

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing sub-committee
2 March 2012

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Report of Head of citywide services

Subject Licensing Act 2003:
Application to vary a Premises Licence -
Norwich University College of the Arts First Floor
West Garth St Georges Street Norwich NR3 1BB

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 to vary a Premises Licence in respect of Norwich University College of the Arts First Floor West Garth St Georges Street Norwich NR3 1BB following the receipt of Interested Party representations.

Recommendation

That members determine the application to vary a Premises Licence in respect of Norwich University College of the Arts First Floor West Garth St Georges Street Norwich NR3 1BB 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.

Financial Consequences

The financial consequences for this report are nil.

Corporate Objective/Service Plan Priority

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

Contact Officer
Ian Streeter

Phone No 212439

Background Documents

The Licensing Act 2003
Guidance issued under Section 182 of the Licensing Act 2003
Norwich City Council Statement of Licensing Policy

1.0 The Application

1.1 The applicant is Professor John Last of Norwich University College of the Arts Francis House 3-7 Redwell Street Norwich NR2 4SN.

1.2 The premises currently hold a premises licence authorising the licensable activities of:

- live music
- recorded music
- performances of dance
- provision of facilities for making music
- provision of facilities for dancing
- the sale by retail of alcohol for consumption on and off the premise
- late night refreshment
- other entertainment similar to live & recorded music and dance
- provision of entertainment facilities

A copy of the current premises licence is attached to the report as Appendix A.

1.3 The application seeks to amend the hours for the following licensable activities on the days shown in the tables below:

Live music – to amend the hours as shown:

	Existing hours	Proposed hours
Monday	17:00 – 23:59	17:00 – 00:59
Tuesday	17:00 – 23:59	17:00 – 00:59
Wednesday	17:00 – 23:59	17:00 – 00:59
Thursday	17:00 – 23:59	17:00 – 00:59

Performances of dance – to amend the hours as shown:

	Existing hours	Proposed hours
Monday	17:00 – 23:59	17:00 – 00:59
Tuesday	17:00 – 23:59	17:00 – 00:59
Wednesday	17:00 – 23:59	17:00 – 00:59
Thursday	17:00 – 23:59	17:00 – 00:59

Other entertainment similar to live & recorded music and dance – to amend the hours as shown:

	Existing hours	Proposed hours
Monday	17:00 – 23:59	17:00 – 00:59
Tuesday	17:00 – 23:59	17:00 – 00:59
Wednesday	17:00 – 23:59	17:00 – 00:59
Thursday	17:00 – 23:59	17:00 – 00:59

Provision of facilities for making music – to amend the hours as shown:

	Existing hours	Proposed hours
Monday	17:00 – 23:59	17:00 – 00:59
Tuesday	17:00 – 23:59	17:00 – 00:59
Wednesday	17:00 – 23:59	17:00 – 00:59
Thursday	17:00 – 23:59	17:00 – 00:59

Provision of facilities for dancing – to amend the hours as shown:

	Existing hours	Proposed hours
Monday	17:00 – 23:59	17:00 – 00:59
Tuesday	17:00 – 23:59	17:00 – 00:59
Wednesday	17:00 – 23:59	17:00 – 00:59
Thursday	17:00 – 23:59	17:00 – 00:59

Provision of entertainment facilities – to amend the hours as shown:

	Existing hours	Proposed hours
Monday	17:00 – 23:59	17:00 – 00:59
Tuesday	17:00 – 23:59	17:00 – 00:59
Wednesday	17:00 – 23:59	17:00 – 00:59
Thursday	17:00 – 23:59	17:00 – 00:59

Late Night Refreshment – to amend the hours as shown:

	Existing hours	Proposed hours
Monday	23:00 – 23:30	23:00 – 01:00
Tuesday	23:00 – 23:30	23:00 – 01:00
Wednesday	23:00 – 23:30	23:00 – 01:00
Thursday	23:00 – 00:30	23:00 – 01:00
Saturday	23:00 – 00:30	23:00 – 23:30

Sale by retail of alcohol (for consumption both on and off the premises) – to amend the hours as shown:

	Existing hours	Proposed hours
Monday	10:00 – 23:00	10:00 – 01:00
Tuesday	10:00 – 23:00	10:00 – 01:00
Wednesday	10:00 – 23:00	10:00 – 01:00
Thursday	10:00 – 00:00	10:00 – 01:00
Saturday	10:30 – 00:00	10:30 – 23:00

- 1.4 The applicant has not proposed any additional steps to promote the four licensing objectives as a result of the proposed variation.

2. Relevant Representations

2.1 The responses from the Responsible Authorities are as follows:

- Police – No representations.
- Environmental Services – No representations.
- Fire Officer – No representations.
- Planning Officer – No representations.
- Area Child Protection Committee – No representations.
- Trading Standards – No representations.

2.2 Interested Party representations objecting to the application have been received with concerns primarily relating to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Copies of the representations are attached to the report at Appendix B.

2.4 A site plan showing the interested party addresses in relation to the application premises will be available at your meeting.

3.0 Norwich City Council Statement of Licensing Policy

3.1 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.

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

4.1 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.

5.0 Summary

5.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

the prevention of crime and disorder;
public safety;
the prevention of public nuisance;
the protection of children from harm.

5.2 In making its decision, the Sub-Committee is also obliged to have regard to guidance issued under Section 182 of the Licensing Act 2003 (National Guidance) and the Council's own local licensing policy. The Sub-Committee

must also have regard to all of the representations made and the evidence it hears.

- 5.3 The Sub-Committee must take such of the following steps as it considers necessary 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
- 5.4 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 necessary in order to promote the licensing objectives.
- 5.5 The representations received from the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee is directed to paragraphs 20 and 24 of the local licensing policy at Appendix C which contain examples of factors that impact on the two 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.
- 5.6 The Sub-Committee is also reminded of the contents of appendix 4 of the local licensing policy (not re-produced in this report) which contains pools of model conditions relating to the prevention of crime and disorder and the prevention of public nuisance.



NORWICH
City Council

**APPENDIX
A**

Premises Licence Summary

Premises Licence Number

09/00348/PREMTR

Premises Details

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

Norwich University College Of The Arts
First Floor West Garth
Norwich School Of Art And Design
St Georges Street
Norwich
Norfolk
NR3 1BB

Telephone number 01603610561

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

- ✓ Other Entertainment falling within Act - Activity takes place indoors
- ✓ Late Night Refreshment - Activity takes place indoors
- ✓ Live Music - Activity takes place indoors
- ✓ Performances of Dance - Activity takes place indoors
- ✓ Provision of Dance Facilities - Activity takes place indoors
- ✓ Provision of Music Facilities
- ✓ Provision of Entertainment Facilities - Activity takes place indoors
- ✓ Sale by Retail of Alcohol - Activity takes place indoors
- ✓ Recorded Music - Activity takes place indoors

Private Entertainment as defined under section 2 of the Private Places of Entertainment (Licensing) Act 1967

The times the licence authorises the carrying out of licensable activities

Other Entertainment falling within Act	Week Days	17:00 - 23:59
Late Night Refreshment	Thursday	23:00 - 00:30
Late Night Refreshment	Friday	23:00 - 00:30
Late Night Refreshment	Saturday	23:00 - 00:30
Late Night Refreshment	Monday to Wednesday	23:00 - 23:30
Live Music	Week Days	17:00 - 23:59
Performances of Dance	Week Days	17:00 - 23:59
Provision of Dance Facilities	Week Days	17:00 - 23:59
Provision of Music Facilities	Week Days	17:00 - 23:59
Provision of Entertainment Facilities	Week Days	17:00 - 23:59
Sale by Retail of Alcohol	Thursday	10:00 - 00:00
Sale by Retail of Alcohol	Friday	10:00 - 00:00
Sale by Retail of Alcohol	Saturday	10:30 - 00:00

Sale by Retail of Alcohol	Monday to Wednesday	10:00 - 23:00
Sale by Retail of Alcohol	Sunday and Good Friday	12:00 - 22:30
Sale by Retail of Alcohol	Christmas Day	12:00 - 15:00
Sale by Retail of Alcohol	Christmas Day	19:00 - 22:30
Recorded Music	Every Day	-

Non Standard/Seasonal Timings

For Late Night Refreshment and Sale by Retail of Alcohol – One New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The opening hours of the premises

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

Alcohol is supplied for consumption both on and off the Premise

Name, (registered) address of holder of premises licence

Mr John Last
Norwich University College Of The Arts
Francis House
3 - 7 Redwell Street
Norwich
Norfolk
NR2 4SN

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

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

Zoe Gaymer

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

Provision of Music Facilities	Week Days	17:00 - 23:59
Provision of Entertainment Facilities	Week Days	17:00 - 23:59
Sale by Retail of Alcohol	Thursday	10:00 - 00:00
Sale by Retail of Alcohol	Friday	10:00 - 00:00
Sale by Retail of Alcohol	Saturday	10:30 - 00:00
Sale by Retail of Alcohol	Monday to Wednesday	10:00 - 23:00
Sale by Retail of Alcohol	Sunday and Good Friday	12:00 - 22:30
Sale by Retail of Alcohol	Christmas Day	12:00 - 15:00
Sale by Retail of Alcohol	Christmas Day	19:00 - 22:30
Recorded Music	Every Day	-

Non Standard/Seasonal Timings

For Late Night Refreshment and Sale by Retail of Alcohol – One New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The opening hours of the premises

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

Alcohol is supplied for consumption both on and off the Premise

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

Part 2

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

Mr John Last
Norwich University College Of The Arts
Francis House
3 - 7 Redwell Street
Norwich
Norfolk
NR2 4SN

Telephone Number 01603 756224

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

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

Zoe Gaymer
38 Dereham Road
Costessey
Norwich
NR5 0SY

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

Party Reference: 546

Licensing Authority: South Norfolk District Council

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 (with effect from 1 October 2010)
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7 (with effect from 1 October 2010)

The responsible person shall ensure that -

 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: half pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

8 The following are not prohibited:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- c) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) The sale of alcohol to a trader or club for the purposes of the trade or club;
- e) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) The taking of alcohol from the premises by a person residing there; or
- g) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

9 If any entertainment taking place on the premises is an entertainment for children or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the Licensee to station and keep station wherever necessary, a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the premises, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof and to take all other reasonable precautions for the safety of the children.

