

Report to	Licensing sub committee 17 July 2017	Item
Report of	Head of citywide services Licensing Act 2003:	3
Subject	Application for the Variation of a Premises Licence – Sugar and Spice, 39 Prince-of-Wales Road, Norwich, NR1 1BG	

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a premises licence in respect of the above premises, following the receipt of relevant representations.

Recommendation

That Members determine the application to vary the premises licence 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, including the cumulative impact policy.

Corporate and service priorities

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

Financial implications

None.

Ward/s: Thorpe Hamlet

Cabinet member: Councillor Maguire – Safe City Environment

Contact officers

Maxine Fuller, Licensing Assistant

01603 212761

Background documents

None

Report

The application

1. The applicant is Simon Goodings.
2. In summary the application seeks to:
 - Extend the hours for opening, regulated entertainment and late night refreshment.

Operating Schedule

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

Relevant representations

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

Police – no representations.

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

6. Six representations objecting to the application have been received from local ward councillors and other interested parties. Copies of the representations are attached at appendix C to the report.

Norwich City Council Statement of Licensing Policy

7. Attached at appendix D are the elements of the city council's local licensing policy, which are considered to have a bearing upon the application, including the cumulative impact policy at paragraph 29.

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

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

Summary

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



NORWICH
City Council

Premises Licence Summary

Premises Licence Number

16/00558/PREM

Premises Details

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

Sugar & Spice
39 Prince Of Wales Road
Norwich
NR1 1BG

Telephone number 01603 611060

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Ent like live/recorded music/dance - Activity takes place indoors
Films - Activity takes place indoors
Late Night Refreshment - Activity takes place indoors
Live Music - Activity takes place indoors
Performances of Dance - Activity takes place indoors
Sale by Retail of Alcohol - Activity takes place indoors
Recorded Music - Activity takes place indoors

The times the licence authorises the carrying out of licensable activities

Ent like live/recorded music/dance Saturday 10:00 - 06:00
New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 01 January.

Ent like live/recorded music/dance Sunday 10:00 - 03:00
New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 01 January.

Ent like live/recorded music/dance Monday to Friday 10:00 - 05:00
New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 01 January.

Films Saturday 10:00 - 06:00
New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 01 January.

Films Sunday 10:00 - 03:00
New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 01 January.

Films Monday to Friday 10:00 - 05:00



New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 01 January.

Late Night Refreshment	Sunday	23:00 - 03:30
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New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 01 January.

Late Night Refreshment	Monday to Saturday	23:00 - 05:00
------------------------	--------------------	---------------

New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 01 January.

Live Music	Saturday	10:00 - 06:00
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Recorded Music	Monday to Friday	10:00 - 05:00
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New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 01 January.

The opening hours of the premises

Monday	10:00 - 05:30
Tuesday	10:00 - 05:30
Wednesday	10:00 - 05:30
Thursday	10:00 - 05:30
Friday	10:00 - 05:30
Saturday	10:00 - 06:30
Sunday	10:00 - 03:30

New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 01 January.

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 Simon Goodings
6 Edrich Way
Chapel Break
Bowthorpe
Norwich
NR5 9NX

Registered number of holder, for example company number, charity number (where applicable)**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Simon Goodings

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

Persons under 18 not to be permitted entry to that part of the premises where any adult entertainment is being performed.



Premises Licence Number

16/00558/PREM

Part 1 – Premises Details

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

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New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 01 January.

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

Persons under 18 not to be permitted entry to that part of the premises where any adult entertainment is being performed.

Part 2

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

Mr Simon Goodings
6 Edrich Way
Chapel Break
Bowthorpe
Norwich
NR5 9NX

Electronic Mail

simon@sugarandspiceclub.com

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

Mr Simon Goodings
6 Edrich Way
Chapel Break
Bowthorpe
Norwich
NR5 9NX

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: 05/01703/PERSTR

Licensing Authority: Norwich City 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 No moving picture shall be exhibited unless: -
 - (i) it has received a "U", "PG", "12A", "15" or "18" certificate of the British Board of Film Classification; or
 - (ii) it is a current newsreel which has not been submitted to the British Board of Film Classification; or
 - (iii) the permission of the Licensing Authority is first obtained and any conditions of such permission are complied with.
- 4 No person under the age of 18 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received an "18" certificate from the British Board of Film Classification.
- 5 No person under the age of 15 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "15" certificate from the British Board of Film Classification.
- 6 No person under the age of 12 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "12A" certificate from the British Board of Film Classification.
- 7 Where, at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.
- 8
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 9 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 10 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature.

11 The responsible person shall ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider half pint
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

12 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

13 For the purposes of the condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula:

$$P = D + (D \times V)$$

Where:

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

14 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

15 Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

16 Where the film classification body is specified in the licence, unless subsection (12)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

17 Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

18 In this section "children" means any person aged under 18; and

"film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

19 Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

20 But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

21 For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule

1 **General - all four licensing objectives**

2 All bar staff will be trained in the basic law relating to the safe/supply of alcohol and a record of who has received this training will be kept at the premises.

3 There will be a 30 minute "chill out" period after all licensed activities cease (except late night refreshment) before the premises are closed.

4 **The Prevention of Crime and Disorder**

5 The Licensee, that is the person in whose name the premises licence is issued, shall ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the Licence and for preventing crime and disorder.

6 All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol on the premises.

7 A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

8 A conspicuous notice must be displayed on or immediately outside the premises, or which is immediately adjacent to the premises, which gives details of any restrictions relating to the admission of children to the premises.

9 No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage.

10 The Licensee will ensure that there are sufficient staff on the premises to be able to monitor the behaviour of customers whilst inside the premises and take action to alert the Police and prevent problems escalating.

11 CCTV will be installed covering entrances, bar and dance areas, maintained in good order, and recordings will be kept for a minimum of 31 days for inspection by the Police or other responsible authorised authority.

12 Door supervisors will be employed during the late evening and early hours of the morning following proportionate to the perceived risk.

13 An incident book will be provided and available for inspection by the Police and responsible authorised authorities.

14 The Licensee or a responsible person will monitor patrons leaving the premises, especially during the terminal hour to assist in a quiet and orderly dispersal of patrons.

