

Report to	Licensing sub committee 27 September 2017	Item
Report of	Head of citywide services Licensing Act 2003:	3
Subject	Application for the Grant of a Premises Licence – Alchemista, 4 St Gregorys Alley Norwich NR2 1ER	

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 Alchemista, 4 St Gregorys Alley Norwich NR2 1ER following the receipt of relevant representations.

Recommendation

That members determine the application to grant a premises licence in respect Alchemista, 4 St Gregorys Alley Norwich NR2 1ER 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

Maxine Fuller – Licensing Assistant

01603 212761

Background documents

None

Report

The application

1. The applicant is Alchemista Limited of Lynton House, 7 – 12 Tavistock Square London WC1H 9BQ.
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 – no representations.

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

4. 3 representations objecting to the application have 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
Application for a premises licence
Licensing Act 2003

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

* required information

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

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

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

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

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

Are you:

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

☐ Applying as an individual

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

Applicant Business

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

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

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.

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



Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

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

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NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

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

The premises is a coffee bar, with trading name "Alchemista", distributed across the ground, first and second floors of the terraced, commercial property at 4 St. Gregorys Alley Norwich NR2 1ER. The premises is situated 175 yards (160 m) from the western edge of the Cumulative Impact Zone adopted on 1 August 2015 and is in proximity to the Birdcage public house at 23 Pottergate.

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The property is double-fronted with exterior customer seating to either side of the main entrance. Interior, bar seating is situated before both display windows. The main entrance acts as the designated fire-escape with illuminated exit signage. The service area is located on the ground floor, comprising a refrigeration unit to the front-left, coffee-service bar and alcohol storage area to the right, and dish-washing area to the rear-right. Table seating is situated to the front-left and stairs to the first floor to the rear-left. Total interior/exterior customer seating on the ground floor is estimated at 16. The ground floor is equipped with a fire blanket, water and carbon-dioxide extinguishers, a heat detector and fire alarm (with control panel).

The first floor comprises customer seating estimated at 26. A water fire-extinguisher and smoke alarm are present.

Customer toilets are located to the rear-right of the second floor with separate male/female toilets and a communal hand-wash area equipped with smoke alarm. A food-preparation/kitchen area is situated to the front-right of the second floor, equipped with water and carbon-dioxide extinguishers, heat detector and fire alarm control panel. A storage area is positioned to the front-left. Smoke alarms are present in each separate room on the second floor with a manual fire alarm point positioned at the top of the stairs.

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

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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Will you be providing live music?

☐ Yes ☒ No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

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

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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.

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

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

State any seasonal variations

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

The premises will be closed on Christmas Day.

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

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

The premises will be closed on Christmas Day.

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

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Name

First name

Nicola

Family name

Carroll

Date of birth

06

/

10

/

1978

dd

mm

yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

[Redacted address information]

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

[Redacted reference number]

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

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

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 etc gambling machines etc.

Not applicable.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

The premises will be closed on Christmas Day.

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

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

The premises will be closed on Christmas Day.

Continued from previous page...

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LICENSING OBJECTIVES

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

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

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

1. The Applicant has considered the most recent Norwich Licensing Policy dated June 2015.

2. Legal advice has been sought in relation to this application for a Premises Licence and relevant acts of legislation have been considered. These include, but are not limited to: The Licensing Act 2003 and Regulations (as amended), Anti-Social Behaviour Act 2003, Clean Neighbourhoods and Environment Act 2005, Violent Crime Reduction Act 2006, Police Reform and Social Responsibility Act 2011, The Legislative Reform (Entertainment Licensing) Order 2014 and The Deregulation Act 2015.

3. Alcohol sales will be limited to liqueur coffees which may be served with or without food. There will be no vertical drinking on the premises.

4. The Applicant is aware of and shall comply with the mandatory conditions attached to the premises licence.

- Supplies of alcohol will only be made when a Designated Premises Supervisor, who is a personal licence holder, has been appointed in respect of the premises.
- All sales of alcohol will be made or authorised by a personal licence holder. Anyone selling alcohol without a licence will be given permission by a licence holder.
- No irresponsible drinks promotions will take place and the list of prohibited promotions will be respected.
- Free, drinkable tap water will be provided on request (with a sale).
- Alcohol will be available for purchase in small measures which will be displayed on a menu, price list, or other printed material. Where a customer doesn't specify a measure, they will be made aware of the range of measures available.
- An age verification policy will be in place requiring staff to check the ID of anyone who appears to be under 21 years of age. The designated premises supervisor will ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.
- There will be a ban on the sale of alcohol below the "permitted price" (the level of alcohol duty plus VAT).

5. An Environmental Noise Investigation Assessment and Report will be carried out prior to the commencement of sale of alcohol.

