equipment. Risks posed to the safety of customers from external threats will be assessed regularly and as required door security staff engaged based on a risk assessment.

d) The prevention of public nuisance

The nature of the premises do not encourage queuing outside of the premises for admission nor the taking of alcohol from the premises for consumption on the street outside of the premises. The premises are a high end restaurant serving a target demographic of young professionals aged 30+. The applicant seeks a licence to make offsales of alcohol as it specialises in the sale of unusual and high value wines and champagnes and customers occasionally purchase bottles which are difficult to source elsewhere, for consumption at home. The provision of recorded music inside the premises will be limited to ambient noise levels to protect the amenity of local residents.

e) The protection of children from harm

There are no gaming machines or pool tables or similar forms of entertainment in the premises. There are no plans to provide adult entertainment of any description. With the exception of service to those seated in the bar areas, the service of alcohol is by waiter/waitress to diners seated at tables and is ancillary to the provision of substantial meals.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐ [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	[Redacted Signature]
Date	13.06.2018
Capacity	Solicitor for Applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Jacqui McGuirk Giles Wilson Solicitors 1711 London Road, Leigh-on-Sea,			
Post town	Essex	Postcode	SS9 2SW
Telephone number (if any)	01702 477 106		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) jacqui@gileswilson.co.uk			

Notes for Guidance

1. 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.
2. In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
 15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a

licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

- A **current Biometric Immigration Document (Biometric Residence Permit)** issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current Residence Card** issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current Immigration Status Document** containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with an official document** giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;

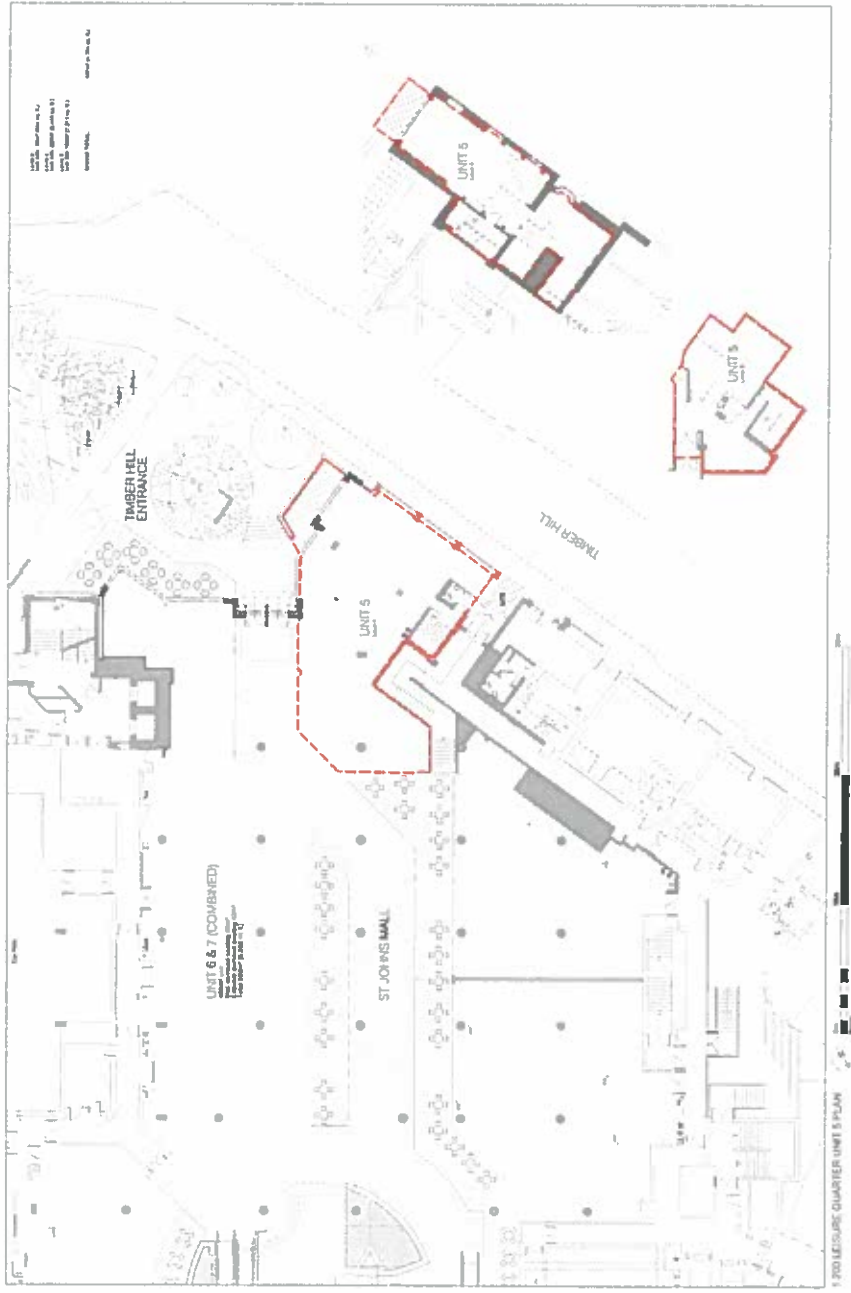
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