15 A minimum of 2 SIA registered door supervisors will be employed from opening until close of business every Friday and Saturday night. On other nights, a minimum of 1 SIA will be employed from opening until close.

16 There shall be in place, a Code of Conduct for the striptease performers. Each performer is to sign a copy of the code of conduct before being allowed to commence dancing at the premises and this is to be available on site to Police or Licensing Officers on request. A copy of the Code of Conduct will be submitted to the Police and Licensing Authority.

17 The premises will use the link radio scheme (Alert Project 150) operating in the City Centre Night Time Economy to report incidents of disorder at the premises. Use of the link radio does not negate responsibility of the venue to also report incidents to Police via other channels if a Police response would be reasonably required. (This scheme is primarily intended as an information sharing mechanism between premises i.e. details of any individuals ejected or turned away from the venue). The venue will ensure that all subscription charges are paid for the duration of the scheme. This condition is strictly only enforceable whilst the terms and conditions of Project 150 are available.

18 There will be no entry to the premises by customers, between 0345 and 1000 hours on any day, except for existing customers returning from a defined smoking area adjacent to the premises.

19 **Public Safety**

20 The provision of the Regulatory Reform (Fire Safety) Order 2005 apply to these premises and accordingly all fire and health & safety risk assessments will be fully implemented.

21 **The Prevention of Public Nuisance**

22 Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining properties.

- 23 Premises must remove their waste and refuse in a timely manner to a licensed waste disposal facility.
- 24 An adequate number of staff must monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.
- 25 Volume levels from licensable music, both live and recorded, will be monitored by responsible persons throughout the period both inside and outside the premises with particular regard to excessive noise to neighbouring properties.
- 26 Doors (except for access and egress) and windows will be kept closed when licensable music is being played.
- 27 **The Protection of Children From Harm**
- 28 All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol on the premises.
- 29 A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.
- 30 No children under the age of 18 years to be allowed access to that part of the premises during any time when an activity or entertainment of a sexual nature is being provided.

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

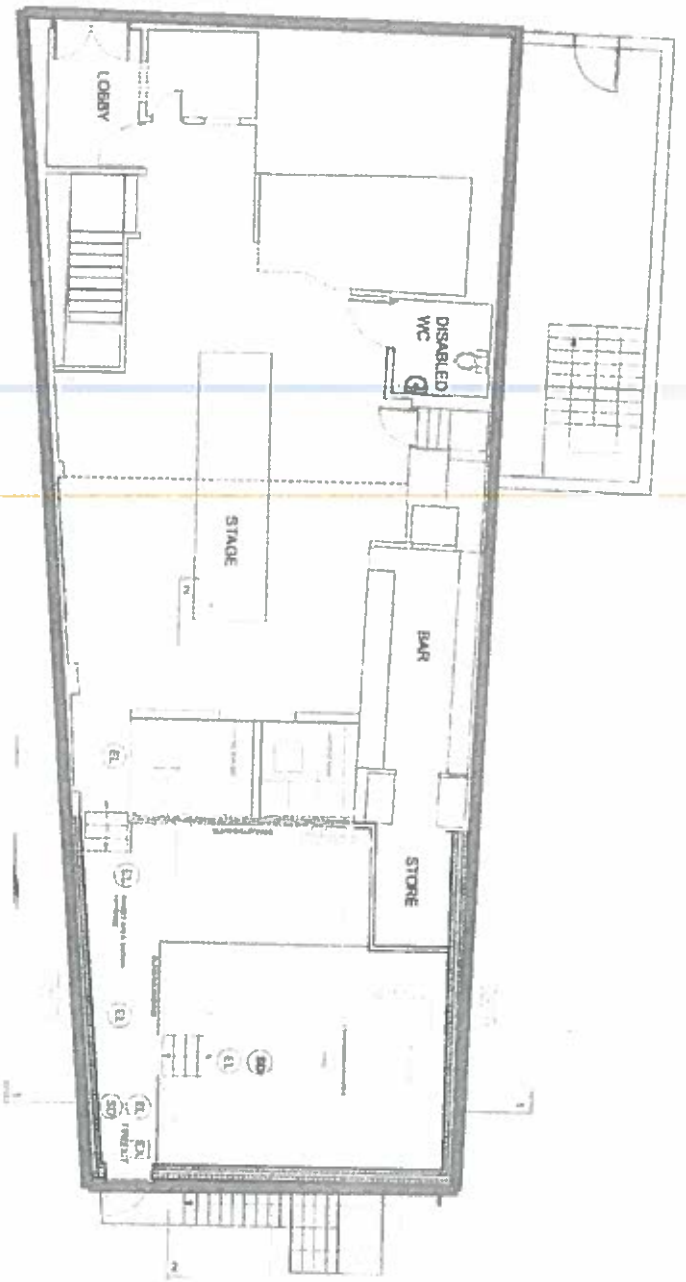
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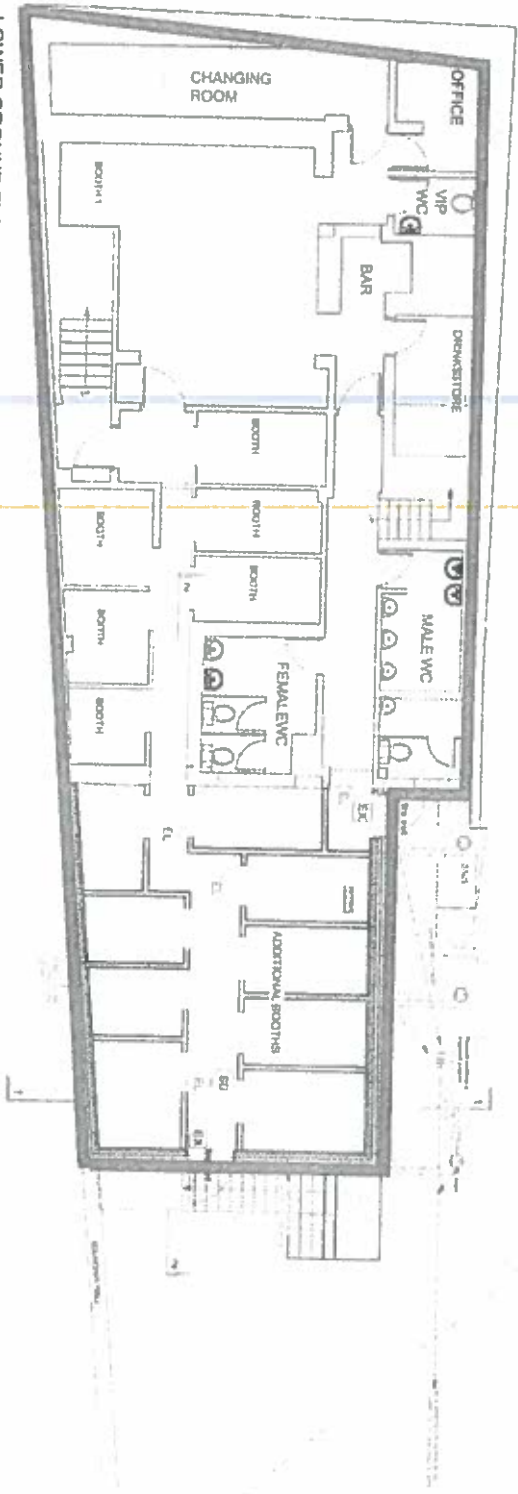
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Annex 4 – Plans