6. A Fire and Emergency Planning Risk Assessment will be carried out.

7. The premises licence will be permanently displayed on the glass front door of the premises.

8. Any detail shown on the plan that is not required by the licensing plans regulations is indicative and subject to change at any time.

b) The prevention of crime and disorder

1. Proof of Age Cards:

- A proof of age policy to the satisfaction of the police and the Local Authority will be in place

2. Drunkenness and violent or anti-social behaviour on the premises:

- These shall not be tolerated and anyone suspected of or engaging in the same shall be asked to leave and, if necessary, the police contacted.

3. Theft:

Continued from previous page...

- Crime prevention notices will be displayed warning customers of the prevalence of crime which may target them.

4. Maintenance of smoke-free environments:

- The premises shall comply with all non-smoking legislation

5. Bottles and Glasses:

- No customers carrying open or sealed bottles or glasses will be admitted to the premises at any time
- No customers will be permitted to take open containers of alcoholic or soft drinks from the premises

6. General:

- Staff shall receive regular training on the prevention of disorder, evidence of which is to be made available to the Licensing Authority or Police upon request.

c) Public safety

1. Fire safety:

- Emergency lighting, smoke detectors and fire cylinders shall be installed and inspected at appropriate intervals to ensure that they are in good working order.
- Internal gangways between chairs and tables are to be kept unobstructed.
- Exits will be easily identifiable and will be kept unobstructed and free of trip hazards with non-slippery, even surfaces.
- All emergency doors shall be maintained effectively, self closing and not held open other than by an approved device.

2. First Aid:

- Adequate and appropriate supply of first aid equipment and materials will be available on the premises.
- The first aider will be trained to deal with drug and alcohol related problems.

3. General:

Free drinking water will be made available at all times the premises is open to the public (with a sale).

d) The prevention of public nuisance

1. The Applicant shall conduct regular risk assessments on noise levels outside the premises.

2. Staff shall implement a litter clearing policy outside the premises as within the definition of 'immediately outside'.

3. Staff shall place a sign at the exit encouraging patrons to respect the needs of local residents.

e) The protection of children from harm

1. All customers attempting to purchase alcohol who appear to be under the age of 21 shall be required to produce a valid form of identification. Acceptable forms of identification are a proof of age card bearing the PASS hologram logo, an EU photo card, full driving licence or a passport.

2. A refusals book, or similar record, shall be kept at the premises in which must be recorded the date, time and circumstances under which any attempted purchase by a young customer has been refused. This book or other form of record will be made available for inspection by any police officer, community support officer or authorised person upon demand.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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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.

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- 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.

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NOTES ON REGULATED ENTERTAINMENT

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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:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

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- 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:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 21 of 21

PAYMENT DETAILS

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

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

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

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

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

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/norwich/apply-1> to upload this file and continue with your application.

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

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

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

☐

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >



Figure 1

DATE	TIME	FROM	TO	REMARKS
29 03 2017	15:00	15:00	17:15	17:15
29 03 2017	15:00	15:00	17:15	17:15

RECEIVED
-7 AUG 2017
LICENSING C

DETECTION AND WARNING

- HEAT DETECTOR
- HEAT DETECTOR WITH SOUNDER BASE
- HEAT DETECTOR WITH BEACON AND SOUNDER BASE
- SMOKE DETECTOR
- SMOKE DETECTOR WITH SOUNDER BASE
- SMOKE DETECTOR WITH BEACON AND SOUNDER BASE
- COMBINED HEAT & SMOKE DETECTOR
- COMBINED HEAT & SMOKE DETECTOR WITH BEACON AND SOUNDER BASE
- FIXED ALARM CALL POINT - MANUAL TYPE
- FIRE ALARM CONTROL PANEL
- FIRE ALARM INTERFACE
- VOICE ALARM
- TELEPHONE

WAYFINDING

- EMERGENCY LIGHTING (NON MAINTAINED)
- EMERGENCY LIGHTING (MAINTAINED)
- EMERGENCY EXIT SIGNAGE
- EMERGENCY EXIT SIGNAGE INTERNALLY ILLUMINATED (MAINTAINED)
- DIRECTIONAL EMERGENCY EXIT SIGNAGE
- DIRECTIONAL EMERGENCY EXIT SIGNAGE INTERNALLY ILLUMINATED (MAINTAINED)