STANLEY BRAGG LTD. 100, MILLERS ROAD, LONDON, E14 3JF
 TEL: 020 7463 4000 FAX: 020 7463 4001
 E: info@stanleybragg.co.uk W: www.stanleybragg.co.uk

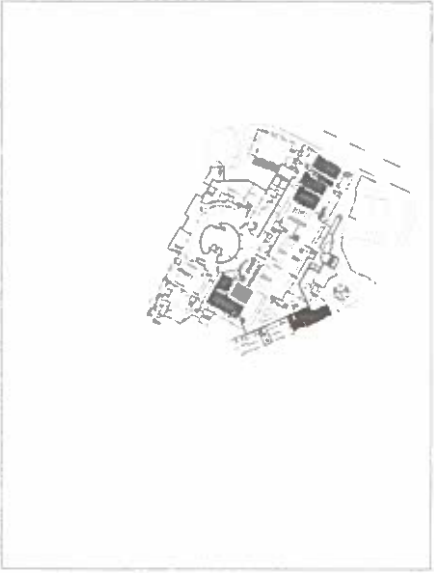
RECEIVED
 14 JUN 2018
 LICENSING OFFICE



Stanley Bragg

100, MILLERS ROAD, LONDON, E14 3JF
 TEL: 020 7463 4000 FAX: 020 7463 4001
 E: info@stanleybragg.co.uk W: www.stanleybragg.co.uk

PROJECT	REFINED CAPITAL PARTNERS
CLIENT	REFINED CAPITAL PARTNERS
LOCATION	CASTLE MALL, HORNWICH
QUARTER	LEISURE QUARTER
LEVEL	LEVEL 4 LEISURE QUARTER
UNIT	UNIT 5 LEISURE QUARTER
SCALE	1:250 & 1:250 @ A1
DATE	APRIL 2018
DESIGNED BY	STANLEY BRAGG
CHECKED BY	STANLEY BRAGG
DATE	03/11/17





NORFOLK

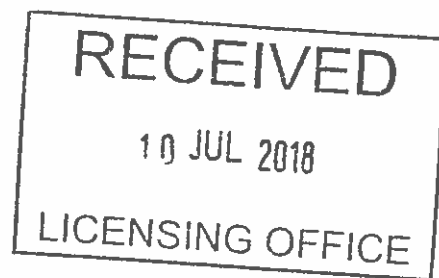
CONSTABULARY

Our Priority is You

Licensing Manager
Norwich City Council
St Peters Street
Norwich
NR2 1NN

Date 10th July 2018

Dear Sir/Madam



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

Application for a new premises licence – Bourgee , Unit 5 Castle Mall Norwich

Norfolk Police have received a copy of the application for a new premises licence for Unit 5. Castle Mall Norwich.

This application is requesting live music, recorded music, LNR and Sale of alcohol until 1am with a 1am close.

It is the intention of the operator to run a two storey restaurant and lounge with a food offering.