GROUND FLOOR

RECEIVED
18 MAR 2016
LICENSING OFFICE



LOWER GROUND FLOOR

Licensed Area



Norwich
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 17

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

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

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

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

☐ Applying as an individual

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

Applicant Business

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

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

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

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

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

34,500

Section 3 of 17

VARIATION

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

☒ Yes

☐ No

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

☐ Yes

☒ No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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

To allow no loss of trading time during the clocks changing and to amend our opening hours to match our SEV application.
Note - not applying to amend sale of alcohol hours.

Section 4 of 17

PROVISION OF PLAYS

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

☐ Yes

☒ No

Section 5 of 17

PROVISION OF FILMS

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

☐ Yes

☒ No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

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

Continued from previous page...

☐ Yes

☒ No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

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

☐ Yes

☒ No

Section 8 of 17

PROVISION OF LIVE MUSIC

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

☐ Yes

☒ No

Section 9 of 17

PROVISION OF RECORDED MUSIC

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

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 10:00

End 06:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 10:00

End 06:00

Start

End

WEDNESDAY

Start 10:00

End 06:00

Start

End

THURSDAY

Start 10:00

End 06:00

Start

End

FRIDAY

Start 10:00

End 06:00

Start

End

SATURDAY

Start 10:00

End 06:30

Start

End

Continued from previous page...

SUNDAY

Start 10:00

End 04:00

Start

End

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

☒ Indoors

☐ Outdoors

☐ Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

as existing

State any seasonal variations for playing recorded music.

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

On the day that British Summer Time commences, one additional hour extension to regain the lost hour due to the clocks changing.

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

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

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

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

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 10:00

End 06:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 10:00

End 06:00

Start

End

Continued from previous page...

WEDNESDAY

Start 10:00

End 06:00

Start

End

THURSDAY

Start 10:00

End 06:00

Start

End

FRIDAY

Start 10:00

End 06:00

Start

End

SATURDAY

Start 10:00

End 06:30

Start

End

SUNDAY

Start 10:00

End 04:00

Start

End

Will the performance of dance take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

as existing

State any seasonal variations for the performance of dance.

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

On the day that British Summer Time commences, one additional hour extension to regain the lost hour due to the clocks changing.

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

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

Continued from previous page...

Section 11 of 17

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

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

☐ Yes

☒ No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

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

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 10:00

End 06:00

Start

End

TUESDAY

Start 10:00

End 06:00

Start

End

WEDNESDAY

Start 10:00

End 06:00

Start

End

THURSDAY

Start 10:00

End 06:00

Start

End

FRIDAY

Start 10:00

End 06:00

Start

End

SATURDAY

Start 10:00

End 06:30

Start

End

SUNDAY

Start 10:00

End 04:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

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

☒ Indoors ☐ Outdoors ☐ Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

as existing

State any seasonal variations.

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

On the day that British Summer Time commences, one additional hour extension to regain the lost hour due to the clocks changing.

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

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

Section 13 of 17

SUPPLY OF ALCOHOL

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

☐ Yes ☒ No

Section 14 of 17

ADULT ENTERTAINMENT

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

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

as existing

Section 15 of 17

Continued from previous page...

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

On the day that British Summer Time commences, one additional hour extension to the opening hours and the sale of alcohol hours to regain the lost hour due to the clocks changing.

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

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

Continued from previous page...

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

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

Section 16 of 17

LICENSING OBJECTIVES

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

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

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

as before

b) The prevention of crime and disorder

as before

c) Public safety

as before

d) The prevention of public nuisance

as before

e) The protection of children from harm

Continued from previous page...

as before

Section 17 of 17

PAYMENT DETAILS

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

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

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

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

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

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

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

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

* Fee amount (£)

DECLARATION

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

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

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

* Full name

* Capacity

Continued from previous page...

* Date

/ /
dd mm yyyy

Add another signatory

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

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

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

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Sugar and Spice"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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

Shearman, Anthony

From: Bartram, Michelle <bartramm@norfolk.pnn.police.uk>
Sent: 04 July 2017 14:40
To: 'Gavin Tempest'; Shearman, Anthony; LICENSING
Cc: Hand, Alex; 'Simon Goodings'; Woods, Suzanne
Subject: RE: Withdrawal of Police objection - Sugar & Spice application to vary

Dear all,

Following Gavin's email below, please accept my email as a withdrawal of the Police objection to the application for Sugar and Spice

Thank you for all your help

Regards

Michelle Bartram

Licensing Officer

Licensing

Norfolk Constabulary

Bethel Street Police Station

Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025

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

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

From: Gavin Tempest [mailto:gavinjtempest@gmail.com]
Sent: 04 July 2017 14:03
To: 'Shearman, Anthony'; Bartram, Michelle; 'LICENSING'
Cc: 'Hand, Alex'; 'Simon Goodings'
Subject: RE: Withdrawal of Police objection - Sugar & Spice application to vary

Dear all,

On behalf of my clients, Simon Goodings and Daz Crawford, I confirm that we accept the proposed re-wording:

Between 0500-1000 hours on any day, customers will not be allowed outside the premises other than for the purposes of final exit, with no re-entry being permitted. Also between these times all barriers and other items associated with the premises will be removed from the outside area at the front of the premises.