10 All parts of the licensed premises shall be open to inspection during any function authorised under the licence or at any other reasonable time by a Police Officer or a Fire Officer or a duly authorised officer of the City Council.

11 Whilst the licensed premises are being used in pursuance of this licence no drunken or disorderly person or common prostitute shall be permitted to remain therein, no drunkenness or disorderly conduct or proceeding, no unlawful gaming whatever, no indecency or profanity and no performance of a kind commonly known as a strip-tease act involving the removal of garments while the performer (including a performer whose movements or a reflection of whose movements can be seen by the audience through or on a translucent screen or similar device) is within the view of the audience, or any performance of a similar nature shall be permitted therein, but good rule and order shall be kept and maintained.

12 The Licensee or responsible person nominated by The Licensee in writing, not being a person under 18 years of age, shall be in charge of and upon the licensed premises whenever the licensed premises are being used for the purposes of public dancing or music or other public entertainment of a like kind and that person shall not be engaged in any duties which will prevent him/her from exercising general supervision. The responsible person shall produce his/her written authorisation on request by an authorised officer of the Licensing Authority or a Police Officer or the Fire Officer.

13 The number of persons permitted to use the licensed premises at any one time (including staff and performers) shall not exceed the following limits:-

(i) When used for dancing - 265

(ii) When used for functions utilising seating at tables - 100

(iii) When used for purposes combining (i) and (ii) above - 150

(iv) When used for closely seated audience (removable seating) - 265

14 The maximum number of persons permitted on the licensed premises shall be prominently displayed together with plans as approved by the Licensing Authority showing the accommodation open to the public gangways and exit routes.

15 There shall be adequate provision made to account for the number of persons on the licensed premises during any entertainment authorised under the licence.

16 There shall be adequate provision made to account for the number of persons on the licensed premises during any entertainment authorised under the licence.

17 Printed notices shall be displayed at suitable positions in the building stating in concise terms the essentials of the action to be taken upon discovering a fire and on hearing the alarm.

18 Nothing shall be done or permitted to be done on or in the proximity of the licensed premises which may impede or endanger the speedy exit of persons from the licensed premises and, all gangways, corridors, staircases and external passages intended for exit purposes shall be kept entirely free from obstruction whether permanent or temporary.

19 The Licensee shall do what is reasonably practicable to prevent obstruction of exits, external courts, passageways, stairways and ramps leading to the outside of the licensed premises by persons waiting to gain admission thereto.

20 The public shall be permitted to leave by all doors marked "EXIT" after each performance.

21 Mats and other floor coverings shall be secured and maintained so that they will not ruck or in any way be a source of danger to persons using the licensed premises. New floor coverings should be approved by the Chief Fire Officer.

22 (i) Where so required by the Licensing Authority no fastenings, other than automatic bolts, shall be fitted on exit doors used by the public except of such a pattern and in such positions as the Licensing Authority may determine. Automatic bolts shall be of such a pattern that horizontal pressure on the crossbars will open the doors. The crossbars shall, where practicable, be placed at a height of 1 metre from the bottom of the door. Doors fitted with automatic bolts shall have the words "PUSH BAR TO OPEN" painted upon them in block letters at least 100 millimetres high.

(ii) If the Licensing Authority give consent to the use of chains, padlocks or other locking devices for securing exit doors when the public are not on the premises, a responsible person shall be required to remove such chains padlocks or other devices before the admission of the public and such chains, padlocks or other devices shall not be replaced during the whole time the public are present in the licensed premises.

23 Where collapsible gates or roll up shutters are used, these must be locked in the open position whilst the public are present. Revolving doors shall not be counted as exits.

24 At all times when the licensed premises are being used in pursuance of this licence all exit doors shall be kept unlocked and shall be maintained in such a condition as to be immediately available for use.

25 All exits, other doors or openings used by the public for the purpose of exit shall be indicated by exit signs complying with The Health and Safety (Safety Signs and Signals) Regulations, 1996. (B.S. 5499 signs comply with this standard). The signs to be sited at a height of at least 2.1 metres above floor level above or beside the exits.

26 All barriers and doors shall be made to swing or open outwards, unless the Licensing Authority are satisfied that this is unnecessary with regard to any particular door or doors, and the method of opening shall be indicated thereon.

27 All stairs and steps comprising parts of the means of escape in case of fire shall be maintained with non-slippery and even surfaces and shall be provided with appropriate handrails.

28 On those occasions when people with disabilities are present on the licensed premises such special arrangements as may be necessary in the circumstances shall be made so as to enable all persons to leave the licensed premises safely in the event of fire.

29 The arrangements for a closely seated audience on movable seating shall be as follows:-

(i) The seating must at all times be so disposed as to provide unobstructed access to all exit doors.

(ii) Chairs or other single seats should be secured together in lengths of not fewer than four seats and not more than twelve so that the seats cannot be separated from each other

merely by pushing one or more seats in a row (the only exception being chairs in boxes or other approved enclosures) ; and

- (iii) Provision should be made for the rows of seating flanking the gangways to be fixed to the floor effectively preventing the individual seats or rows of seats from being dislodged into the gangways or from being toppled over, except that :-
 - (i) only end seats of such rows need to be fixed to the floor if all seats in each row are secured together ; or
 - (ii) only the end seats of each length of seating referred to in paragraph (ii) above form such rows need to be fixed to the floor.
- (iv) No person, except staff, shall be allowed to stand or sit other than on approved seating in the gangways or passages whilst the public are on the premises. The gangways or passageways shall be kept entirely free from chairs and other obstructions.

30 Two separate and independent systems of lighting sufficient to enable persons to see their way out of the premises should be provided.

(i) Normal Lighting

All parts of the premises to which the public have access and all external exit ways should be provided sufficient illumination of those parts of the premises for the public to leave the premises safely. In the absence of adequate daylight whenever the public are on the premises the normal lighting should be kept on.

(ii) Emergency lighting

All parts of the premises to which the public have access and all external exit ways should be provided with emergency lighting capable of providing sufficient illumination for the public to leave the premises safely.

On failure of a local lighting circuit the emergency lighting should be brought into use immediately and automatically.

The system should be a combination of maintained and non maintained units. All fire exit notices should be of the maintained type. Maintained emergency lighting units are required to be illuminated at all times the public are present on the premises.

Non maintained emergency lighting units are only required to be illuminated when the normal local lighting circuit fails.

The emergency lighting system shall be tested monthly, six monthly and three yearly in accordance with the guidelines contained in BS.5266 Part 1:1988. A record of the tests shall be kept in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.

31 No smoking shall be permitted to take place on any stage except as part of the performance, and real flames shall not be used on any stage or other part of premises where a performance is taking place unless approved by the Licensing Authority.

32 All curtains or drapes hung in places of entertainment should be of a durably flame-retarded fabric or inherently flame retarded fabric and should conform with the British Standard 5867: Part 2 fabric type B. Suitable documentary evidence should be provided to this effect. Visiting acts/discos etc. shall also provide equivalent documentary evidence for any drapes etc. they bring into the premises. The documentary evidence produced must clearly identify the drapes etc to which they apply. Curtains or drapes should not conceal notices and should be hung so as not to trail on the floor.

33 The void beneath the stage shall not be used for the storage of combustible materials.

34 Decorations, artificial and dried foliage to be approved by the Fire Officer.

35 Promotional displays in foyers and public areas to be approved by the Fire Officer.

36 Surfaces of walls and ceilings etc:

Apart from small areas of wall surface the surface finish of walls and ceilings should correspond to a standard not lower than that indicated in the appropriate surface spread of flame classification given below :-

Class 0 In circulation spaces and escape routes.

Class 1 In rooms, including auditoria and places of assembly other than small rooms.

Class 3 In small rooms (not exceeding 4m²)

Class 1 & 3 means tested in accordance with BS 476 : Part 7.

- 37 Suitable guards to prevent contact with scenery or any other combustible materials shall be fitted to all lamps, lanterns, lighting appliances and other apparatus in the licensed premises which are liable to become heated whether under normal or abnormal conditions.
- 38 Subject to condition (24), explosives, flammable liquids (including liquefied petroleum gas) or highly flammable articles shall not be brought into or used in any part of the licensed premises, but this shall not prevent the use of flammable liquids used in cooking at the table and lighted candles as table decorations, provided that where naked flame is present in these circumstances, only flame retardant table cloths, napkins and table decorations shall be used.
- 39 Subject to condition (31) (Prohibition of Flammable Materials), heating appliances, other than hot water radiators, shall be adequately guarded or fixed in positions out of reach of the public. Mobile heating appliances of whatever kind shall not be operated whilst the licensed premises are open to the public.
- 40 (i) Where new or replacement upholstered furniture is provided for the premises or the existing furniture refurbished, the upholstered furnishings provided should conform with British Standard 7176: 1989 "Resistance to ignition of upholstered furniture" and be suitable for "Medium Hazard" situations.
- (ii) The outer covering of all upholstered furniture provided in the premises should be maintained in good repair to ensure that the filling materials are not exposed.
- 41 Suitable fire fighting equipment shall be provided on the licensed premises and placed in suitable positions ready for immediate use. All fire equipment shall be maintained in efficient working order. Portable fire extinguishers shall be examined at least once annually in accordance with BS5306 Part 3 : 1985. The dates of such tests shall be clearly marked on the extinguisher attached to a stout label. A record shall be kept in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or the Fire Officer on request. Hose reels shall be tested at least annually to ensure that they are in good working order and will produce a satisfactory jet of water.
- 42 Fire alarm systems will be required in premises on the following basis.
- | | | |
|----------------------------------|---|-------------------|
| All types | - | Minimum type M. |
| Accommodating over 300 persons - | | Voice evacuation. |
- Electrical fire warning systems shall be installed and maintained in accordance with BS.5839: Part I: 1988. The fire warning system is to incorporate relays to cut out all entertainments sound systems as soon as the fire warning system is activated.
- 43 Fire alarms and automatic fire detection where fitted, shall be maintained in efficient working order and shall be tested or examined whenever required by the Licensing Authority or the fire Officer. In addition, the alarms shall be tested weekly using a different call point for each successive test to ensure the alarm operates satisfactorily. It must be examined once a year by a competent person. A record of the tests and examinations shall be recorded in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.
- 44 Whenever the licensed premises are being used for the purposes of public dancing or music or other public entertainment of a like kind there shall also be during that time sufficient competent attendants on duty. These attendants must have been instructed in the safety precautions to be observed and in the action to be taken in case of fire or other emergency. Fire routines and evacuation procedures shall be regularly checked and practice and a record of such checks and practices shall be recorded in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.