Firstly I would like to question whether the application has been correctly advertised; I have visited the site on 2 occasions and have been unable to find the blue notice advertising the licence application. Due to this, I contacted the licensing representative to question this but have not received any response. Due to the premises being situated in close proximity to residential properties, I think it is important they are aware of this and have the ability to comment.

I have some concerns with the application in the current form. Firstly the sale of alcohol ceases the same time as the premises closes to the public, I believe that there should be a drinking up period for on sales so believe that the sale of alcohol should cease at 12.30 hrs.

I understand that there are outside terrace/balcony areas to the premises and it may not be appropriate for patrons to be outside consuming alcohol until close due to potential noise problems. It may be that this premises is already restricted with hours of opening due to planning but further restrictions may be appropriate in relation to keeping doors and windows closed.

The operating schedule within the application mentions CCTV but gives no offering of staff training, incident/refusal book and restrictions relating to children. Therefore I propose the following are added to the licence:.

- **CCTV to be installed and maintain in good working order. CCTV to cover the main public areas of the premises including any external public areas. CCTV to record for a minimum of 28 days and footage to be available to Police or Licensing Authority on request.**

- **Staff will be trained in relation to the sale of alcohol and a record of this training will be kept at the premises and available to Police or Licensing Authority on request.**
- **Patrons will be prevented from taking open vessels of alcohol off the premises (with the exception of any outside seating areas or areas granted a tables and chairs licence.)**
- **Under 18s will not be permitted on the premises after 2200 hrs.**
- **Sale of alcohol to cease at 12.30am**
- **An incident/refusal book to be kept on the premises to record all incidents of disorderly behaviour or refused sales of alcohol and will be available to Police or Licensing Authority on request.**
- **The DPS will undertake a written risk assessment to consider the requirement for the deployment of door supervisors at the premises. This written document will be available to Police or Licensing Authority on request. Any concerns from the Police will be considered when making the assessment.**

With these amendments added to the licence and confirmation that the licence application was correctly advertised, there will be no outstanding Police objections

Yours faithfully,

Michelle Bartram
Licensing Officer

RECEIVED
10 JUL 2018
LICENSING OFFICE





Fuller, Maxine

From: Bartram, Michelle <bartramm@norfolk.pnn.police.uk>
Sent: 23 July 2018 11:42
To: 'Jacqui McGuirk'; LICENSING
Cc: Woods, Suzanne; Fuller, Maxine
Subject: RE: Representation for Unit 5 Terrace, Castle Mall

Great

Many thanks for your reply.

Licensing, please accept this email conversation as an agreement and withdrawal of outstanding representations.

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?

-----Original Message-----

From: Jacqui McGuirk [mailto:jacqui@gileswilson.co.uk]
Sent: 23 July 2018 10:26
To: Bartram, Michelle; 'licensing@norwich.gov.uk'
Cc: Woods, Suzanne; 'Maxinefuller@norwich.gov.uk'
Subject: RE: Representation for Unit 5 Terrace, Castle Mall

Good morning all,

I can confirm that the proposed additions to the licence are agreed.

In relation to the notice, there was an unfortunate miscommunication with regards to the display of this. The notice has now been displayed on blue paper and laminated since 10 July 2018.

Kind regards

Jacqui McGuirk
Solicitor
GILES WILSON LLP

Tel: 01702 477106
jacqui@gileswilson.co.uk
DX 52858 Leigh on Sea

IMPORTANT INFORMATION regarding payments to Giles Wilson LLP:

Please be aware of cyber fraud. The bank details for Giles Wilson LLP will not change during the course of a transaction and we will NEVER notify you of a change to our bank details by email. If you are in any doubt, please do not send funds to us electronically without speaking to a member of our accounts team first to verify our account details. We will not accept liability for any transfer of payments into an incorrect account.

-----Original Message-----

From: Bartram, Michelle <bartramm@norfolk.pnn.police.uk>

Sent: 10 July 2018 14:39

To: 'licensing@norwich.gov.uk' <licensing@norwich.gov.uk>

Cc: Jacqui McGuirk <jacqui@gileswilson.co.uk>; Woods, Suzanne <woodss@norfolk.pnn.police.uk>;

'Maxinefuller@norwich.gov.uk' <Maxinefuller@norwich.gov.uk>

Subject: Representation for Unit 5 Terrace, Castle Mall

Good afternoon Licensing

Please see the Police representation attached.