Please acknowledge receipt and let us know when the Police objection has been formally withdrawn.

Thanks and regards,
Gavin



National Licensing Associates

NLA. One stop - services for pubs, bars, clubs, restaurants and take-aways

<http://www.nla.solutions>

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From: Shearman, Anthony [<mailto:AnthonyShearman@norwich.gov.uk>]
Sent: 04 July 2017 13:50
To: 'Bartram, Michelle' <bartramm@norfolk.pnn.police.uk>; LICENSING <LICENSING@norwich.gov.uk>
Cc: 'Gavin Tempest (gavinjtempest@gmail.com)' <gavinjtempest@gmail.com>; Hand, Alex <AlexHand@norwich.gov.uk>
Subject: RE: Withdrawal of Police objection - Sugar & Spice application to vary

Michelle,

Further to our conversation on Friday regarding the enforceability of the below condition, I have forwarded the paperwork to our committees officer, with the Police representation still included at this time, however an update can be given to the ctte on the day if it is resolved.

My concerns re the proposed condition are 2 fold.

1. Firstly, the way it reads is that the condition appears to be in 2 parts. The first part says 'Customers will not be allowed to go outside to smoke' and the second part, 'all smoking barriers are removed after 5am'. This tends to suggest that customers will never be allowed to go out to smoke, rather than what I assume is intended, that this applies only after 5am.
2. Secondly where it states that the 'barriers are removed after 5am', this leaves room for interpretation such as '...well I removed them at 6am which is after 5am! ...'

I would suggest that an alternative wording might be :-

Between 0500-1000 hours on any day, customers will not be allowed outside the premises other than for the purposes of final exit, with no re-entry being permitted. Also between these times all barriers and other items associated with the premises will be removed from the outside area at the front of the premises.

This is only a suggestion so if you wish to amend please feel free to do so.

If an alternative wording is agreed then I will need specific confirmation from the applicant/Gavin (just a minor point but the email trail below does not detail what has been agreed by the applicant as Gavin's email comes before yours rather than after)

Regards ... Tony

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

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

From: Bartram, Michelle [<mailto:bartramm@norfolk.pnn.police.uk>]
Sent: 30 June 2017 16:35
To: LICENSING; Shearman, Anthony
Cc: 'gavinjtempest@gmail.com'; Woods, Suzanne; Brooks, Darren
Subject: FW: Withdrawal of Police objection - Sugar & Spice application to vary

Hello Licensing

Please note that Police Licensing have agreed with the applicant for the following condition to be added to the Premises Licence for Sugar & Spice:

- ***Customers will not be allowed to go outside to smoke and all smoking barriers are removed after 5am'***

With this agreement, please accept this email as a withdrawal to the Police objection to the extension of hours.

I have included the email below from the applicant's representative.

Regards

Michelle Bartram
Licensing Officer

Licensing
Norfolk Constabulary
Bethel Street Police Station
Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025

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From: Gavin Tempest [<mailto:gavin.tempest@gmail.com>]
Sent: 30 June 2017 16:20
To: Bartram, Michelle
Subject: Re: Representations made on the variation to Sugar & Spice Premises Licence

Hi Michelle,

Thanks for considering it again.

We will go for the wording that you proposed earlier.

Please confirm this agreement (if possible) via the Police withdrawal of objection to the variation to Norwich City Council.

I hope you have a great weekend....

Regards,
Gavin

Sent from my BlackBerry 10 smartphone.

This e-mail carries a disclaimer

Go here to view [Norfolk Constabulary Disclaimer](#)

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Scanned by the Email Gateway.

This email has been scanned by the Symantec Email Security.cloud service.

Bennett, Rachel

From: Cllr Grahame, Lesley
Sent: 18 June 2017 20:14
To: LICENSING
Cc: Cllr Price, Ben; Cllr Henderson, Jo; Cllr Schmierer, Martin; Hanks, Olivia
Subject: Objection, Sugar and spice
Attachments: Sugar n Spice clock change.odt

Dear colleagues

I object to the application for Sugar and Spice to open additional hours when the clocks change, on top of their 'usual, but not yet licensed' 10am to 6am and I attach my objection it.

I object to the License application on the basis of

All of the Licensing Objectives,

SEV license has not yet been granted and there is a question mark over whether due process has been followed

Cumulative Impact policy

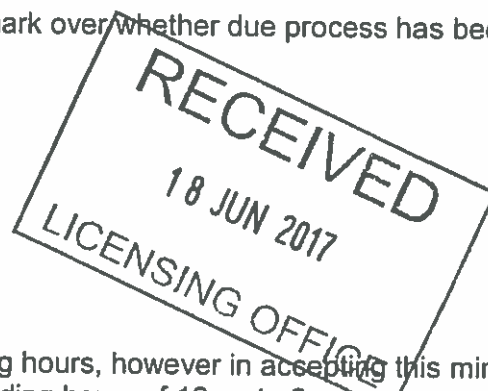
Equality Policy

Council's Corporate aim of being a fair City for all

This particular application is a seemingly small addition to trading hours, however in accepting this minor amendment, there would be an implication that the proposed trading hours of 10am to 6am are acceptable, and this has not been decided

Best wishes

Lesley Grahame
 Thorpe Hamlet Ward Councillor

**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)	Councillor Lesley Grahame, Thorpe Hamlet Ward
Postal address	7 Railway Cottages, Hardy Road, NR1 1JW
Email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you wish to support or object to	Sugar and Spice
Address of the premises you wish to support or object to.	39 Prince of Wales Road, NR1 1BG