- 45 The Licensee shall ensure that records of staff training are kept, to include the names of the staff attending each practice drill, and details of the training and instruction given. The following are examples of matters which need to be included in such a record :-
- (a) date of the instruction or exercise;
 - (b) duration;
 - (c) name of the person giving the instruction;
 - (d) name of the person(s) receiving the instruction; and
 - (e) the nature of the instruction, training or drill.
- 46 (i) Practice fire drills shall be held at least once every month and shall be conducted by the Licensee or a competent person appointed by him/her. They shall be attended by at least one-third of the staff including any member who has been appointed since the previous practice drill or who has not attended a practice drill within the preceding three months. Where one-off performances are given, all staff should be made aware of their duties prior to the event.
- (ii) Premises managed by voluntary organisations. All voluntary management committees shall provide instruction for their committee members and booking secretaries in emergency procedures at least once every year.
- 47 The Licensee shall satisfy himself by annual inspection as to the safety of the ceiling structures of the licensed premises and produce at his/her own expense on the request of the Licensing Authority a certificate from an Architect or Surveyor as to the safety of the ceiling structures of the licensed premises.
- 48 Adequate access must be provided to roof spaces above suspended fibrous plaster and other forms of suspended ceilings of the licensed premises, thereby allowing access to all parts of the ceiling for purposes of inspection and repairs.
- 49 (i) The electrical installation in the premises shall be subjected to tests no less stringent than those required by BS 7671: 1992. A current completion certificate, or periodic inspection report in the prescribed form, completed by an N.I.C.E.I.C./E.C.A. electrical contractor, and schedule of test results, shall be submitted with the application for the licence.
- (ii) On an application for the renewal of the licence, the licence holder shall be required to sign a declaration to the effect that the electrical installation has sustained no damage and been the subject of no alteration or extension since the date on the current inspection certificate. In the event of damage, alteration or extension to the electrical installation, a new electrical inspection certificate, in the prescribed form, completed by an N.I.C.E.I.C./E.C.A. electrical contractor, and schedule of test results, shall be submitted with the application for the renewal of the licence.
- 50 (i) A residual current device(s) shall be mounted and maintained as part of the fixed wiring installation of the premises. The device(s) shall conform to the appropriate British Standard/Euro norm with no intentional time delay included, and shall have a rated residual operating current no greater than 30mA.
- (ii) The device(s) shall protect the electrical installation which serves those parts of the entertainment premises to which the public and performers have access. No unprotected electrical supply shall be introduced into those parts of the premises.
- 51 The licensee shall ensure that the electrical installation for the premises is properly maintained and used in a safe manner.
- 52 (i) All electrical equipment shall be maintained so as to prevent, so far as is reasonably practicable, danger to any person on the licensed premises. Electrical equipment includes anything used, intended to be used or installed for use, to generate, provide, transmit, transform, rectify, convert, conduct, distribute, control, store, measure or use electrical energy.
- (ii) The licensee shall ensure that any item of electrical equipment brought onto the premises for the purpose of an entertainment shall have a current certificate to verify that it has been subjected to necessary test/inspections to guarantee it is safe to use.
- 53 No lasers, strobes or other form of high intensity lighting should be installed or used without the express written consent of the Licensing Authority. An application for consent shall be in writing and

signed by the Licence Holder and should be made not less than 28 days before installation or use. No such lighting shall be used other than strictly in accordance with any terms and conditions which may be imposed by the Licensing Authority. All such systems to comply with the current health and safety codes of practice and guidance. In the case of lasers the licence holder shall appoint a competent laser safety officer to advise him/her.

54 Application for the Licensing Authority's consent to the use of pyrotechnics and special effects should be made by the licensee in writing at least 14 days before the first performance of the entertainment or special effect and give full details of the proposed use and the date and time on which a demonstration can be witnessed by a representative of the Licensing Authority and the Fire Officer. No pyrotechnic device or special effects shall be used other than strictly in accordance with any terms and conditions which may be imposed by the Licensing Authority.

55 All public parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Licensing Authority.

56 Suitable and sufficient cloakrooms and sanitary accommodation shall be provided in accordance with BS6465, part 1 1994 and indicated by such notices and signs as the Licensing Authority may consider necessary for persons frequenting the licensed premises.

57 An adequate number of hand wash basins shall be provided to the satisfaction of the Licensing Authority.

58 At least one separate closet shall be provided for each sex, and where accommodation for males is more than 50, sufficient urinal accommodation shall be provided in addition.

59 Urinal stalls shall be fitted with automatic flushing devices. Closets, urinals and drains shall be constructed and fitted in accordance with the Building Regulations.

60 The several lavatories, closets, urinals and wash hand basins serving the licensed premises shall at all times be kept in good order and repair and be properly and effectually cleansed, disinfected, ventilated, supplied with water where necessary, and lighted.

61 (i) Structural alterations or additions, whether permanent or temporary, to the licensed premises shall not be carried out except with the prior consent of the Licensing Authority. The licensee must give the Licensing Authority written notice of the proposed alterations and additions, such notice to be accompanied by a plan (in triplicate) clearly indicating the existing licensed area in red and any proposed area for increased facilities must be delineated in some other colour. The work shall not be started until the written consent of the Licensing Authority has been obtained. This consent is in addition to any building regulation approval, planning permission, listed building consent and conservation area consent which may also be required. Where the consent of the Licensing Authority is subject to conditions, those conditions shall be deemed to form part of this licence until the works have been completed to the satisfaction of the Licensing Authority.

(ii) In the event of any premises being closed for the purpose of effecting alterations, repairs or decorating they shall not be reopened to the public unless and until the consent of the Licensing Authority has been obtained. At least seven days notice in writing to the Licensing Authority shall be given by the licensee of his intention to reopen the premises, in order that necessary inspections and tests may be carried out at the premises by the Licensing Authority and the Fire Officer. Except with the prior consent of the Licensing Authority, no work in connection with any alterations, additions, repairs or decorating shall be carried out whilst the public are on the premises.

62 (i) On any day on which doors supervisors are to be engaged at the premises the licensee or the responsible person on his/her behalf must enter in a register kept for that sole purpose the name, registration number and hours of duty of each door supervisor to be engaged on that day before that supervisor starts his/her duties.

(ii) The register must be kept at the premises at all times and be produced for inspection at any time on request by an authorised officer of the Licensing Authority or a Police Officer. Any entry in the register shall be kept at the premises for at least 6 months from the date of that entry before being removed or erased.

63 Any exhibition, demonstration or performance (hereafter referred to as a "performance") of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the licensing authority and must comply with any attached conditions. The authority may consent either under the terms of the public entertainments licence or the provisions of the Hypnotism Act 1952.

64 An application for consent under condition 59 shall be in writing and signed by the applicant or his /her agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same

venue within the last three years without any problems occurring. The authority will normally respond within 7-14 days, less where the hypnotist has previously performed at the same venue. A copy of the application shall at the same time be forwarded to the chief officer of police and the fire authority. The application shall contain the following particulars:-

(a) the name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the "hypnotist") along with the details of their last three performances (where and when) and;

(b) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment. (Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application).

65 The following conditions shall apply to any consent given:

Publicity

- (a) no poster, advertisement or programme for the performance which is likely to cause public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere;
- (b) every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly the following statement

"Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance".

Insurance

- (c) the performance shall be covered to a reasonable level by public liability insurance. The hypnotist must provide evidence of this to the local authority if requested; and it must be available for inspection at the performance;

Physical Arrangements

- (d) The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction;
- (e) a continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as a part of the performance;

Treatment of audience and subjects

- (f) before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform; informing the audience of the possible risks from embarrassment or anxiety; and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individual styles so long as the overall message remains the same:

"I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I

must ask that no one volunteers if they have a history of mental illness, are under the influence of alcohol or drugs or are pregnant".

- (g) no form of coercion shall be used to persuade members of the audience to participate in the performance. in particular, hypnotists shall not use selection techniques which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g., asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage;
- (h) if volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the licensing authority shall be in attendance throughout to ensure their safety;

Prohibited actions

- (i) the exhibition shall be so conducted as not to be likely to cause offence to any person in the audience or any hypnotised subject;
- (j) the performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular the performance shall not include:-
 - (i) any experiment involving the age regression of the subject (i.e. asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc);
 - (ii) any suggestion that the subject has lost something (e.g. a body part) which, if it really occurred, could cause considerable distress;
 - (iii) any experiment in which the subject is suspended between two supports (so called "catalepsy"); or
- (iv) the consumption of any noxious or harmful substance;
- (v) any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin)
- (k) the performance shall not include giving hypnotherapy or any other form of treatment
- (l) all hypnotised subjects shall remain in the presence of the hypnotist and in the room where the performance takes place until all hypnotic suggestions have been removed;
- (m) all hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist shall confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed);
- (n) the hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems which might arise. (Such help might take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is otherwise unwell.)