MEANS OF ESCAPE

- EMERGENCY ESCAPE ROUTE
- ESCAPE ROUTE OPTION FROM FLOOR
- EXTERNAL CORRIDOR
- PROTECTED ROUTE

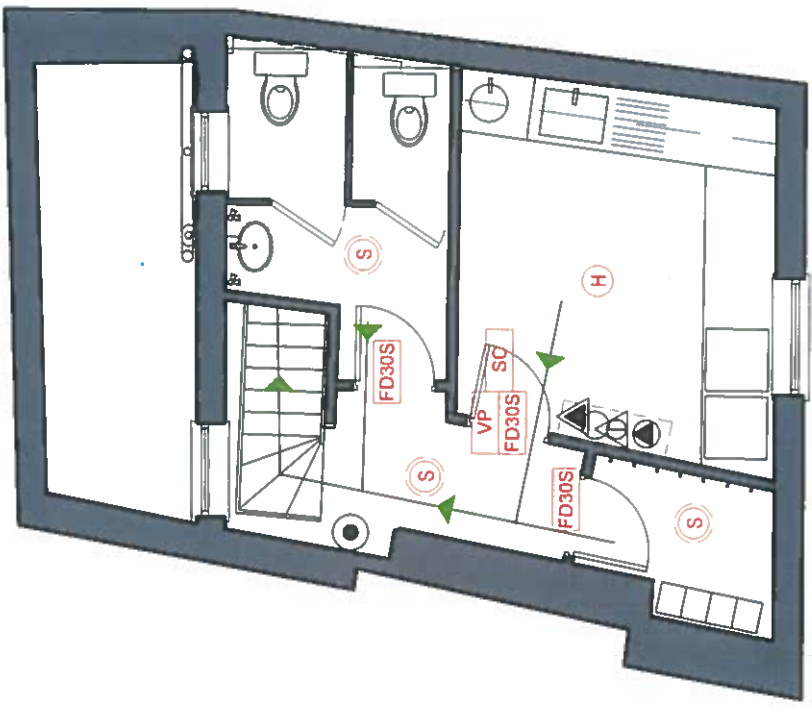
FIRE FIGHTING EQUIPMENT

- WATER FIRE EXTINGUISHER
- FOAM FIRE EXTINGUISHER
- FIRE BLANKET IN CONTAINER
- CARBON DIOXIDE FIRE EXTINGUISHER

DOOR TYPE LEGEND

- 30 MIN FIRE RATED DOOR WITH INTUMESCENT STRIPS & COLD SMOKE SEALS
- DOOR FREE OF ALL FASTENINGS
- SELF CLOSING
- SECURITY LOCK
- PANIC BAR DOOR RELEASE
- ELECTRO-MAGNETIC LATCH LINKED FOR FIRE ALARM SYSTEM
- VISION PANEL

LICENSABLE ACTIVITY AREA



1 PROPOSED GA
SCALE 1:50
PROPOSED

ALCHEMISTA
17/1573
102
A
CO

ALCHEMISTA

LICENSING PLAN SECOND FLOOR

NOW: LONDON

29/03/2017 15:00:43
K50 AM

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)	Mr GAWAIN GODWIN
Postal address	3 ST. GREGORY'S ALLEY, NORWICH NR2 1ER
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	ALCHEMISTA
Address of the premises you wish to support or object to.	4 ST. GREGORY'S ALLEY, NORWICH NR2 1ER

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	I am objecting to the application for a premises license for Alchemista. I am concerned that the proposal to serve alcohol and set up outside seating will add to the already increasing levels of public disorder, noise and mess, in a culturally sensitive heritage area.
Public safety	The area around St. Gregory's Green needs to reduce the consumption of alcohol, not increase it, there is already an issue with the Bierdeage allowing customers to take drinks out onto the Green and with street drinkers. The Police informed me that the CCTV no longer functions and there has been a rise in anti-social behaviour.
To prevent public nuisance	St. Gregory's Green is an 'Alcohol Free Zone' but this is not effectively policed. A license for Alchemista would add to this issue, especially with their proposal for outside seating, seating which will also obstruct the public footpath. Their proposal to stay open until 8pm will significantly add to the noise in the area,
To protect children from harm	directly affecting mine and other residents quality of life.

Please suggest any conditions which would alleviate your concerns.	Alchemista should not be allowed to have outside seating, an alcohol license, a music license or permission to stay open after 5pm. All of the above will have a detrimental effect on my living conditions and the area as a whole.
--	--

Signed:

Date:

1/9/17

Please see notes below



**Norwich City Council Licensing Authority
Licensing Act 2003**

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



Your name/organisation name/name of body you represent (see note 1)	Matthew Syngé
Postal address	3 St. Gregory's Alley, NORWICH NR2 1ER
Email address	[Redacted]
Contact telephone number	[Redacted]
Name of the premises you wish to support or object to	Alchemista
Address of the premises you wish to support or object to.	4. St Gregory's Alley, Norwich. NR2 1ER

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Please see separate sheets
Public safety	Please see separate sheets
To prevent public nuisance	Please see separate sheets
To protect children from harm	Not applicable



Please suggest any conditions which would alleviate your concerns.	See separate sheets.
---	----------------------

Signed:

[Redacted Signature]

Matthew Syngé

Date: 27th August 2017

Please see notes below

Objection to Premises License for Alchemista, 4 St Gregory's Alley NORWICH NR2 1ER.