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

Licensing Objective	<i>Please set out your support or objections below. Please use separate sheets if necessary</i>
To prevent crime and disorder	<p>Bars and pubs can get around the licensing regime by holding sexual entertainment events on an 'occasional basis'</p> <p>If policymakers acknowledge that sexual entertainment requires a specific kind of regulation, then it is inconsistent that they allow venues to hold unlicensed sexual entertainment events, ever. Furthermore, venues hosting infrequent lap dancing events are even less likely to have in place the necessary facilities and security measures to safeguard the female performers, who are thus at higher risk of being victims of crime. See additional sheet</p>
Public safety	<p>There are studies showing that crimes against women increase in areas where lap-dancing clubs proliferate, and in countries where gender inequality is worse. Proliferation makes gender equality worse and increases the risk as well as the fear of crime, and is incompatible with the Norwich's equality policy.</p> <p>https://www.theguardian.com/world/2008/mar/19/gender.uk http://www.hertsequality.org/downloads/content/Corporate%20Sexism.pdf</p> <p>The Camden study is contested by the industry, as one would expect, but this is neither objective nor conclusive. Local residents are not willing to have the additional risks imposed on them by adding sexual arousal to the mix of alcohol-induced dis-inhibition.</p> <p>The additional risk is further complicated by the location opposite another Bar 52, so there is no option for those who wish to, of crossing the road to avoid an SEV.</p> <p>See additional sheet</p>

<p>To prevent public nuisance</p>	<p>The presence of SEVs has been shown to increase demand for prostitution in Edinburgh http://www.womenssupportproject.co.uk/userfiles/file/uploads/Challenging_Men%C2%92s_Demand.pdf</p> <p>and sexual violence in Newquay http://www.telegraph.co.uk/news/uknews/law-and-order/9284609/Lapdancing-clubs-encourage-rape-and-sexual-assaults-claims-police-chief.html</p> <p>See additional sheet</p> <p>There is no reason to think these findings would not apply to Norwich, unless Norwich conducts its own research.</p>
<p>To protect children from harm</p>	<p><i>The council's licensing policy states:</i></p> <p><i>16.1 Where the activities specified in an operating schedule include striptease, or any other kind of nudity (e.g. lap dancing, table dancing, pole dancing or topless waitresses) the council will take into consideration any increased risk to the promotion of the licensing objectives. In particular, the council will expect the applicant to have given particular consideration to the promotion of the licensing objectives in relation to the protection of children and the prevention of crime and disorder.</i></p> <p><i>16.2 Where applications for premises licences or club premises certificates include striptease or any other kind of nudity in the licensable activities, the council will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to attend.</i></p> <p><i>The emerging SEV policy calls for consideration of</i></p> <p><i>11.1 Relevant Localities</i></p> <p><i>In considering the characteristics of a locality the Licensing Authority shall particularly take account of the density and proximity of:</i></p> <p><i>(1) schools, nurseries, crèches, youth hostels and other similar educational or recreational facilities attended by children,</i></p> <p><i>(2) parks and children's play areas,</i></p> <p><i>(3) residential and sheltered accommodation,</i></p> <p><i>(4) religious and community buildings,</i></p> <p><i>(5) alcohol or entertainment licensed premises,</i></p>

	<p>(6) other retail units (and their uses).</p> <p>Sugar and Spice is 100m from Norwich Central Mosque, the Evangelical Free Church and Charles Darwin Primary School.</p> <p>The presence of strip clubs sends damaging messages to children and young people in the surrounding area, given how they portray male and female roles and relations. This is harmful to boys and girls who are learning their identities. It is naive to think that the clubs affect only the people who enter them, especially since there are no clear government guidelines to regulate billboard advertising, signage and leafleting for lap dancing in the local areas. See additional sheet</p>
--	--

<p>Please suggest any conditions which would alleviate your concerns.</p>	<p>Contracts and Living wage for dancers & all staff. Regular, unannounced inspections and enforcement of policy rules. Zero tolerance to harassment/assault +Warnings to men about prosecution of assault Confidential whistle-blowing mechanism Cap on number of SEVs in City/LNAZ/Prince of Wales Road</p> <p>As suggested in Lambeth: https://modern.gov.lambeth.gov.uk/documents/s32548/02d%20Sex%20Establishment%20Policy%20Stage%202%20EIA%202.pdf</p> <p>i). Conditions proposed by the Chair of the Institute of Licensing</p> <ol style="list-style-type: none"> 1. No contact between performers and audience and a minimum of 1 metre separation between performers and audience. 2. Performers confined to stage area. 3. Prevention of fining performers. 4. Zero tolerance policy on customers who break rules of conduct. Contravention warrants a lifetime ban from the premises. 5. Prohibition of private booths. 6. CCTV coverage of all public areas. LBL/PEP/EIA Report Template/V. August 2010/JRT 12 7. Controls on exterior advertising and signage. 8. Prohibition of advertising in public spaces, including on billboards, telephone booth boards, and leafleting. <p>ii). Conditions proposed by the Fawcett Society</p> <ol style="list-style-type: none"> 1. A register to be kept of all staff working each night and valid proof to be held on the premises of the age of each of the performers. 2. No fee to be charged by any club to a performer for working in the club. 3. Police to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges. 4. No smoking areas to be allowed at the front of clubs to minimise the potential harassment of women living, working and passing through the area. All smoking areas must be in private areas away from public spaces. 5. No advertising allowed in media that is not exclusively aimed at adults – this would exclude local and family newspapers for example. <p>These suggestions would help a little, they not outweigh my objection, which would still stand, even if these conditions were met, for the reasons given above and below</p>
--	---

Signed: Cllr Lesley Grahame

Date: 17/6/17

Duty to promote equality

All local authorities have a legal obligation under the Public Sector Duty of the Equality Act 2010 to eliminate unlawful gender discrimination and harassment and to promote equality of opportunity between women and men. Article 1 of the Convention on the Elimination of Discrimination Against Women (CEDAW) states that discrimination against women means:

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying

the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

A report by End Violence Against Women and London Metropolitan University, *Sexualised Sexism: popular culture, sexualisation and violence against women and girls* states that: "Since violence against women and girls is defined by the United Nations as cause and consequence of gender inequality, rooted in, and also reproducing, disparities in power, economic resources and respect¹, sexist, sexualised representations of gender play a part in creating environments where violence becomes possible."