Authorised Access

- (o) where-

- i. a constable, or
- ii. an authorised officer of the licensing authority, or
- iii. an authorised officer of the fire authority

has reason to believe that a performance is being, or is about to be, given he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.

66 All windows and doors shall be kept closed at all times whilst public entertainment is taking place in the licensed area

67 The music sound level shall not exceed 94dB Laeq 1-min as measured directly beneath the noise limiter microphone position as marked on the plan

68 Alcohol may only be purchased and consumed by the following persons:

NUS Members

Norwich Art School Members

Affiliated Members

Guests of the aforementioned

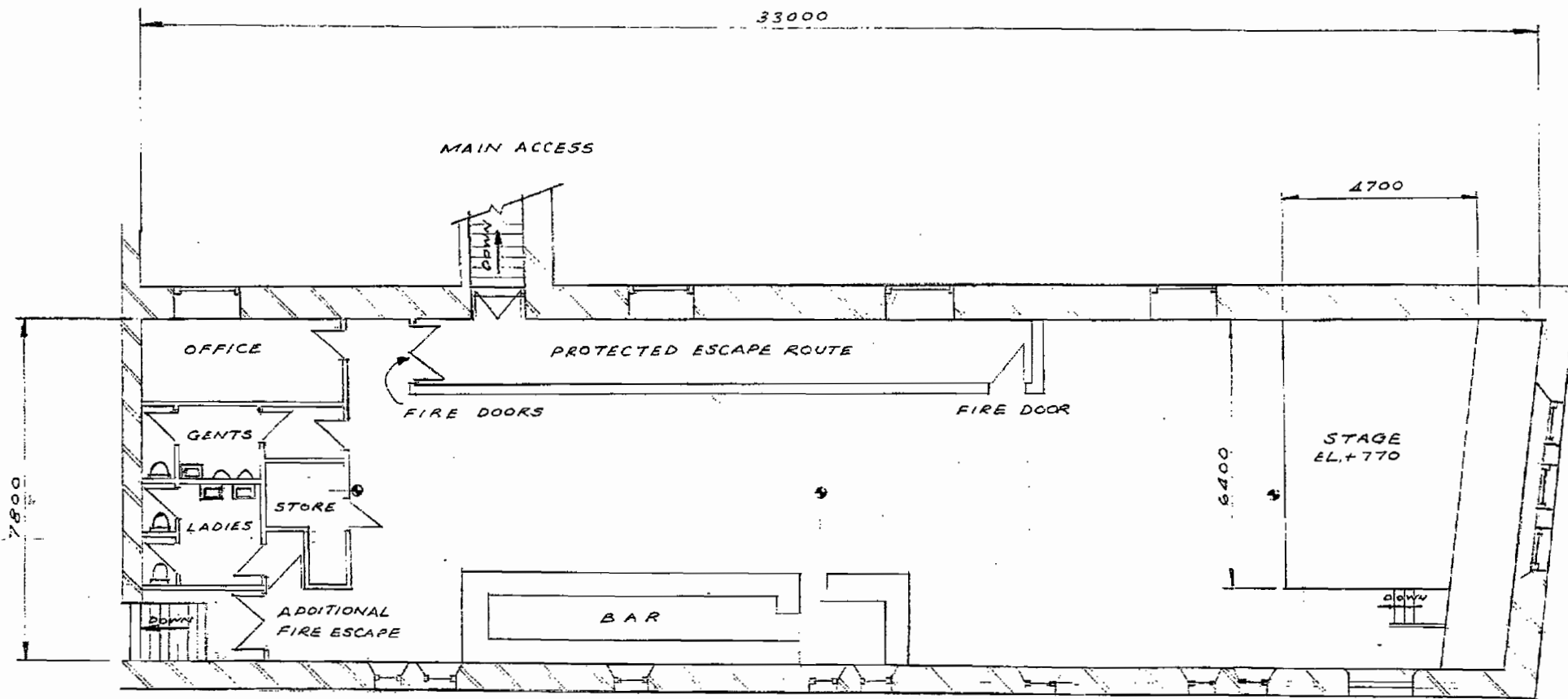
Persons attending organized functions which have been arranged through the licensees

Annex 2 – Conditions consistent with the Operating Schedule

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

Annex 4 – Plans

PL



HEAT DETECTOR IN CEILING

NORWICH
SCHOOL
OF ART
& DESIGN

PLAN OF STUDENT
UNION BAR

SCALE
1:100
DATE
MAY 2005

Norwich City Council Licensing Authority Licensing Act 2003



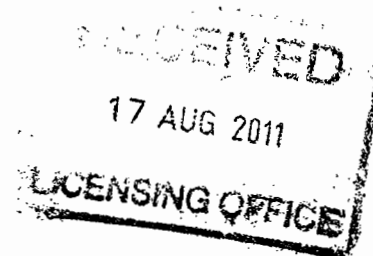
NORWICH
City Council

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

Your name/organisation name/name of body you represent (see note 1)	Mark Partridge (representing the tenants and future tenants of Flat 20 and Flat 30 St Georges Street)
Postal address	516 Earlham Road Norwich NR4 7HR
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	University College of Arts St Georges St Norwich NR3 1BB
Your support or objection must relate to one of the four licensing objectives (see note 2)	
Licensing objective	Please set out your support or objections below. Please use separate sheets if necessary.
To prevent crime and disorder	
Public safety	
To prevent public nuisance	People leaving the building late at night cause disturbance to residents trying to sleep who have to get up early for work particularly on weekday mornings. Extended disturbances to 1am would be unwelcome
To protect children from harm	
Please suggest any conditions which would alleviate your concerns	
Signed:	Mark Partridge
Date:	17/08/11

Norwich City Council Licensing Authority
Licensing Act 2003

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

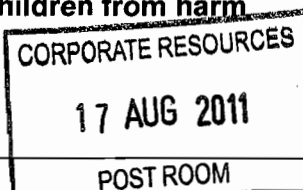


Your name/organisation name/name of body you represent (see note 1)	PAUL BONNETT
Postal address	24 ST GEORGES STREET NORWICH, NR3 1BA
Email address	T
Contact telephone number	01603 611111

Name of the premises you wish to support or object to	1st FLOOR WEST GARTH NORWICH SCHOOL OF ART & DESIGN
Address of the premises you wish to support or object to.	ST GEORGES ST NORWICH

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	LATE NIGHT DRINK UNRULY BEHAVIOUR ON ST. GEORGES ST. <u>OBJECTION</u>
Public safety	
To prevent public nuisance	LATE NIGHT ACCESS ONTO ST GEORGES STREET WILL CREATE MORE NOISE FOR RESIDENTS - <u>OBJECTION</u>
To protect children from harm	



Please suggest any conditions which would alleviate your concerns.	DO NOT EXTEND HOURS
--	---------------------

Signed:

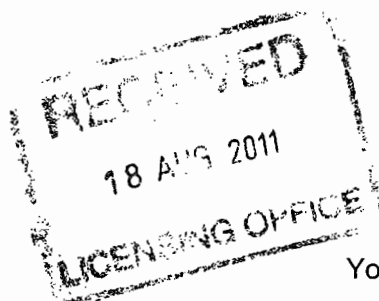
Date: 15-8-11

Please see n



32 St Georges Street
Norwich
Norfolk
NR3 1BA

Licensing
Legal and Democratic
Services
Norwich City Council
City Hall
St Peters Street
Norwich
NR2 1NH



Your ref: 11/01394/PREMTR

15 August 2011

Dear Sir

**Re: Norwich University College of the Arts
First Floor West Garth Norwich School of Art and Design St Georges Street
Norwich ("the Bar")
Licensing Act 2003: Premises Licence – Transitional – Variation**

As an occupant of the residential apartment block opposite the Bar I am writing to oppose the application made by the Bar to extend the hours under which they may sell alcohol and provide late night music and associated activities.

The primary cause of concern is the application to extend opening hours until 1:00 am on weeknights.

It is well documented that alcohol, when consumed to excess, is a primary driver in increasing criminal activity and causing social disorder. Opening as late as 1:00am on weeknights will only encourage young vulnerable students to drink in excess. The risk of violent scuffles and confrontations between students will only increase as the night goes on.

From a health and safety viewpoint extended opening hours will endanger public safety. The ruins of the old monastery are uneven and the area is not well lit. The exit to the Bar opens up directly onto the stone ruins. In addition, the bar is adjacent to the river with the additional dangers this brings.

It is often that I am able to hear the sounds of late night music coming from the Bar. The music tends to stop around 11pm but has been known to go on. The sound of patron leaving can then go on for an hour or so. I believe this is an infringement of their current licensed activities and have little hope therefore that the Bar will be able to adhere to any extension of their licensed activities. The application seeks to allow the Bar to play music until 1:00 am on weeknights. I am certain that, if granted, the residents of this apartment building will be able to clearly hear music from the Bar until at least 1:00 am and will then be subject to the noise of students leaving. I have little faith that they will be able to control their patrons on leaving the building or be able to encourage them to leave the area quietly. I am often compelled to pick up discarded bottles and pint glasses left in front of my front door and often find them littered outside the bar, where students often drink when the weather is good.

The hours applied for are wholly inappropriate for the historic area and building in which it operates. The building is attached to St Andrews Hall and its entrance looks onto the ruins of the monastery. The Garth itself is one of the oldest exhibition spaces in Europe. The quite pedestrian street of St Georges, which is home to some number of residential buildings, is a world away from the raucous Prince of Wales Street.