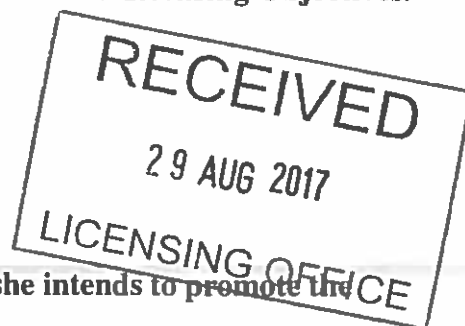
I am objecting to this application with regard to Norwich City Council's Licensing Objectives.

1. To prevent Crime and Disorder.

2. To prevent Public Nuisance.

General issues arising from the application

The applicant in Sections 18-21 of the application, sets out how she intends to promote the four licensing Objectives.



Section 18 (a) 1. The applicant says that the Licensing Policy dated June 2015 has been considered.

In section 1-7 of the Licensing Policy it states that the policy covers “a wide variety of activities and premises, including public houses, theatres cinemas, restaurants, night clubs, private members clubs, and community centres, as well as off licences, and food premises serving hot food after 11-00pm”

The Licensing Policy document makes no reference to coffee shops applying to sell alcoholic beverages. The applicant is clearly not a restaurant, as in the proposal Section 18(a) 3. The applicant seeks to sell alcohol “which may be served with or without food”

It is clearly a matter for the licensing sub committee to consider whether or not a coffee shop may, or may not, be eligible for a license to sell alcoholic beverages, and whether this would create an unhelpful precedent in the city.

Section 18(a) 2. The applicant has sought legal advice on a number of issues, however it seems that some highly relevant matters have not been considered.

a. Placing seats and tables outside the premises for use by customers, as is proposed in the application for a premises licence, requires a separate permission under the Highways Act 1980. and in some cases Planning Permission is also required. There are number of issues arising from this that do not seem to have been considered by the applicant. They will be further considered in this objection under “Public nuisance”

b. The area outside the proposed licensed premises has been designated, and signposted by Norwich City Council as “an alcohol free zone”. Allowing alcoholic beverages to be served and sold in this area would be in direct conflict Norwich City Council directives.

Public nuisance.

I own the residential property, 3 St Gregory's Alley, next door to the proposed licensed premises at 4 St Gregory's Alley. Until now, No.4 has always been an A1. shop/retail premises open during normal working hours. I recognise that since the Deregulation Act 2015 that A1 premises can convert to A3, without the need for planning permission. I have therefore accepted that a coffee shop is a legal change of use, and need not create an unacceptable nuisance if it is only operating during normal working hours, and not on a Sunday.

A licensed premises serving alcoholic beverages is an entirely different matter, and it is also not entirely clear from this application exactly what is being proposed.

The applicants have (in Section 15) volunteered some restrictions on opening hours. And also in Section 18 (a) 3 they say that “supplies of alcohol will be limited to liquor coffees which may be served with or without food”

The lack of clarity in the application arises in Section 18(a) para 8 where there is a disclaimer, which says that “Any detail shown in the plan, that is not required by the licensing plans regulations, is indicative, and subject to change at any time”

This statement creates a difficulty for me in making a fair measured public nuisance objections to a coffee shop when it “may be subject to change at any time”. It could, for example, seek to change into a bar, selling mainly spirits and cocktails, and/or seek to extend opening hours, etc.

To put this into context, there is a huge difference between having a bedroom adjoining a coffee shop closing after normal working hours, and a bedroom adjoining a drinks bar serving alcohol from 8am till late pm. The former would be a significant deterioration from our present circumstances, but bearable, whereas the latter would be unbearable.

This is a residential area within the city centre, nearly all of the commercial premises facing on to the green space are residential properties above the ground floor, as are the other properties in the Alley, and in the adjoining streets. My house may suffer from the greatest negative impacts from the proposed changes, but neighbouring properties would also be affected. The Licensing Policy (Section 24.3) specifies that “ stricter controls, including controls on licensing hours will be applied, where licensed premises are in residential areas, or where their activities may impact on residents, or other business premises”

I am therefore making my strongest objection to a coffee shop next door being allowed to sell alcoholic beverages of any sort during the evening. In particular a coffee shop should not be selling alcoholic drinks, either with or without food.

If the licensing sub committee were to grant a premises licence the restrictions need to be very clear and explicit, limited to the present tenant, not transferable, and not subject to change at any time in the future.