Link between SEVs and increased crime

The council's assertion that there is no link between SEVs and crime and disorder is unsubstantiated. There is clear evidence that women working in SEVs are likely to be victims of sexual violence and exploitation. Research has also found a link between lapdancing clubs and prostitution (see Bindel 2004).
<http://secondaryeffectsresearch.com/files/Edinborough.pdf>

A report by the Lilith Project which looked at lap-dancing in Camden Town found that in the three years before and after the opening of four large lap-dancing clubs in the area, incidents of rape in Camden rose by 50%, while sexual assault rose by 57%. It also concludes that the existence of lap-dancing clubs has a negative effect on the community, that areas where lap-dance clubs operate have become 'no-go' for women who feel uncomfortable walking by, and that men have been harassed by personnel offering them sexual services.

One body of research on strip clubs in the US found that all dancers had suffered verbal harassment and physical and sexual abuse while at work; all had been propositioned for prostitution; and three-quarters had been stalked by men associated with the club.

<https://www.theguardian.com/world/2008/mar/19/gender.uk>

From a Glasgow City Council report on table-dancing:

In the study 'Stripclubs According to Strippers: Exposing Workplace Sexual Violence' by Kelly Holsopple published in 1998 (Appendix 1) it is noted that '100% of the eighteen women in the survey report being physically abused in the strip club. The physical abuse ranged from three to fifteen times with a mean of 7.7 occurrences over their involvement in stripping. 100% of the eighteen women in this study report sexual abuse in the strip club. The sexual abuse ranged from two to nine occurrences with a mean of 4.4 occurrences over the course of their involvement in stripping. 100% of the women report verbal harassment in the strip club. The verbal abuse ranged from one to seven occurrences with a mean of 4.8 occurrences over the course of their involvement in stripping.'

<https://www.glasgow.gov.uk/C/HttpHandler.ashx?id=1776&p=0>

Norwich City Council Licensing Authority
Licensing Act 2003

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

EXTENDED OPENING TIMES.
Ref: 17/00785/PREM

Your name/organisation name/name of body you represent (see note 1)	Mr Christopher Hillsden
Postal address	75, MAIDSTONE ROAD, NORWICH, NORFOLK, NR1 1EA.
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	SUGAR AND SPICE
Address of the premises you wish to support or object to.	39, PRINCE OF WALES ROAD, NORWICH, NORFOLK, NR1 1BS.

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	I OBJECT. ON THE BASIS THAT, SOME PEOPLE ATTENDING THIS PREMISE MAY, AND HAVE, ASSAULTED PEOPLE (GIRLS) IN THE AREA. I KNOW SOMEONE THAT IT HAS AFFECTED BUT! DID NOT REPORT IT.
Public safety	I OBJECT. AS ABOVE.
To prevent public nuisance	I OBJECT. BECAUSE OF THE NOISE AND COMMOTIONS BY THE EMPLOYEE'S (DANCERS) AND OTHER STAFF LEAVING THIS PREMISE IN THE EARLY HOURS OF THE MORNING FROM: 5AM - 6AM (i.e.. SLAMMING OF DOORS, SHOUTING, CARS RUNNING (TAXIS) AND GENERAL MELLEE, ALL THIS MENTIONED, HAPPENS AT THE BACK OF THE PREMISE (CLUB) NOT THE FRONT DOOR.
To protect children from harm	TO ME TO ME ALL CHILDREN SHOULD BE IN BED, BUT! IT IS ALSO POSSIBLE THAT, LIKE ME, THEIR SLEEP MAY BE AFFECTED? LIKE MINE, AND, MY NEIGHBORS.

Please suggest any conditions which would alleviate your concerns.	I OBJECTED THE OPENING OF THIS CLUB IN THE FIRST INSTANCE BECAUSE OF THE NOISE ALREADY BEING HEARD FROM IT. I SUGGEST THAT THE OWNER OF THIS PREMISE MAKES SURE THAT, HIS STAFF (ALL STAFF INCLUDING DANCERS) LEAVE, BY THE ACTUAL ADDRESS OF THIS PREMISE IN - 39, PRINCE OF WALES RD, NORWICH, NR1 1BS. <u>NOT</u> THE BACK OF IT!
--	--

Signed:

Date: 2 JUNE 2017

Please see notes below



Bennett, Rachel

From: Cllr Price, Ben
Sent: 19 June 2017 09:19
To: LICENSING
Cc: Streeter, Ian; Stephenson, Michael; Cllr Grahame, Lesley; Cllr Henderson, Jo
Subject: Support of Objection

I hereby fully support the objections raised by Cllr Grahame in regard to the Licence alteration of Sugar and Spice and wish my name be added to the list of objections with the reasons provided by Cllr Grahame.

Many Thanks

Cllr Price



Bennett, Rachel

From: mary cozens [REDACTED]
Sent: 19 June 2017 10:59
To: LICENSING
Subject: Lap Dancing Venues on Pringe of Wales Rd.

I fully endorse the objections to the granting of licenses sent in by councillor Leslie Graham and also the Muslim community (Rose Lane). The disorder caused on the street and the danger to children (drunk parents) is is truly objectional.

Bennett, Rachel

From: Helen Dawson
Sent: 19 June 2017 10:59
To: LICENSING
Cc: Cllr Grahame, Lesley; Clive Lewis; Office of Clive Lewis MP; Clive Lewis MP; Cllr Price, Ben; Cllr Henderson, Jo
Subject: Sexual Entertainment Venues - Prince of Wales Road / Norwich City Centre

To whom it may concern - Licensing.

As a local resident, I am pleased to hear that Norwich City Council has taken steps to require all Sexual Entertainment Venues to apply for a licence. I understand that, before authorisation, the public must be consulted and comments invited, for example, by a statement in the local press.

I have not seen any public announcements about licensing for SEVs and I am requesting that the granting of licences should be delayed in order to give local residents to consider the applications and make comments.

I made my objections previously to a change in use to sexual entertainment venue. As a local resident who would like to contribute to the economy of Prince of Wales Road, I am disappointed that it still presents a mono-culture of bars, clubs and drinking places. This lack of diversity creates an atmosphere on Prince of Wales Road that I find unpleasant and intimidating. This is not only my own experience – 70% of Tripadvisor reviews are “Poor” or “Terrible”.