It seems bizarre to me that we should be encouraging young students to drink to excess and fear, that should this application be approved, that it is the already stretched police forces and health services that are sure to bear the brunt of this application.

I would therefore urge you to reject this application.

Yours faithfully

/

Henry Mahalski

32 St Georges Street, Norwich, NR3 1BA • Norwich, NR3 1BA

17 October 2011

Norwich University College of the Arts
Francis House
3-7 Redwell Street
Norwich
NR2 4SN

Dear Sir:

I am writing to complain about the level of noise and light which we are suffering from in our apartment opposite the NUCA bar on St Georges Street. The noise can be insufferable and is clearly audible from within our apartment despite our double glazed windows being closed. So much so that it is often impossible to use one of our bedrooms as the noise from the bar, both of music and patrons leaving makes sleep unachievable. The music is often so easily audible so as to be able to clearly identify songs and lyrics in addition to the "bass" sounds. This has caused me considerable stress and angst and has, as I have mentioned, made one of my bedrooms unusable.

I recently visited the bar at around 6pm and spoke to the staff there. On asking the bar staff running the bar for the evening I was flabbergast to discover that she felt it was within the bars licence to play music and sell alcohol to students until 2am on weeknights. She warned me that it was likely to be particularly noisy on Tuesday and Wednesday nights which she described as "Student Nights" and advised me that there was nothing I could do about the noise I was likely to hear. This is simply not correct. The bar's licence which I have seen does not run for these hours nor is it within the bars licence to cause a nuisance to those within the local area who are resident on the street.

Recently new lights seem to have been installed within the bar. For the majority of the time these seem to be left on. During the day and early evening there are two very bright white lights which are clearly visibly and blinding within the rooms overlooking the bar. At night coloured lights are visible, these however are generally of a softer less bright nature and are not as disruptive as the lights left on during the day. Simply turning off these brighter lights during the day would solve this problem.

I understand that the bar is seeking to extend the hours in which they may, among other things, play music and sell alcohol. I am copying this letter to the local licensing authorities in the hope that they may consider it in assessing the impact the extended hours may have on the local residents of the street.

Yours faithfully

Henry Mahalski



36, Fife Road

London

SW14 8BJ

14th October 2011

Dear Sir, Reference NUCA Bar Variation

I refer you to my previous letter regarding the above application; this was filed with you at the last application notice.

With special reference to the message to "students" given by this application. The all ready huge number of late night bars available in Norwich .

More so the effect on hard pressed services and the human costs of unfettered alcohol consumption.

Also please be cognisant of the noise disturbance and litter as the drinking often takes place in the courtyard of this highly historic site.

Many thanks in advance

A

16

—

1, Tavistock Court

Mansfield Road

Nottingham NG5 2EH

25th August 2011



Dear Sir,

I have just been informed yet another licence to extend drinking hours in Norwich has been applied for.

I am referring to the College of Arts application for extended hours at their location off St Georges Street.

This beautiful City is now blighted by unsociable behaviour almost every night well past midnight as Inebriated person make their way home.

As of now this behaviour has been restricted to Prince of Wales Road to exacerbate this problem and allow St Georges Street to be blighted is a crime.

As you would know the time of conclusion of the licence is not the time the clients move on, this can be more than one hour later.

I hope the above observations can assist in your decision.

Many thanks in advance?

Organisational Development

24 AUG 2011

Post Room

28 St Georges Street
Norwich
Norfolk
NR3 1BA

Licensing
Legal and Democratic
Services
Norwich City Council
City Hall
St Peters Street
Norwich
NR2 1NH

Your ref: 11/01394/PREMTR

20 August 2011

Dear Sir

**Re: Norwich University College of the Arts
First Floor West Garth Norwich School of Art and Design St Georges Street
Norwich ("the Bar")
Licensing Act 2003: Premises Licence – Transitional – Variation**

As an occupant of the residential apartment block opposite the Bar I am writing to oppose the application made by the Bar to extend the hours under which they may sell alcohol and provide late night music and associated activities.

The primary cause of concern is the application to extend opening hours until 1:00 am on weeknights.

It is well documented that alcohol, when consumed to excess, is a primary driver in increasing criminal activity and causing social disorder. Opening as late as 1:00am on weeknights will only encourage young vulnerable students to drink in excess. The risk of violent scuffles and confrontations between students will only increase as the night goes on.

From a health and safety viewpoint extended opening hours will endanger public safety. The ruins of the old monastery are uneven and the area is not well lit. The exit to the Bar opens up directly onto the stone ruins. In addition, the bar is adjacent to the river with the additional dangers this brings.

It is often that I am able to hear the sounds of late night music coming from the Bar. The music tends to stop around 11pm but has been known to go on. The sound of patron leaving can then go on for an hour or so. I believe this is an infringement of their current licensed activities and have little hope therefore that the Bar will be able to adhere to any extension of their licensed activities. The application seeks to allow the Bar to play music until 1:00 am on weeknights. I am certain that, if granted, the residents of this apartment building will be able to clearly hear music from the Bar until at least 1:00 am and will then be subject to the noise of students leaving. I have little faith that they will be able to control their patrons on leaving the building or be able to encourage them to leave the area quietly. As a young single mother with a six month old baby the difficulty of getting her to sleep and the prospect of roudy student noise/antics waking her up would be detrimental both to my health and that of my

baby.

The hours applied for are wholly inappropriate for the historic area and building in which it operates. The building is attached to St Andrews Hall and its entrance looks onto the ruins of the monastery. The Garth itself is one of the oldest exhibition spaces in Europe. The quite pedestrian street of St Georges, which is home to some number of residential buildings, is a world away from the raucous Prince of Wales Street.

It seems bizarre to me that we should be encouraging young students to drink to excess and fear, that should this application be approved, that it is the already stretched police forces and health services that are sure to bear the brunt of this application.

I would therefore urge you to reject this application.

Zoe Quinlan



32, St Georges Street
Norwich NR3 1BA

26th August 2011

Dear Sir,

I write to you regarding the change of licensing application on behalf of Norwich College of Art.

This change at the location of St. Georges Street.

I am strongly opposed to such a change. The reasons being:-

The noise from the building and detritus left in the courtyard are already a blight to the character and patina of this area. To add to this by extending the licence will exacerbate this problem.

This is a residential neighbourhood and further unsociable behaviour brought about by extending the hours is unacceptable.

I hope you will take these observations into your considerations.

Sophie Power

DEREK MORRIS PPRBS
SCULPTOR



1 THE MONASTERY COURT
ELM HILL
NORWICH
NR3 1HW

an Streeter Esq.,
Licensing, Legal and Democratic Services,
City Hall,
Norwich,
NR2 1NH.



14th October 2011.

Dear Mr Streeter,

As a member of the residential community of Friars Quay, St Georges Street and Elm Hill, I find myself once again having to write to you about noise nuisance in our area, which due to the increased use of the Norwich University College of the Arts, is becoming daily more unacceptable. So it is with dismay that I and my wife must strenuously object to the application by NUCA for an extension to the Bar's license until 01-00 am.

We live no more than 150 yards from the bar, and our bedroom faces directly towards it and so we get the full blast of any music that is being played. I have visited the bar on one or two occasions to complain, and have literally not been able to hear people talking to me. Not good for the health of these young people? I understand that there is a noise limiter fitted, which if switched on should not exceed 94dc directly beneath the limiter microphone. Recently in the Independent, Brian Blessed's birthday was mentioned and it said that his voice at full stretch clocked up 88dc which is not far from the limit allowed in the bar. What we hear on a regular basis reaches far beyond this reading, and I can only assume that the noise limiter is somehow regularly bypassed.

We do not want to be killjoys, and have no concerns over music going on until 23-00; but after that time the noise becomes a public nuisance, and constitutes anti social behaviour by the NUCA bar managers.

The city of Norwich is literally awash with late night drinking, and I was shocked to hear recently that 40% of admissions into A and E at the hospital are alcohol related. Do we really want to encourage our young students to become part of these alarming statistics?

It is time that The City Council calls a halt to the proliferation of late night drinking establishments, and starts to put health and community well-being before profit. We therefore ask you to turn down this application for a license extension to the NUCA bar.

Yours sincerely,

...

Charles Russett

22 St Georges Street,

Norwich ,

Norfolk,

NR31BA

RECEIVED

17 OCT 2011

LICENSING OFFICE

Date: 14 October 2011

Licensing Team

Norwich City Council

City Hall

St Peters Street

Norwich NR21NH

To Whom it May Concern,

I am writing to you to formalise my objection to the request for a change of use for the NUCA bar. I have lived in St Georges Street for the past year, and the amount of noise coming from the Student union has been getting worst of the last month. In that time the police have been call to the premises at least once. I was subjected to verbal abuse from two students when I ask them to keep the noise down, this incident was reported to the Police by me at approximately 2330 hrs on the 10th October. The police were next to useless and told me that noise was an environmental issue and that I should report the incident to the environmental health team at the city council. This was done on Tuesday the 11th October.

Even if you restricted the noise that is heard from the premises, the number of students that have been exiting the building under the influence of alcohol has increased in the last month and the noise is unbearable. I would favour the NUCA bar being closed completely, to give them a change of use and extended hours would make living in the flats across the road intolerable.

Sincerely,

Charles Russett

CORPORATE RESOURCES

17 OCT 2011

POST ROOM

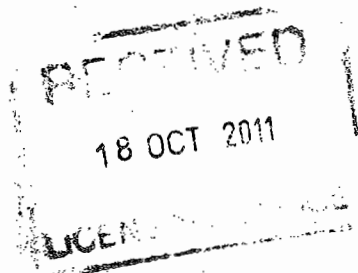
18 OCT 2011

Post Room

John W. Spinks

37 Friars Quay Norwich Norfolk NR3 1ES

Ian Streeter
Licensing
Norwich City Council
Norwich
NR2 1NH

16th October 2011

Dear Ian,

**Re: NUCA Bar Variation Application
09/00348/PREMTR**

Firstly thank you for the information and sorting out the advertising issues.