Public Nuisance

The applicants are planning to put tables and chairs in St Gregory's Alley. This would obstruct the alley, and access to my property, and the adjacent property. The area shown on the applicant's plan, as designated for outdoor seating is unrealistic, and would inevitably overspill into the area outside my property, at No.3, and the adjoining property, Croppers, the next door barbers shop, on the other side. The Alley is just slightly over 2 metres wide, and would be severely obstructed by tables and chairs.

In the unlikely event that outdoor seating is allowed to serve alcohol in an alcohol free part of the city centre, there would be excessive noise, from intoxicated drinkers, and nuisance from the smokers who typically have to remove themselves to an outdoor area to be allowed to smoke.

Public Nuisance/Crime and Disorder.

There is a long history of this part of the city centre, and the green outside St. Gregory's Church, in particular, being a focus for anti social behaviour, alcohol and drug abuse. This is the reason why Norwich City Council has designated the area an alcohol free zone.

To licence another establishment to sell alcoholic beverages facing directly onto this area seems irresponsible, and contrary to the City Council's policy of restricting alcohol consumption, and the consequent crime and antisocial behaviour.

The police are well aware of many examples of crime and anti social behaviour in the area. I have had a front window smashed, as have many other shop fronts in the area. A tree on the green was vandalised last Saturday night, and a large section left lying on the green, and removed by the City Council. It is not uncommon for urination in our doorways in St Gregory's Alley, spent hypodermic needles to be left on the Green, and in doorways and Alley ways off Pottergate.

This is a part of the city centre with a high density residential population together with retail and licensed premises. The cumulative impact of pubs clubs and late night bars in this area is a significant problem, (as the research that led to the creation of the cumulative impact zones in city centres testifies).

Within approximately 50 metres of the St Gregory's green we have the Lust & Liquor late night bar, The Mash Tun Gin Palace, the Birdcage Pub opening directly on to the green. Within approximately 100 metres we also have the Belgian Monk, the Iron House, and the Vine public house. For those who prefer to purchase alcohol in the local shops, there is Tesco's near the Guild Hall, and in St Benedicts the off licence, which are both within 5 minutes walk.

The wall and seats outside St Gregory's church provide both comfort and the company for drinkers and smokers from neighbouring pubs. These drinkers are frequently, in loud and aggressive disagreement with one another, and sometimes with pedestrians passing by on the thoroughfare.

The police do their best to limit drug, and alcohol consumption, and also anti social behaviour on the green. Norwich City Council designating the area an alcohol free zone has been a help in reducing this anti social behaviour, however it remains a recurrent problem.

If this application had been made for a licensed premises 150 metres further East, it would have been within the Cumulative Impact Policy area, and there would have been a "rebuttal presumption" with regard to this application. It is in an alcohol free zone, which indicates that there is already a significant problem from anti social behaviour in the area.

One of my neighbours in St. Gregory's Alley put it most succinctly, she said, "There is enough trouble out there without adding to it"

Granting an alcohol premises licence in this area, even if it does purport to be a coffee shop, is in effect encouraging day time drinking. This is an area of the city which is experiencing increased day, and night time activity, most of which is benign, and contributes to urban life, and the economy in the city centre. There are also a number of restaurants in the vicinity which provide an alcoholic drink as an accompaniment to a meal. Serving a glass of wine or beer with a meal is significantly different from the present application which is to serve alcoholic beverages with or without food. I am concerned that this application, if granted, could lead to the establishment of what could become, an A4 licensed premises by default rather than intent, if any licence, however stringently limited, for the sale of alcohol is granted. Coffee shops are coffee shops, but this application seems to be blurring the distinction between a Coffee Shop and a Public House.

Licence conditions which might alleviate some concerns

1. If granted a premises licence to sell alcoholic beverages, it is clearly not acceptable for there to be seating outside No.4 St.Gregory's Alley in a designated alcohol free zone. This would be in direct conflict with Norwich City Council directives.

2. Seating should not be allowed without permission, under the Highways Act 1980. and without Planning permission, if this is also required.

3. There should be sound proofing installed in No.4 St Gregory's Alley, on the adjoining wall with my property, at No.3 St. Gregory's Alley.

4. If this licence application is not granted, and the premises continues to operate as most coffee shops do, the obstruction of St. Gregory's Alley, and access to my property at No. 3, and the shop at No.2 would still be a major problem, as the Alley is just over 2 metres wide in this area. There would continue to be a problem of public nuisance from overspill from noisy coffee drinkers, and smokers, as the proposed outdoor seating area extends for less than 2 metres either side of the doorway.

I am aware that effectively blocking St.Gregory's Alley, is not an issue that to be resolved by the Licensing Sub Committee, but nevertheless it is a significant public nuisance issue which has not been considered by the applicant. It is not just a nuisance for the other properties in the Alley, but also for the many pedestrians who choose to use this thoroughfare.