In addition I have submitted photos of the site believed to be the one for the application but no notices on display. This was taken 09/07/18 and a previous visit was made on 02/07/18.

Regards

Michelle Bartram

Licensing Officer

Licensing

Norfolk Constabulary

Bethel Street Police Station

Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025

Follow us @nflklicensing

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

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

[https://imsva91-

ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fwww.gileswilson.co.uk%2femail%2flogo.jpg%5d&umid=284973B3-71A8-4A05-8D76-99327661A815&auth=76a36a0301cf7179612a4414203a61368905a968-bc4217b8f2f81c0ec474a15e5ccab326454f0286<https://imsva91-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fwww.gileswilson.co.uk&umid=284973B3-71A8-4A05-8D76-99327661A815&auth=76a36a0301cf7179612a4414203a61368905a968-Of35a46ead9eae398a0889cc54e5ee0ce9af495b>

MEDIATION / EMPLOYMENT / FAMILY & DIVORCE / WILLS, PROBATE & TRUSTS / CIVIL LITIGATION / PROPERTY

Giles Wilson Solicitors / 1711 London Rd, Leigh-on-Sea, Essex SS9 2SW / T: 01702 477106 / F: 01702 470206

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NORWICH
City Council

CORPORATE RESOURCES

04 JUL 2018

POST ROOM

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)	
Postal address	
Email address	
Contact telephone number	

Mr. N. P. BACKHOUSE

Apt 9, Westlegate Tower
14-18, Westlegate Norwich NR1 3LJ

Name of the premises you wish to support or object to	
Address of the premises you wish to support or object to	

UNIT 5, The Terrace
Castle Mall, NR1 3DD

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	✓
To protect children from harm	



See attachment

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

See attachment.

Signed:

Date:

1/7/2018.

Please see notes below

NOTES

UNIT 5, CASTLE MALL. LICENCING APPLICATION.

REASONS FOR OBJECTION.

My only objection to this licence application is the 'finished hour' of 01.00 proposed for live music, recorded music, late night refreshments and the supply of alcohol. This would have a detrimental effect on the 'residential amenity' of those living in the properties in Lion & Castle Yard, Westlegate Tower and Timberhill, all of which are situated in close proximity to Unit 5.

The noise of music, customers drinking outside and people entering and leaving Unit 5 with these extended opening hours will represent a public nuisance for local inhabitants.

SUGGESTIONS WHICH WOULD ALLEVIATE MY CONCERNS.

The licensing and operating hours that Norwich City Council agreed last year with Babel, the restaurant which will be situated in Unit 6, adjacent to Unit 5, would alleviate my concerns, namely:-

1. The finish time for all matters to be 24.00hrs
2. The restaurant to be closed to the public at 00.30 hrs.
3. No outdoor consumption of food or drinks after 23.00hrs
4. No loudspeakers operated in areas outside the building.
5. Windows and doors to be closed (except for access) whenever amplified live or recorded music is played.
6. Door supervisors to be employed.

ADDITIONAL COMMENTS.

As the two directors of the applicant, Morgarten Restaurants (Norwich) Ltd, were previously directors of restaurants which have twice recently gone into administration, I ask the Licensing Committee to consider whether they deem them to be suitable licence holders for Unit 5?

N.P. Backhouse.

1/7/18

Fuller, Maxine

From: JOHN WILLIAMS
Sent: 02 July 2018 10:35
To: LICENSING
Subject: Representations
Attachments: representation_form.pdf

Dear Sir

I attach a representations form with some objections to the licence application made by Morgarten Restaurant.

I should add that we are generally in favour of a restaurant opening here but as residents we are concerned about late night noise.

I write as a nearby resident (Westlegate Tower) and as Chair of the Westlegate Residents Association.

Yours faithfully
Dr John Williams



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)	Dr John Williams Chair of the Westlegate Residents Association
Postal address	Apt 11 Westlegate Tower 14-18 Westlegate Norwich, NR1 3LJ
Email address	
Contact telephone number	01603 667817

Name of the premises you wish to support or object to	Morgarten Restaurant
Address of the premises you wish to support or object to	Unit 5, The Terrace, Castle Mall, 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	A restaurant is a good idea but to protect our residential amenity we request that music should not be played after midnight and that it should be only played inside with windows and doors closed. Music noise and rowdiness after 24:00 are our main concern.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	We suggest no outdoor consumption of food and drink after 23:00. Music to cease at 24:00 and no outside music at all. Restaurant to finish at 24:00 and public to have vacated by 00:30
---	---

Signed:

Date: 02 July 2018

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: Profkenhobb <[REDACTED]>
Sent: 01 July 2018 11:23
To: LICENSING
Cc: James Close
Subject: Licensing Application for Unit 5 The Terrace Castle Mall

My partner and I, residents of Apartment 10 Westlegate Tower, NR13LJ, wish to register our objections to the current plans for a licence this development of Unit 5 The Terrace Castle Mall, Norwich.

We welcome the development of a restaurant in Unit 5 but object to the current plans for accompanying late night music, both live and canned, inside and outside, relating to your Licensing Objectives: TO PREVENT PUBLIC NUISANCE.

Our apartment is directly across the narrow road - Timber Hill - from this proposed development and any noise relating to the music proposed AFTER MIDNIGHT would cause us great discomfort - we are both 80 years old.

To 'prevent public nuisance' we object to the application for an unlimited premises licence for: Unit 5, The Terrace Castle Mall.

A cut-off time for the proposed music of midnight would be acceptable.

Kindly consider our limited objection when granting any licence.

Kind regards, Professor Ken Hobbs and Mr Ken Marshall

Apartment 10 Westlegate Tower, 14-18 Westlegate, Norwich NR13LJ

Telephone: [REDACTED] Email: [REDACTED]

Sent from my iPad



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)	Matt Dobbin
Postal address	5 Lion and Castle Yard, Timber Hill, Norwich NR1 3 JT
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Unit 5, The Terrace, Castle Mall (Morgaten Restaurants)
Address of the premises you wish to support or object to	Unit 5, The Terrace, Castle Mall

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	We live in a second floor flat facing the premises in question. Our windows are not soundproof, and we have young children, and while we fully accept a certain amount of noise living in this location, a late night live music licence will have an extremely detrimental effect on our quality of life or ability to sleep, not to mention the noise nuisance of people leaving the venue well after 1am. We work extremely long hours and this planned licence will destroy our quality of life and undermine our right to reasonable night's sleep. We welcome new venues in the city but a late licence for live music until the small hours, just feet from our home, and a large residential development, cannot be the right location.
To protect children from harm	

Please suggest any conditions which would alleviate your	An earlier license and reassurance the live music venue will be enclosed or sound proofed to avoid causing noise pollution.
---	---

concerns.	
-----------	--

Signed:

Date:

30/6/18

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)	James Close
Postal address	Apt 8 Westlegate Tower 14-18 Westlegate Norwich
Email address	[REDACTED]
Contact telephone number	[REDACTED]
Name of the premises you wish to support or object to	Unit 5 The Terrace Castle Mall
Address of the premises you wish to support or object to	Unit 5 The Terrace Castle Mall



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 applicant has requested a licence to be open until 1am including playing live music until that time. Given the main function of the business is stated to be a restaurant, I fail to understand why the premise needs to be open so late. This will mean that the noise generated by the restaurant and live music will have a dramatic effect and negative impact on the lives of the residents of the Westlegate development and surrounding properties. I strongly object to the premises being open so late. I would suggest the premises should be closed by 11pm which is a far more reasonable time and will lessen the impact on local residents.
To protect children from harm	
Please suggest any conditions which would alleviate your concerns.	The premise should be closed by 11pm to lessen the impact on local residents.

Signed: James Close

Date: 28th June 2018

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

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.

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.