I oppose the variation on the grounds of public nuisance, and that it is against the primary aim of:-

the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment.

If the committee could find some unambiguous wording to support, on a limited number of nights, the primary aim of:-

the further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities

I would support that.

I also wholeheartedly support the evening economy in the St. George's Street area and it's brilliant re-development I will be writing about that as soon as I can complete it.

Problems with the existing license.

No times are given for recorded music does this mean 00:00 – 00:00? , un-licensed? Or falls back to the premises opening times 17:00-23:59? This needs to be clarified as the variation does not request a recorded music change.

Mandatory Condition 55

Could this be clarified in relation to Mandatory Condition 66 as I do not think the premises has air conditioning as would be expected in a late licensed premises and current fans are

contributing to the existing noise nuisance (See below & photos).

Mandatory Condition 62

What are the days when door supervisors are employed?

If the licensing committee thinks it appropriate I suggest when activities go beyond 23:00 door supervisors are employed so that doors are kept closed and patrons are quieted down before they leave the premises. (I have seen people leave at midnight in a raucous way.)

I ask that "Please leave quietly" signs are put up in the full knowledge that these signs do not work.

Mandatory Condition 66

The position of the sound limiter microphone is not on the plan. Could the sound limiter condition be changed to a condition similar to the Dog House condition of no audible music in the local residences?

This would be beneficial because:-

It does not need equipment so is easier to check and easier to understand.

The dB Laeq 1-min is an average over one minute the dB LaMax during that minute could still cause a disturbance, such as an isolated slow heavy bass beat.

The A weighting also underestimates the lower frequencies.

This could explain, with the ventilation fan placements, speaker arrangements and glazing issues, the existing nuisance the residents in the flats opposite are experiencing.

Is the sound limiter set fast or slow?

Has a noise octave band survey been carried out as part of the risk assessment you carried out?

My understanding is a child or children live in the flats opposite, there are bedrooms that face the street and that people dispersing pass under the arch in the flats, which is a well known route for the students as they use this to go from one NUCA building to the other.

Speakers

NUCA might consider changing the speakers as they seem too powerful, too many and positioned in such a way as to increase the likelihood of noise nuisance. (See photos.)

Acoustic Lobby

The acoustic lobby is not being consistently used. The doors are not consistently kept closed this is particularly relevant at the front of the premises where the doors lead to the kitchens.

I do not think this represents a significant problem though at the rear of the premises.

However this might be the case as the background dB lowers as the night progresses.

There are no acoustic seals around the doors which you would expect from a late licensed premises.

Refer Guidance Oct 2010

"requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;"

I would like to discuss with NUCA the following:-

Commercial Arrangements

My understanding is that a third party is being employed to run the bar. Who are they please and if I don't know them what is their relevant experience?

Is it a fee based arrangement, profit share, commercial rent or other?

This could alter the style, characteristics and activities of the premises.

How does the license extension relate to NUCA's mission statement, charitable aims and educational aims?

Expansion plans of NUCA:-

As I understand it the student numbers are to increase from 1,300 to 4,000. Is this true?

What is NUCA's intention regarding the recently proposed redevelopment of the courtyard in St Georges and potential to loiter?

Could you tell me about how the hours extension idea came about, what are you trying to achieve with it, is it a revenue increase/loss reduction idea?

Could secondary glazing/sealed units be installed to reduce the noise breakout, as in St. Andrew's Hall which is of similar construction? I understand this to be an existing problem from several residents of the flats opposite. The single pane glass area is large relative to the brick area, single pane glass being a far less effective insulator of sound than brick. Could the glazing be sealed units of acoustic glass such as SGG Stadip Silence (See leaflet attached)?

The ventilation is provided by vent axia type window fan vents which will contribute significantly to noise breakout (Possibly doubling the perceived noise nuisance, see SGG website photos of fans) .

I presume that the ventilation requirements in the existing license are to protect the historic building from condensation, as such have NUCA assessed any structural issues relating to an increased use of the bar, particularly dancing.

Could better ventilation arrangements exiting into the cloisters be made in conjunction with the acoustic glazing?

Are you aware that the statutory quiet time is 23:00-07:00?

Refer Guidance Oct 2010

However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Are you aware that in the dancing layout the premises is potentially a HVVD? (my understanding is a HVVD is above 200 capacity)

Are text or radio pagers used as part of the city centre scheme?

Is CCTV installed?

I would like to hear what crime and disorder has been linked to the premises patrons in the past.

For the committee please would you state your profits for the last two audited years.

What problems have there been associated with in the change of management?

Has NUCA considered setting up a fully fledged Students Union bar in another building in a non residential area of the city nearby such as Lawrence House in Redwell Street (behind Francis House, NUCA office building) which seems currently vacant?

I bring to the committee's attention the following:-

The unusual acoustics of the canyon like street, along the river and the park (This was originally pointed out to me by Ray Barrett from NCC Environmental Health in approx 1998).

Students tend to keep different hours to the regular population, are young and full of the joys of life and not necessarily fully rounded individuals yet, which all tend to add to the nuisance created.

The late night dispersal from the NUCA bar affects me personally by groups leaving via the Monastery car park along the river, particularly when sleeping at the back of my home, and people lingering in the park and playground, particularly when I sleep at the front of my home. So I am literally beggared in either case.

The approximate distances from the front of my house are:

Playground 25m
Park benches 15 – 35m
Playhouse front door 40m
Playhouse terrace 50m
Monastery Car park 50m

There is a licensed premises approximately every 30m in St Georges Street.

The total number of people invited into St. Georges by the late licenses is as follows:

Playhouse Bar	450	
Dog House	380	
NUCA Bar	265	
Delaney's	300	(This is my guess as I did not ask the licensee)
Last Wine Bar	80	(This is my guess as they were unable to tell me)
Total	1,475	

Abating by 50% leaves a figure of approx 750.

Street Lighting

Further to which the Friars Quay residents complaints about the lighting being too bright when the lights first went up. The lights in the park were turned down but not the lights in the street. Looking at the relevant British standards it seems essentially that they are too

white (Ra) and too bright (Lux) for residential use. Seemingly the lighting standard applied is one that applies for the lighting of the important buildings in the street, without taking the needs into account of the residents where the lighting would be at a lower intensity. Each park bench now has a light. These lighting levels as I understand it, and have seen, affect people's behaviour (The University of Central London have done research in this area which may be relevant.) The British standard proposes a two level lighting scheme in this situation. I would ask that the Council waits for my letter on the area generally in which I will expand on this before addressing this issue.

Mandatory Condition:

2.33 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 interested parties (as defined in the 2003 Act) in the vicinity of licensed premises. (2)

(2) It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.

I remind the committee that in its ruling on the Dog House it said:-
"Members accepted that the circumstances in St Georges Street were such that noise was generated on occasions which amounted to a low level nuisance for the occupiers of St Georges."

Mandatory Condition:

2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity 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 necessary.

I would also like to ask the committee and council officers questions as appropriate.

I have asked for a copy of the report from the survey carried out by the Council's EHO's following my complaint to Laura McGillivray. I have not seen this yet and would also like to ask questions about this and anything else of relevance.

I would also like to make a statement about the area generally with the indulgence of NUCA and the committee.

Yours sincerely,

John Spinks

Encs:

Academic studies relating to noise nuisance and human health

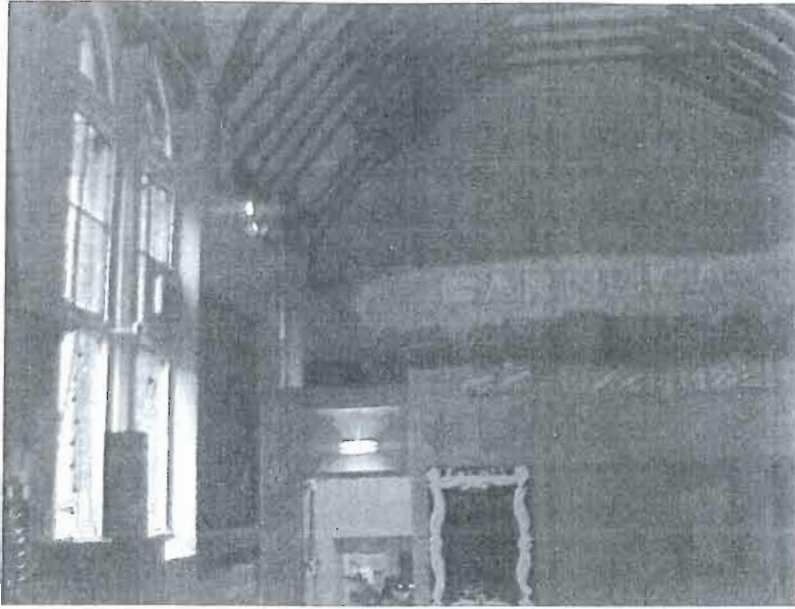
WHO Reports

Noise Nuisance and Distance Ready Reckoner Spreadsheet.