I do not see any way this particular public nuisance can be alleviated, other than by disallowing outdoor seating outside No. 4 St. Gregory's Alley. This could be achieved either under the Highways Act 1980, or as an issue of public nuisance relating to this premises licence application

5. I return to my single most significant concern, Section 18 (a) where the applicant states that "Any detail shown on the plan that is not required by the licensing plans regulations is indicative, and subject to change at any time" This begs the question of what changes would the applicants make if they were given the opportunity to do so?

6. To alleviate my concerns, and to reassure me that this is not an attempt to blur the distinction between a coffee shop and an A4 drinking establishment would not be easy. If the Licensing Sub Committee were minded to grant a Premises License for the sale of alcohol to a coffee shop, then the conditions would have to be prescriptive, extremely stringent, (e.g. no provision of drinks without food, etc.) enforceable, and not subject to change at any time, or indeed transferable to a subsequent tenant of the premises.

7. The coffee shop hours would need to be limited. 8-00am until 6-00 pm, and not open on a Sunday. This does not seem unreasonable, and is longer than the hours of other coffee shops in the area.



RECEIVED
-1 SEP 2017

Norwich City Council Licensing Authority
Licensing Act 2003

CORPORATE RESOURCES

01 SEP 2017

POST ROOM

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

Your name/organisation name/name of body you represent (see note 1)	MISS. KATHERINE FERDINAND
Postal address	3 ST GREGORYS ALLEY NORWICH NR2 1ER
Email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you wish to support or object to	Alchemista
Address of the premises you wish to support or object to.	4 St Gregorys Alley, Norwich NR2 1ER

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

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

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

Signed:

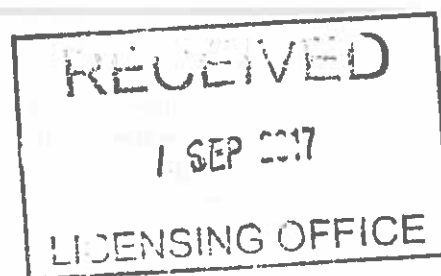
Date:

01.09.2017

Objection to Premises License for Alchemista, 4 St Gregory's Alley NORWICH NR2 1ER.

I am objecting to this application with regard to Norwich City Council's Licensing Objectives.

1. To prevent Crime and Disorder.
2. To prevent Public Nuisance.
3. Public Safety
4. To protect children from harm



1. General - all four licensing objectives.

- In the section for the general description of the premises the applicant writes in the application 'the property is double fronted with exterior customer seating to either side of the main entrance' , this is also shown in the plan. However it has been brought to my attention today that to date there has been no application made for a permit to place tables or chairs on the pavement or road, yet this a legal requirement. Making an application for a premises licence and including a seating arrangement in that application which has not been granted, or in fact even applied for, raises concerns of public safety and public nuisance.
- The applicant states that the premises will comply with all non-smoking legislation but they do not have a designated area for smokers. The only place that smokers will have to smoke is outside the front door of the shop. This is a public highway and will cause an obstruction due to the limited width of the footpath. It also happens that the point outside the shop is where pedestrians walking from three different directions converge, so is a particularly busy point, made significantly worse by the narrowing of St Gregorys Alley just a few metres away which often causes 'pedestrian congestion', especially when mobility scooters and people with bicycles need to pass by. This will create a public nuisance. (New legislation proposed means cyclists may soon be able to use St Gregorys Alley to cycle down too, in which case having smokers obstructing the path is definitely a public safety issue). If smokers were to step into the wider area instead - St Gregory's Green - and had been drinking alcohol supplied on the premises then they would be intoxicated in an alcohol free zone. (St Gregorys Green is designated an alcohol free zone). There are already well reported problems with alcoholic and drunken behaviour contributing to crime and disorder on St Gregory's Green so this would be adding to it and create more public nuisance.
- The objectives of Alchemista are clear, they wish to serve alcoholic drinks with or

without food. I see little difference in serving alcohol with coffee than with any other mixer. If an application were being made to serve alcohol with anything other than coffee then there would need to be a change of use application from an A1 retail unit to an A4 drinking establishment. Stating that they wish to serve liqueurs in their coffees is just another way of saying they wish to add coffee as a mixer to alcohol.