I understand **Sugar and Spice has applied to extend its opening hours to 10 am - 6 am**. Allowing this extension will serve only to further embed the exclusive culture on Prince of Wales Road. Of particular concern is the close proximity of the local primary school. The presence of lap dancing clubs sends damaging messages to children and young people. Such clubs affect people on the periphery, not just their customers, especially as there are no clear government guidelines to regulate billboard advertising, signage and leafleting for lap dancing. I believe that local councils have a responsibility towards vulnerable members of society - a lack of regulation creates a culture where the most vulnerable in society are not protected.

I have previously said, and repeat now, I would like Norwich City Council to encourage economic diversity on Prince of Wales Road, to include venues where a broader section of residents and visitors would feel comfortable contributing to *both* day time and night time economy. This would benefit the community and the economy of the whole city.

I referred earlier to comments on Tripadvisor. I was ashamed and embarrassed to read them and should like to take this opportunity to draw them to the attention of local Councillors and the MP. I would like to feel proud of the area in which I live.

These comments include:

- “It’s honestly a shame that such a wonderful, beautiful and historical city has such a hell-hole on the doorstep of the station”
- “Only come down here on a weekend night if you want to go to a bar or club. It gets crowded and the likelihood of trouble can be high. Definitely not the most picturesque place to be”
- “Taking your life in your hands”
- “.....Night clubs, fights, police, drunks, beggars, vomit, grubbiness... It makes me sad, because I love this city.”
- “Awful long Street full of bars, clubs, takeaways and drunks. Our hotel was only accessible down this road from the city so had to use. OK in day but on a Friday night, awful. People being sick, 1 couple fighting, people hassling with fliers and police everywhere! At one end, Complete Angler and Hotel Nelson

were lovely and the Prince of Wales Pub at other end very nice too though only visited this one earlier in evenings."

- "Prince of Wales Road is very much a product of Norwich City Council. They have turned this street into one of the most undesirable places in Norwich by having a policy of allowing it to become one big bar and take away. In normal circumstances, a council would balance the street with different outlets and businesses - as it once was - but now it has been turned into a street largely aimed at the lowest common denominator, which is neither cheap nor cheerful."

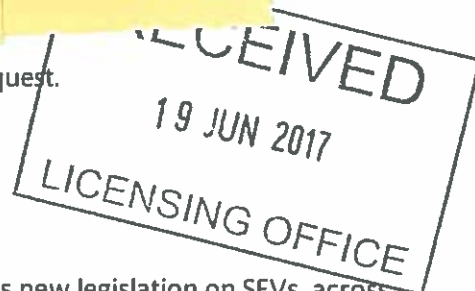
Thank you.

Helen Dawson



Bennett, Rachel

From: Jessica Goldfinch
Sent: 19 June 2017 10:48
To: LICENSING; Palmer, Lucy
Cc: [REDACTED]
Subject: SEV applications objection & scrutiny 'call in' request.
Importance: High



Dear Sir/ Madam,

I was part of the group who pushed for the adoption of the previous government's new legislation on SEVs, across the noughties decade.

1) After many years, my understanding was that this legislation was finally adopted by Norwich City Council. It gives 'new' powers to refuse SEV applications/variations and/or cap the numbers of SEVs in our city.

Also, sexual signage outside the SEVs can be prohibited and is not currently enforced; just walk down Prince of Wales Road.

2) I placed my name on the subscribers' list to receive notifications of SEV applications and have never received one. Likewise, I have yet to see any overt notifications either in my inbox, the press or at the venues themselves.

Clearly, something has gone array here.

3) Now that the SEV legislation is in place, it should no longer be a requirement for the public/ council tax payers to take on the job of scrutiny and have to make objections to new applications/ variations. It is exhausting and superfluous. It should be the job of licensing and councillors, on said committee, as our paid and elected representatives to use the SEV legislation and decide what kind on Norwich they/we need or want, especially in this gateway road from the station. Tourists, families, children, everyone has to walk passed the increasing SEVs' presence and sexual advertising.

Review websites are not at all edifying about the 'flavour' of Prince of Wales Road.

https://www.tripadvisor.co.uk/ShowUserReviews-g186342-d214461-r275084666-Prince_of_Wales_Road-Norwich_Norfolk_East_Anglia_England.html

<https://toomuchtosayformyself.com/2009/12/10/some-quiet-backwater/>

Each to their own form of entertainment, but surely the default environment, under the SEV legislation, should be free of sexual imagery and the sleaze and sexually intimidating atmosphere associated with it.

If Norwich City Council wants to create a "red light district", so be it. Put it out for proper consultation, but it should not allow red light by creep-effect along the Prince of Wales.

5) I object to the current Sugar & Spice application on the basis of:

All of the Licensing Objectives,

SEV license has not yet been granted and there is a question mark over whether due process has been followed

Cumulative Impact policy

Equality Policy

Council's Corporate aim of being a fair City for all

6) I ask that scrutiny takes a fresh look at where we are, where we're going with regards to lap dancing venues and about the application process, transparency and implementation of the "new" SEV legislation.

I ask that new SEV applications/variations, including the latest by "Sugar and Spice", (I only heard about this from a councillor and not via my city hall subscriber email), be delayed until a full scrutiny review/ a 'call in' has taken place and that transparency is assured.

Yours faithfully,
Jessica Goldfinch

Sent from my Windows Phone

APPENDIX D

Local Policy considerations

1.0 Introduction

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

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

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

2.0 Consultation and Links to other Policies and Strategies

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

3.0 Applications for Licences

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

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

4.0 Representations

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

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

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

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

13.0 Management of Licensed Premises

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

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

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

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

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

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

Underage drinking

Drunkenness on premises

Public drunkenness

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

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

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

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

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

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

Effective and responsible management of premises;

Training and supervision of staff;

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

Provide sufficient seating for customers;

Patrols of staff around the premises;

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

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

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

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

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

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

Provision of effective CCTV in and around premises;

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

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

Provision of toughened or plastic drinking vessels and bottles;

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

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

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

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

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

Responsible advertising;

Distribution of promotional leaflets, posters etc;

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

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

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

Implement a dispersal policy;

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

24.0 Objective - prevention of public nuisance

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

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

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

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

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

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

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

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

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

Section D – cumulative impact special policy

29.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.

29.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the licensing authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is

therefore primarily a matter for the market to decide and does not form part of this licensing policy statement. (see paragraph 7 of Section A)

29.3 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others;
- the provision of CCTV;
- powers to designate parts of the city as places where alcohol may not be consumed publicly;
- confiscation of alcohol from adults and children in designated areas;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- enforcement action against those selling alcohol to people who are drunk;
- police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise; and
- the power of police, local businesses or residents to seek a review of the licence or certificate.

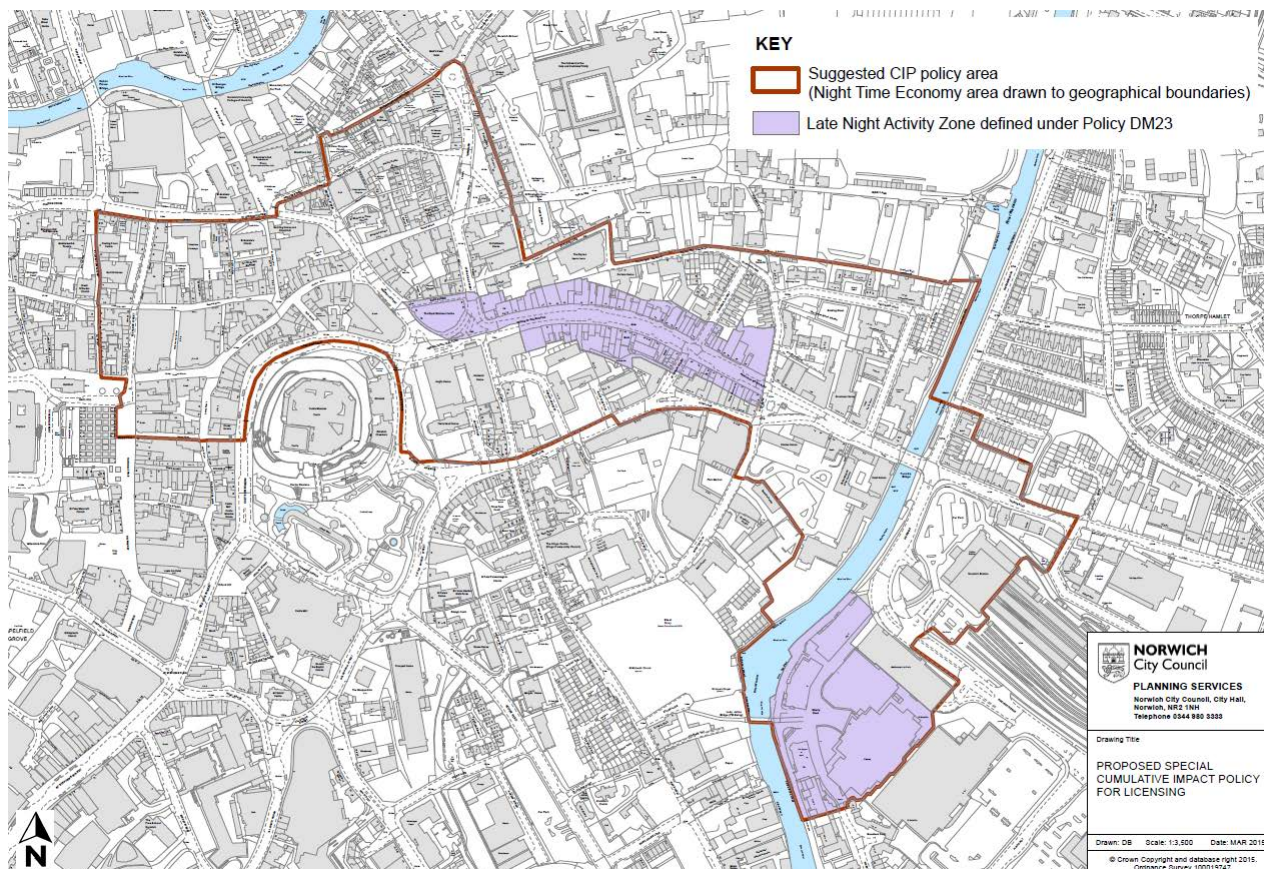
Adopted special policy on cumulative impact

29.4 The licensing authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are causing a cumulative impact on one or more of the licensing objectives.

29.5 The licensing authority received representations from Norfolk Constabulary that the high concentration of premises licensed to sell alcohol and/or provide late night refreshment between the hours of 2100 and 0600 within the police's late night economy public order policing zone produced a detrimental impact upon the licensing objectives.

29.6 The special cumulative impact policy applies to those premises applying for the grant or variation of a licence seeking any of the following licensable activities, between the hours of 2100 and 0600 and within the area indicated on the map shown below:

- the sale by retail sale of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of late night refreshment.



Applications

29.7 The cumulative impact policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates in respect of premises that fall within the designated cumulative impact area will normally be refused if relevant representations are received, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

29.8 An applicant wishing to obtain a new or varied licence for premises falling within the cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.

29.9 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their site. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.

29.10 Despite the presumption against grant or variation, responsible authorities and other persons will still need to make a relevant representation before the council may lawfully consider giving effect to its cumulative impact policy.

29.11 The council recognises that a cumulative impact policy should not be absolute. The circumstances of each application will be considered properly and application for

licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

29.12 This special policy will not be used:

- as a ground for revoking an existing licence or certificate when representations are received about problems with those premises;
- to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (for example, an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives;
- to impose quotas - based on either the number of premises or the capacity of those premises - that restrict the consideration of any application on its individual merits. Quotas have no regard to individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives

29.13 This special policy will be reviewed regularly to assess whether it is still needed or should be expanded.

SECTION E - Hours of Trading

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

APPENDIX E

National Guidance

(issued under section 182 of the Licensing Act 2003)

Licence conditions – general principles

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

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

Each application on its own merits

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

Crime and disorder

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

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

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

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

Public nuisance

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

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

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

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

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

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

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

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

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

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

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

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

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

Conditions attached to premises licence

General

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

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

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

Proposed conditions

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

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

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

Consistency with steps described in operating schedule

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

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

Imposed conditions

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

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

Proportionality

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

Hours of trading

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

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

The need for licensed premises

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