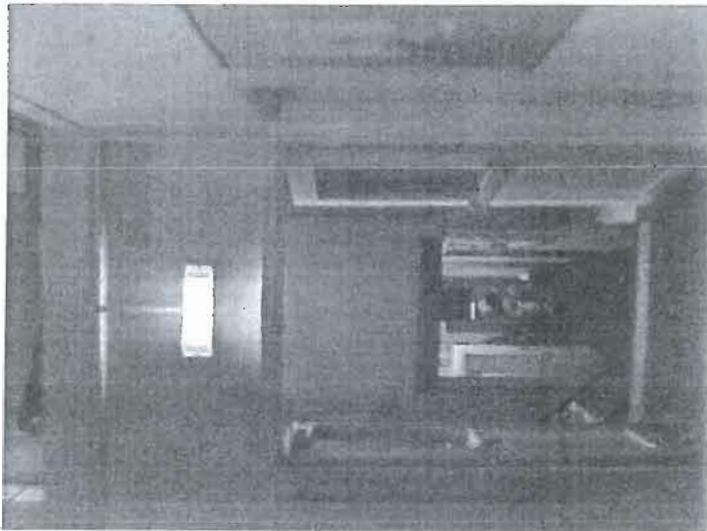
Typical Reference Examples of Noise Levels in spreadsheet

Saint Gobain Leaflets

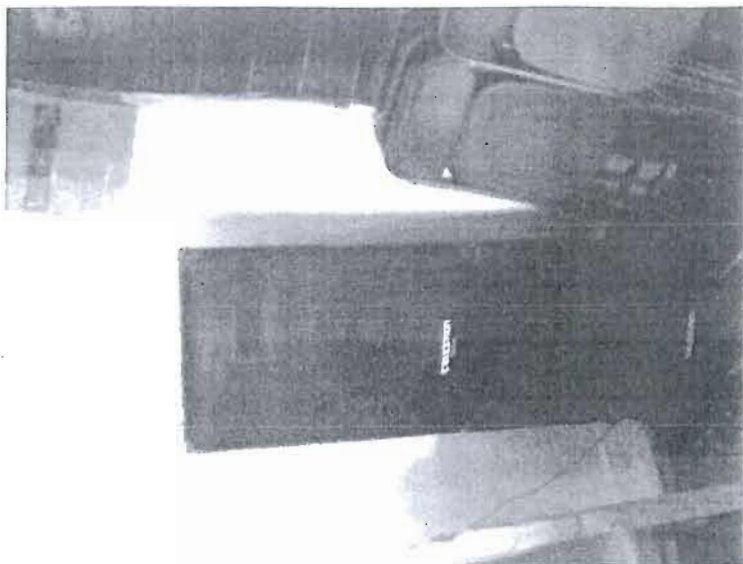
NUCA Bar photos



Large windows, fan in window, open doors to kitchen, high position of speakers radiating sound into middle of windows