- Leading on from the above statement is the question of takeaway coffee. How will Alchemista manage to ensure that alcohol in coffee is not being taken off the premises? Especially when the area immediately outside the shop is an alcohol free zone?
- If Alchemista applied for a permit to place tables and chairs on the pavement (as shown on their plan) and that was granted how would they manage to ensure that customers who purchased alcohol were not sat outside in the alcohol free zone?
- I think to have to make a distinction between some drinks being legal to take away or sit outside with (ones without alcohol in) and some not (ones with alcohol in) is totally unmanageable. Even The Birdcage struggle at times to police people drinking alcoholic drinks outside their front door, and their distinction is clear, 'NO drinks to be consumed outside'. How will the applicant manage to know who has bought alcoholic coffees and who hasn't when there will be up to 42 customers on the premises?
- A small terraced building with an adjoining residential property is a completely unsuitable space to be serving alcohol in for reasons of public nuisance relating to noise and public safety.
- Although No4 is outside of the Cumulative Impact Zone it must be noted that there has been a significant increase in premises licensed to sell alcohol within this particular area in the last 2 years. Since changing from the Hog in Armour to the Mash Tun and incorporating the Gin Palace, that venue alone attracts significantly more numbers than previously. Add to that Platform Twelve, the Lust & Liquor premises which Hawthornes cocktail bar will be taking over, the Topsy Vegan, and in the opposite direction Turtle Bay and it is no surprise that as residents we are experiencing a noticeable increase in noise levels and anti-social behaviour. All of these premises were previously A1 retail premises and are now licensed to sell alcohol. In fact the cumulative impact policy was brought in because of an evidential link between the level of disorder and the number of premises licensed to sell alcohol, it is my belief that this correlation should be considered with regard to this area, especially St Gregorys Green.
- A lot of the application is very generalised and non-specific, this calls into question whether the applicant has truly considered any of the objectives in relation to this specific property. I will refer to this further in the sections below.

2. *To prevent crime and disorder.*

- It is all very well for the applicant to state that drunkenness and violent or anti-social behaviour will not be tolerated on the premises and if anyone suspected of or engaging in this behaviour will be asked to leave, but there is no

provision for what happens when those people are on the other side of their door, outside residential properties (St Gregorys Green has residential properties overlooking it on all three sides (the fourth side being a church)). I wonder if the applicant realises how many people reside in the vicinity? I do not believe the applicant has fully considered what the impact of crime and disorder arising on their property may have on the immediate area around No4. There are regular arguments, threats of violent behaviour and violent behaviour witnessed on St Gregorys Green, another premises selling alcohol will only contribute to this, especially by offering day time consumption of alcohol.

3. To prevent Public Nuisance.

- **Noise Levels** - the applicant mentions that they will 'conduct regular risk assessments on noise levels outside the premises' but there is no mention at all that the applicant will liaise with the neighbouring properties to monitor the noise levels either side of No4. Particularly of concern is that No4 is directly connected to a residential property. I live with my boyfriend at No3 St Gregorys Alley, next door to No4, it is a terraced property, therefore every area of our home is connected to No4. Our bedroom is directly next to the first floor seating area, our lounge is next to the ground floor seating area, and our living area on the top floor is directly next to the stairs going up to the public toilets that have recently been installed in No4. Noise will travel through from all those areas and crucially the change of premises from A1 to A3 will of course be most noticeable in the number of people inside No4, it states on the application there is seating for 42 people, at no point when next door was an A1 retail premises was there probably more than 8 people at any one time, and for the majority of the 4 years we have lived here there has probably only ever been one or two people in that shop at any one time. To go from having a space which is usually frequented by 1 or 2 people at a time to having a constant flow of people in and out for takeaway beverages, as well as 42 people seated I'm sure you will agree is a significant impact that will adversely affect our quality of life. We already have members of the public and people from other businesses standing in our doorway smoking, and for reasons mentioned above it is likely we will see a significant increase in people standing outside No4 smoking as Alchemista have no provision for smokers, this will significantly increase the noise outside our home, as they will undoubtedly end up standing outside the front of our home, No3. The change of use from an A1 retail premises to an A3 coffee shop will also create a significant increase in the footfall directly outside the front of our property, the rooms at the front of our house are the lounge(ground floor), bedroom (first floor) and living space(top floor).
- In addition to the noise pollution mentioned there is also the case of the rear of No4 backing on to our garden. There is no mention in the application that windows and doors will be kept closed during operating

hours to prevent public nuisance, in fact the windows at the back of the property, (three in total that overlook not only our garden but also our living accommodation) have recently been replaced from single pane obscure glass windows with limited, if any, opening to windows that are clear glass and open fully. This seems to be a step in the opposite direction of preventing public nuisance.

- There is no mention in the application that strict noise levels of recorded music will be adhered to. These omissions cause me a lot of concern, it does not seem that the applicant has fully considered the public nuisance having a licensed premises at No4 will cause.
- In addition to this noise pollution if Alchemista applied for a permit to place tables and chairs on the pavement (as shown on their plan and outlined in their description) and that was granted then this would create unbearable noise levels at the front of our home, the tables would be just to the left below our bedroom window and immediately outside the edge of our lounge window.
- Something that the applicant, or indeed the licensing committee, may not be aware of is that due to the nature of the building layout around the green any sound from St Gregorys Alley and the Green is amplified. It is possible to hear conversations from St Gregorys Alley from the top floor of our home. We are already impacted by noise from The Birdcage, especially when they have a late licence.
- St Gregory's Green is an alcohol free zone, it is a place where families come to have picnics and people on lunch breaks eat their food. However, it is not without its fair share of drunks and drug users, these people need no encouragement with day time drinking. From the application submitted I do not believe that the applicant has considered/has knowledge of the local area at all; how they would manage to deal with the alcoholics and drug users who may try to frequent their premises is not mentioned. I know that other establishments nearby selling alcohol and places selling legal highs have policies on not selling to these people. Clearly this has not been researched by the applicant as there is no mention of it.
- The applicant states that they would implement a litter clearing policy outside the premises as within the definition of 'immediately outside'. Immediately outside would not be enough, as residents of St Gregorys Alley we are constantly faced with litter on St Gregorys Green from local businesses that is not cleared up, customers of Alchemista buying takeaway coffee would undoubtedly like to make use of the green to sit and drink their coffee so litter clearing would need to cover the whole green to prevent public nuisance. Again, any brief observation after a busy Saturday would make it clear that this is an issue, so why has this not been noted?

4. Public Safety

- There is only one fire exit from a three storey building that has seating for 42

people, and there will be staff too. Is this an adequate fire escape route for in excess of 42 people?

5. *To protect children from harm*

- Although on St Gregorys Green there are the issues with crime and disorder and public nuisance already mentioned, young children do play out on the green and I believe it is against this objective to have a venue selling alcohol fronting the green where children play, especially during the day, and could contribute to children witnessing more drunk and disorderly and abusive behaviour than they already do.

Conditions which may alleviate my concerns.

1. Seating would be limited to ground floor only to reduce the number of people in the building significantly in order to reduce sound levels enough to prevent public nuisance. This would also be in the interests of public safety regarding a single fire exit.

2. There would be no seating outside to ensure public safety and prevent public nuisance from noise levels.

3. They would have a security guard on the door to ensure public safety and prevent public nuisance from noise levels by directing smokers well away from the path that is St Gregorys Alley, and also ensuring customers do not loiter in front of the adjoining properties causing obstruction and making noise, creating a public nuisance. A security guard would also be useful regarding directing any people exhibiting violent behaviour well away from the immediate vicinity, or managing the situation till the police arrived. In addition to this a security guard would be useful in preventing banned people from entering the premises. This would also help guard against anti social behaviour with regards the protection of children from harm. With regard people trying to leave the premises with alcohol a security guard would be useful in this matter also.

4. Opening times would be limited to closing at 6pm so that it is clear that Alchemista is a coffee shop and not a drinking establishment. No opening on sundays due to public nuisance from noise levels. Limiting the opening times would also serve to limit the level of disorder that is inevitable (as noted elsewhere in the city which is why the cumulative impact policy was introduced).

5. Windows and doors kept shut during opening hours. Clear glass at the rear of the property replaced with obscure glass.

6. Sound proofing installed against the wall joining No3.

7. No takeaway coffee allowed ensuring that there are no blurred lines between who is taking alcohol of the premises and who is not. Taking alcohol of the premises is a legal

issue.

8. The green to be litter picked of Alchemista's coffee cups, not just the area directly outside their premises. This will ensure there is no public nuisance from litter.

9. The applicant will monitor noise levels affecting adjoining properties as well as outside their building. This could be by liaising with the owners and tenants of the adjoining properties.

Name : Miss Katherine Ferdinand

Address : 3 St Gregorys Alley
NORWICH
NR2 1ER

Date : 1st September 2017

Signature : =



APPENDIX C

Local Policy considerations

1.0 Introduction

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

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

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

2.0 Consultation and Links to other Policies and Strategies

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

3.0 Applications for Licences

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

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

4.0 Representations

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

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

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

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

13.0 Management of Licensed Premises

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

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

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

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

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

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

Underage drinking

Drunkenness on premises

Public drunkenness

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

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

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

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

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

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

Effective and responsible management of premises;

Training and supervision of staff;

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

Provide sufficient seating for customers;

Patrols of staff around the premises;

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

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

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

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

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

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

Provision of effective CCTV in and around premises;

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

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

Provision of toughened or plastic drinking vessels and bottles;

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

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

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

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

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

Responsible advertising;

Distribution of promotional leaflets, posters etc;

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

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

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

Implement a dispersal policy;

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

24.0 Objective - prevention of public nuisance

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

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

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

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

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

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

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

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

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

SECTION E - Hours of Trading

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

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

APPENDIX D

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.