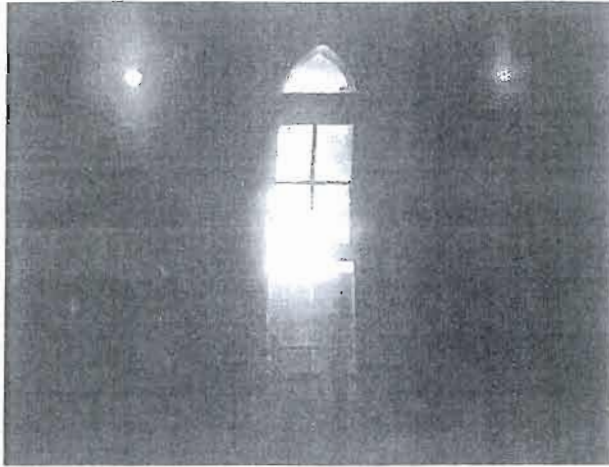


Open doors to kitchen

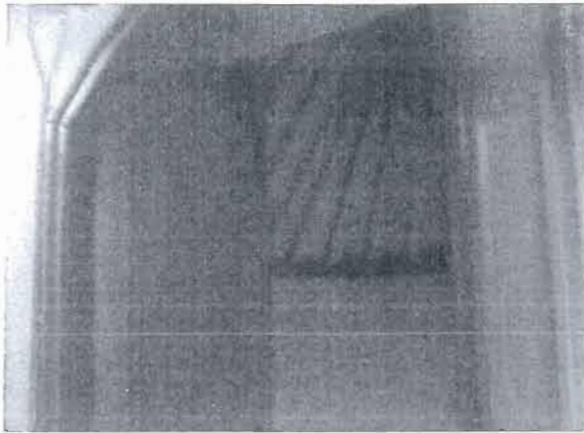


Large speakers

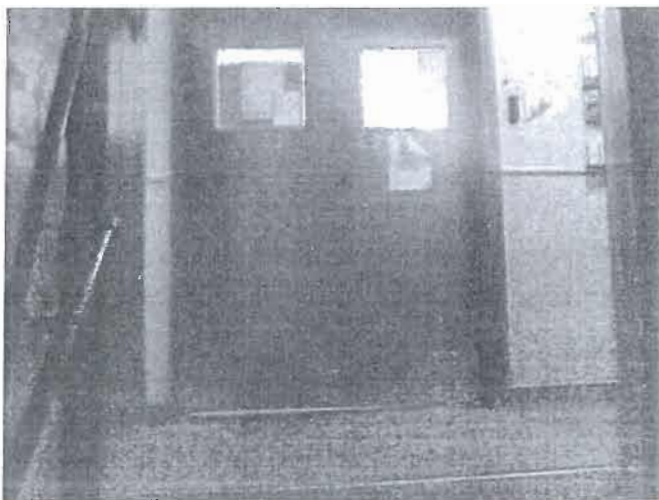




Large windows



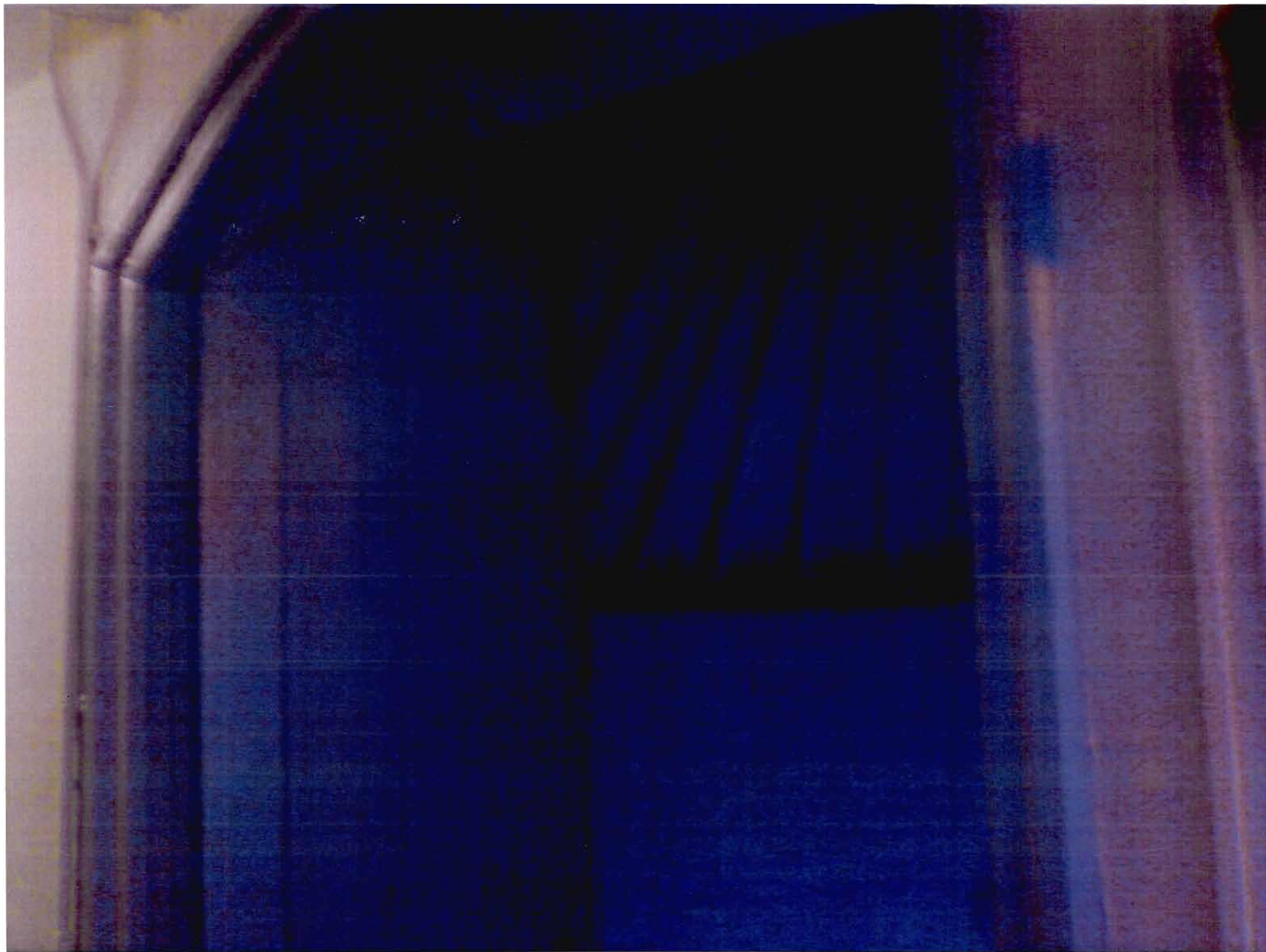
Open doors

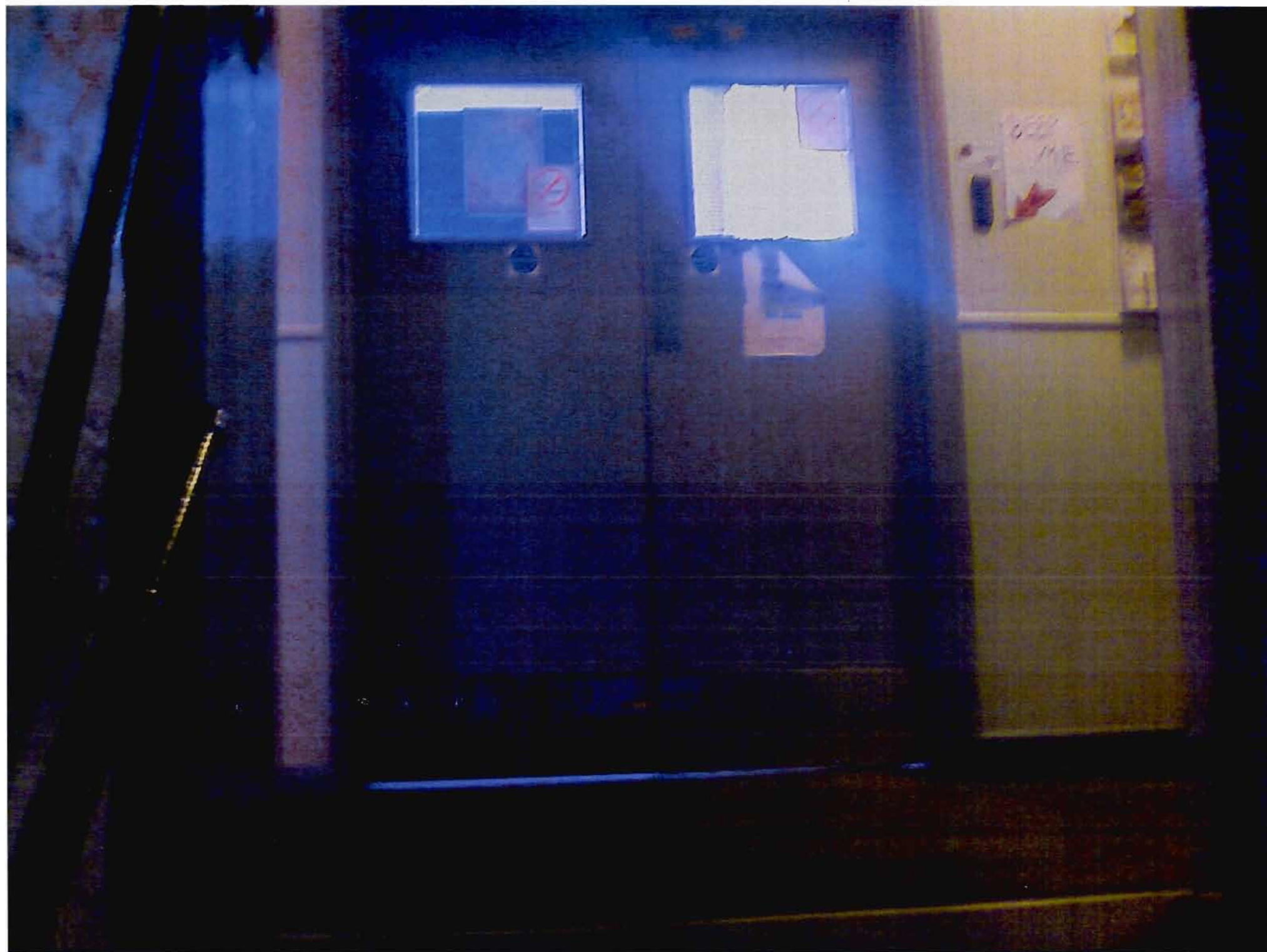


Large sound gap around doors (No acoustic seals)

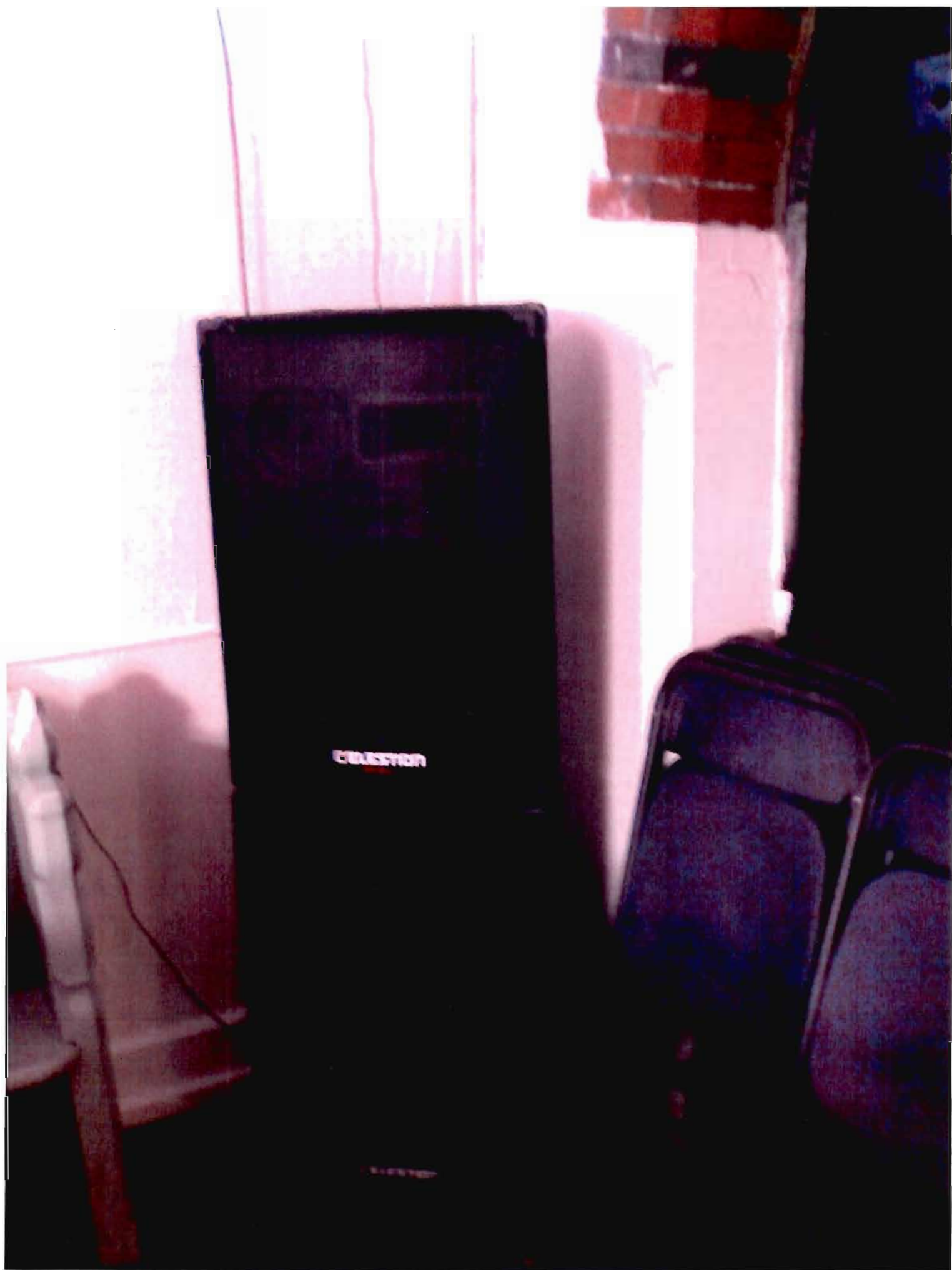


















APPENDIX C

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.

(a) 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’, ie 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 necessary 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)

CRIME AND DISORDER

2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities may be carried on. Licensing authorities should therefore look to the police as the main source of advice on these matters.

2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave.

2.5 Licence conditions should not replicate licensing offences that are set out in the 2003 Act. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour on his premises would be superfluous because this is already a criminal offence. A condition that states that a licence holder shall not permit the sale of controlled drugs on the premises would be similarly superfluous.

2.6 Conditions are best 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 cameras both inside and immediately outside the premises can actively deter disorder, nuisance and anti-social behaviour and crime generally. Some licensees may wish to have cameras on their premises for the protection of their own staff and for the prevention of crime directed against the business itself or its customers. But any condition may require a broader approach, and it may be necessary 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.

2.7 Similarly, the provision of requirements for door supervision may be necessary to ensure that people who are drunk or drug dealers or carrying firearms do not enter the premises, reducing the potential for crime and disorder, and that the police are kept informed.

2.8 Text and radio pagers allow premises licence holders, designated premises supervisors and managers of premises and clubs to communicate instantly with the local police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The Secretary of State recommends that text or radio pagers should be considered appropriate necessary

conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.

2.9 Some conditions primarily focused on the prevention of crime and disorder will also promote other licensing objectives. For example, a condition requiring that all glasses used on the premises for the sale of alcoholic drinks should be made of plastic or toughened glass or not allowing bottles to pass across a bar may be necessary to prevent violence by denying assailants suitable weapons, but may also benefit public safety by minimising the injury done to victims when such assaults take place (for example, facial injuries resulting from broken glass).

2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only necessary but both practical and achievable.

PUBLIC NUISANCE

2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary 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 impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.33 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 interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.

2.34 Conditions relating to noise nuisance will normally concern steps necessary 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 in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary 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.

2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the

Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity 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 necessary.

2.36 Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from midevening 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 in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.

2.37 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered necessary 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.

2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.

2.39 Beyond the vicinity of the premises, these are matters for 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 and to respect the rights of people living nearby to a peaceful night.

Proposed Conditions

10.7 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs 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 of opening.

10.8 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove necessary

Imposed Conditions

10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

10.12 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

Proportionality

10.13 The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues. For example, charities, community groups, voluntary groups, churches, schools and hospitals which host smaller events and festivals will not usually be pursuing these events commercially with a view to profit and will inevitably operate within limited resources.

Fundamental principles

13.16 "...licensing is about regulating licensable activities on licensed premises...and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity."

13.17 "...whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case."

13.18 "...licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises."

Standardised Conditions

13.20 "...statements of policy should make it clear that a key concept underscoring the 2003 Act is for conditions to be tailored to the specific premises concerned. This effectively rules out standardised conditions...However, it is acceptable for licensing authorities to draw attention in their statements of policy to pools of conditions which applicants and others may draw on as appropriate."

Licensing Hours

13.41 "...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies...providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet."