

<b>Report To</b>	Licensing Sub-Committee 28 September 2012	<b>Item</b>
<b>Report of</b>	Head of citywide services	<b>3</b>
<b>Subject</b>	Licensing Act 2003: Application for variation of a Premises Licence -Norwich Tap House Limited, 8 Redwell Street Norwich NR2 4SN	

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## **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 Norwich Tap House Limited 8 Redwell Street Norwich NR2 4SN Y following the receipt of relevant representations.

## **Recommendation**

That Members determine the application for a variation of the premises licence in respect of the Norwich Tap House Limited 8 Redwell Street Norwich NR2 4SN in accordance with the:

- Licensing Act 2003;
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy.

## **Financial Consequences**

The financial consequences for this report are nil.

## **Corporate Objective/Service Plan Priority**

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

**Contact Officer**  
**Ian Streeter**

**Phone No 212439**

## **References**

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

## 1.0 The Application

- 1.1 The applicant is Norwich Tap House Limited of 58 Thorpe Road Norwich NR1 1RY.
- 1.2 The premises licence held in respect of 8 Redwell Street Norwich NR2 4SN currently authorises the following licensable activity on the days and hours shown in the table below:

Sale by retail of alcohol – (activity takes place indoors):

Monday	09:00 – 20:00
Tuesday	09:00 – 20:00
Wednesday	09:00 – 20:00
Thursday	09:00 – 20:00
Friday	09:00 – 20:00
Saturday	09:00 – 20:00
Sunday	09:00 – 20:00

- 1.3 The opening hours of the premises are:

Monday	09:00 – 20:00
Tuesday	09:00 – 20:00
Wednesday	09:00 – 20:00
Thursday	09:00 – 20:00
Friday	09:00 – 20:00
Saturday	09:00 – 20:00
Sunday	09:00 – 20:00

- 1.4 A copy of the current premises licence, including a plan of the premise, is attached to the report as Appendix A.
- 1.5 The applicant is seeking to:
- Remove conditions relating to consumption of alcohol on the premises;
  - Increase the licensed area to include the first floor;
  - Extend the hours for the sale of alcohol and when the premises are open to the public until midnight Monday to Sunday;
  - Add the licensable activities for the exhibition of films (between the hours of 0900 and midnight) and late night refreshment (between the hours of 23:00 and midnight).
- 1.6 The conditions the applicant is seeking to remove from Annex 2 of the current premises licence (Appendix A) are shown below:-

2. “On Sale” – supply of alcohol shall be limited to sale/supply of wine only; for tasting purposes and shall only be dispensed by the tasting machines. No “free pouring” shall be permitted.

8. "On Sale"; it is limited to sale/supply for tasting only and is therefore a restriction on the licence.

10. Licensing hours shall be between 9am to 8pm daily and 7 days a week.

11. Tutored tasting may be held in the basement only and the licence extended to 10pm on such occasions when they will be between 9am and 10pm. There shall be a limit to the number of these events and this shall be 20 events per calendar year and patrons attending these events shall have bought a pre-paid ticket for the event. No casual attendees shall be permitted.

14. Tasting machines to have a restriction on dispensation into a receptacle with a maximum of 50ml by tasting measure.

1.7 The conditions which the applicant is seeking to remove and detailed in paragraph 1.6 above, were attached to the licence by the Norwich Magistrates Court following an appeal by the licence-holder against the decision of the council to refuse to grant a premises licence in respect of a previous application.

1.8 A copy of the plan showing the proposed revised licensed areas (ground and first floors) is attached at Appendix B to the report.

## **2. Relevant Representations**

2.1 The responses from the Responsible Authorities are as follows:

Licensing Authority – No representations.

Police – Representations received.

Environmental Services – 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.

2.2 Relevant representations have been received in respect of the application with concerns appearing to relate to issues that fall under all four of the licensing objectives. Copies of the representations are attached at Appendix C to the report.

2.3 A site map of the area identifying the application premises in relation to the addresses of those individuals / businesses who have made representations will be available at the meeting.

## **3.0 Norwich City Council Statement of Licensing Policy**

3.1 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:

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

- 4.1 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.

## **5.0 Summary**

- 5.1 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.

- 5.2 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

- 5.3 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.

- 5.4 The representations received appear to relate to issues that fall under all four licensing objectives. The Sub-Committee is directed to paragraphs 20, 22, 24 and 26 of the local licensing policy at Appendix C 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.

- 5.5 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

## Schedule 12

Regulation 33,34

### Premises Licence

**Premises Licence Number**

**11/01370/PREM**

#### Part 1 – Premises Details

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

8 Redwell Street  
Norwich  
NR2 4SN

**Telephone number**

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

Not applicable

**Licensable activities authorised by the licence.**

Sale by Retail of Alcohol - Activity takes place indoors

**The times the licence authorises the carrying out of licensable activities**

Sale by Retail of Alcohol	Every Day	09:00 - 20:00
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**The opening hours of the premises**

Monday	09:00 - 20:00
Tuesday	09:00 - 20:00
Wednesday	09:00 - 20:00
Thursday	09:00 - 20:00
Friday	09:00 - 20:00
Saturday	09:00 - 20:00
Sunday	09:00 - 20:00

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

Alcohol is supplied for consumption both on and off the Premise

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

## Part 2

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

100 Degrees North Limited  
58 Thorpe Road  
Norwich  
Norfolk  
NR1 1RY

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

Registered Business Number                      07364645

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

Patrick Fisher  
9 Birchwood  
Norwich  
Norfolk  
NR7 0RL

**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: 276708/93809

Licensing Authority: Broadland District Council

## Annex 1 – Mandatory conditions

1 No supply of alcohol may be made under a premises licence -

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6 (with effect from 1 October 2010)

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

7 (with effect from 1 October 2010)

The responsible person shall ensure that -

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

(i) beer or cider: half pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

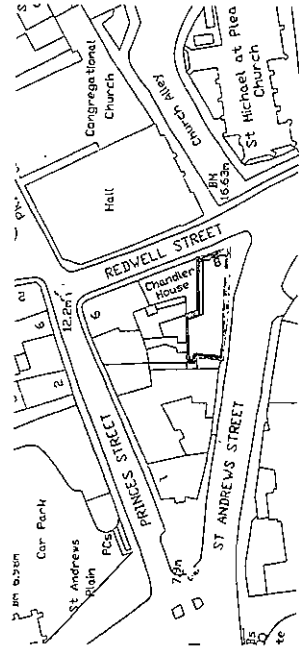
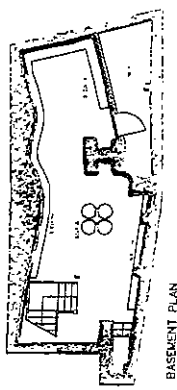
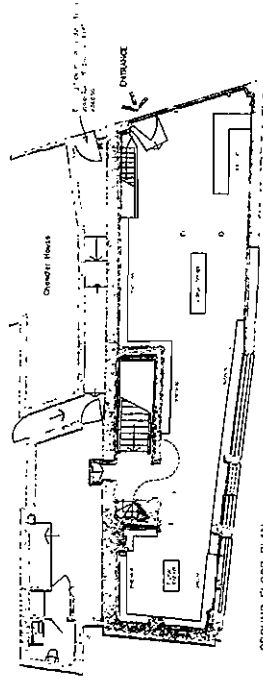
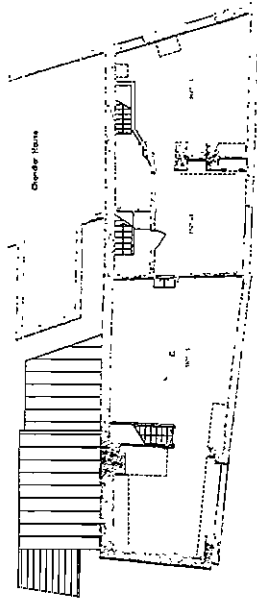
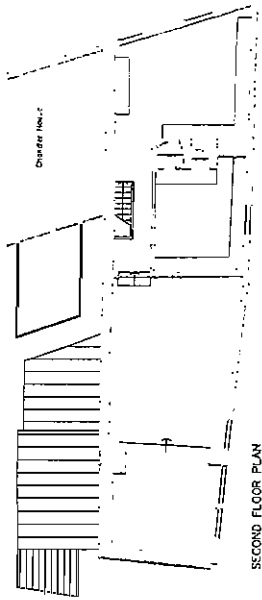


- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

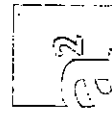
## **Annex 2 – Conditions consistent with the Operating Schedule**

- 1     **The Prevention of Crime and Disorder**
- 2     "On Sale" - supply of alcohol shall be limited to sale/supply of wine only; for tasting purposes and shall only be dispensed via the tasting machines. No "free pouring" shall be permitted.
- 3     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. Such credible evidence shall include a photo of the customer and will either be a current passport, a current photographic driving licence, Portman proof of age card, Citizen card, Connexions card or PASS card scheme.
- 4     A suitably worded sign, of sufficient size and clarity, must be displayed at the point of entry and in a suitable location at any points of sale advising customers that they may be asked to produce photographic evidence of their age.
- 5     The licensee shall not advertise, promote, sell or supply alcoholic drinks in such a way that is intended, or likely, to encourage persons to consume alcohol to an excessive extent.
- 6     A conspicuous notice must be displayed on or immediately outside the premises, adjacent to the entrance to the premises, which gives details of times when the premises are permitted to be open for any licensable activity.
- 7     **Public Safety**
- 8     "On Sale"; it is limited to sale/supply for tasting only and is therefore a restriction on the licence.
- 9     **The Prevention of Public Nuisance**
- 10    Licensing hours shall be between 9am - 8pm daily and seven days a week.
- 11    Tutored tastings may be held in the basement only and the licence extended to 10:00pm on such occasions when it will be between 9.00am and 10.00pm.  
There shall be a limit to the number of these events and this shall be 20 events per calendar year. Patrons attending these events shall have bought a prepaid ticket for the event. No casual attendees shall be permitted.
- 12    Deliveries and collections shall be restricted to a period between 9am - 5pm on any day of the week.
- 13    Clear signage must be erected to ask patrons to leave the events quietly.
- 14    Tasting machines to have a restriction on dispensation into a receptacle with a maximum of 50 ml per tasting measure.
- 15    **The Protection of Children From Harm**
- 16    This issue is covered by the photo ID requirement and proof of age scheme.

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



SITE LAYOUT PLAN  
Scale 1:500



1 NETHERGONESFORD, 10-15 KING ST, 2ET,  
NORWICH NR1 1SW  
Telephone: (01603) 844379  
Facsimile: (01603) 844379  
www.asiaredardirect.co.uk

Client: HAVANA GROUP

Job: 8 REDWELL STREET  
NORWICH -

Drawing title: DETAIL DESIGN PLANS

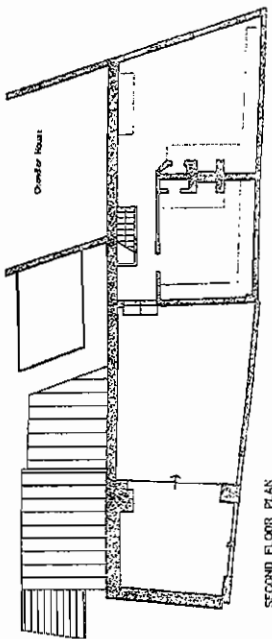
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3/8/2012

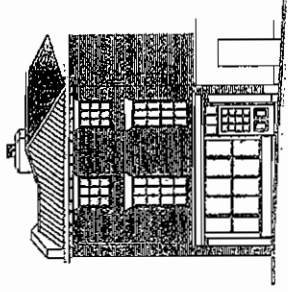
# APPENDIX B

- 1. All dimensions are to the face of the work unless otherwise stated.
- 2. All work is to be in accordance with the Building Regulations and the relevant standards.
- 3. The design is based on the information provided and is not to be used for any other purpose without the written consent of the architect.
- 4. The design is not to be used for any other purpose without the written consent of the architect.
- 5. The design is not to be used for any other purpose without the written consent of the architect.

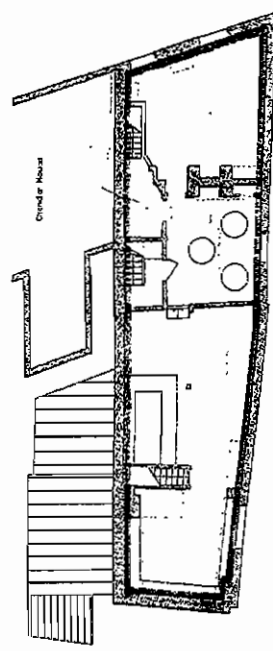
Organisational Development  
30 JUN 2010  
Post Room



SECOND FLOOR PLAN

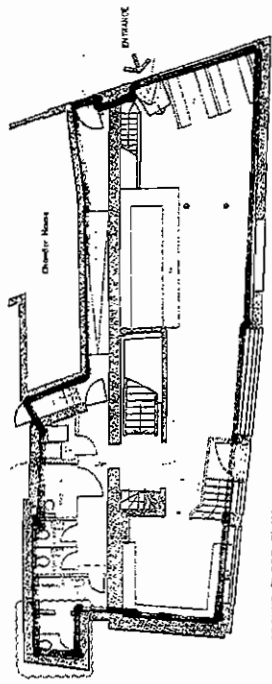
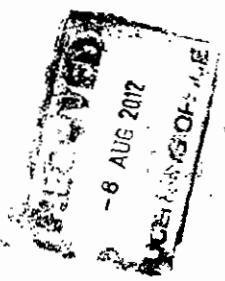


REDWELL STREET ELEVATION

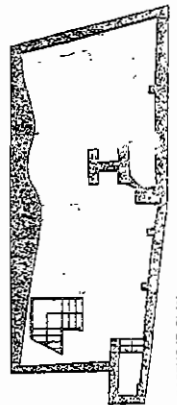


FIRST FLOOR PLAN

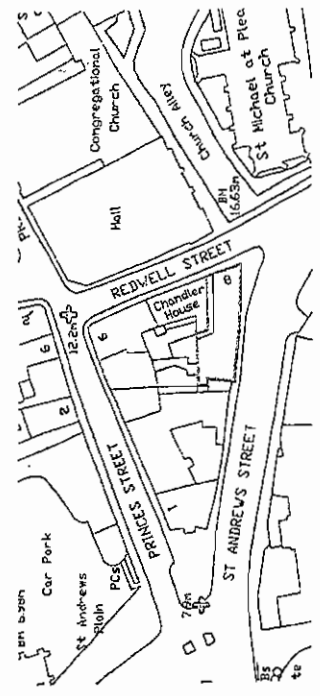
ST ANDREWS STREET ELEVATION



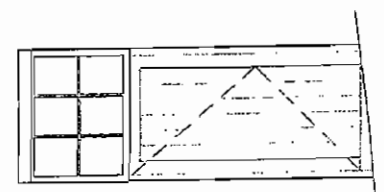
GROUND FLOOR PLAN



BASMENT PLAN



SITE LAYOUT PLAN  
Scale 1:500



NEW DOOR DETAIL B scale 1:25

GLOBAL BINDING ENGINEERS LTD

8 REDWELL STREET  
NORWICH-NEW BAR USE

DETAIL DESIGN PLANS

1:100 @ A1  
OCT 09

PA

EXTENT OF WORKED AREA



# NORFOLK

## CONSTABULARY

*Our Priority is You*

Mr Ian Streeter  
Licensing Manager  
Norwich City Council  
St Peters Street  
Norwich

Date: 7th August 2012

Dear Mr Streeter

**Tap House – 8 Redwell Street, Norwich**

The Licensing Team

Bethel Street Police Station  
Norwich  
Norfolk  
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: [licensingteam@norfolk.pnn.police.uk](mailto:licensingteam@norfolk.pnn.police.uk)

[www.norfolk.police.uk](http://www.norfolk.police.uk)

Non-Emergency Tel: 0845 456 4567

I am writing to you following the application to vary the premises licence for 8 Redwell Street. This variation is to extend the hours of opening and licensable activities, allow use of the first floor and to remove restrictive conditions relating to the consumption of alcohol.

The original intention for this premises licence application was for the purpose of an off licence for the sale of beer and wines where consumption was only required for tasting purposes only. However I am aware that the site is to now be used as a real ale bar which these current conditions would prevent.

It is acknowledged that the application requests the sale of alcohol and closing time of the premises to both Monday-Sunday 0900-0000 daily. It is advisable that there is a 30 minute wind down period between the sale of alcohol and finishing time.

I propose the following amendment to the hours for the sale of alcohol on the licence:

**Sale of alcohol – Monday – Sunday 0900-2330 hrs**

The operating schedule within application offers documented staff training, CCTV coverage of the main areas and an incident book. There is also the offering of door supervision on the application but there is no specification on timings and numbers.

**The Police request that the following conditions are also added to the premises licence:**

- The training record of staff will be available to Police and Licensing Authority on request.
- The CCTV system will be capable of recording footage for a minimum of 31 days. This footage will be available to Police and Licensing Authority on reasonable request.
- A minimum of 1 SIA door supervisor will be on duty from 2100 hrs until close on Friday and Saturday evenings.
- A Challenge 21 Policy will be in use
- The door supervisor will sign on and off duty in a signing in book and this will be available for inspection by Police or Licensing Authority on request.

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

**With these conditions added and the hours reduced for the sale of alcohol, there will be no Police objections.**

I also acknowledge that the application advises that Late Night Refreshment is for both indoors and outdoors however there appears to be no outside area for the premises so I assume this is an error but this will need to be confirmed.

Yours faithfully,

Michelle Bartram  
Licensing Officer

24<sup>th</sup> July  
2012.

19 St. Michael at Pleas  
Exeter HR3 1EP  
- 1 AUG 2012  
LICENSING OFFICE



To  
Officer in Charge  
Licensing Section  
City Hall. HR2 INH

Dear Sir.

Re Wine Shop, 8 Redwell Street

I understand the above wine shop now wish to extend their licensing hours to midnight every day. I object to these changes very strongly - It would so easily end up with crime & disorder.

Yours truly

John Hawksley P.T.O.



P.S This area is full of  
Bars & Restaurants, no more  
needed.

J.H.

-7 AUG 2012

Dear Sirs,

Re: 8 Redwell Street

3 Mandells Court  
Princes Street,  
NORWICH NR3 1AY

3rd August 2012

I would like to register my objection to the application to remove all conditions applied by the Licensing Magistrates, thereby changing the above premises from a wine shop operating on one floor and opening from 9am to 8pm daily to a 3-storey late-night wine bar with extended hours to 12 p.m.

These premises are very close to residential areas including Princes Street and Elm Hill, backing onto properties in Princes Street and directly facing St. Michael at Pleas flats and houses. We in Mandells Court already suffer from late night and early morning loud noise and disorderly behaviour originating from nearby late-night bars and on several occasions have had to call the police to deal with incidents.

It seems to me sad that this 'Cathedral Quarter' is being increasingly threatened with late-night drinking establishments which are potential sources of public nuisance, crime and disorder and I strongly object to the possibility of yet another being allowed into this area, which once was quiet and peaceful as surely its name implies.

Yours truly,  
Margaret Parsons.

Licensing Department  
Norwich City Council  
City Hall  
Norwich  
NR2 1NH



6, Princes Street  
Norwich  
NR3 1AZ

7 August 2010

Dear Sir,

**Objection to variation of licence for 8 Redwell Street Norwich 12/01298/PREM**

I would like to register my objection any granting/variation of licence that would allow the premises of 8 Redwell Street, Norwich, to be run as a bar/drinking establishment rather than as a wine shop, for which it has existing permissions. I did not originally object to the use of this building as a wine shop. However, had I known that the owner was to use the granting of that licence as the jumping-off point for a variation I would have done.

My objections are that should permission be granted, the location of this property and road layout will compromise public safety, create public nuisance and lead to further crime and disorder. I also believe that the application for a variation of licence is opportunist, demonstrating bad faith by the applicants and a cynical attempt to circumvent the original ruling of the licencing panel. My detailed objections are that:

**Public safety will be compromised**

The building is situated at the junction with the principal inner city arterial with the front door less than ten feet away. The Redwell Street itself is reasonably busy and is used by private cars and by numerous taxis and cyclists. Car parking on eastern side of Redwell Street (in constant use) means that the road itself is narrowed to a single car's width; the pavement on the western side of the street by 8 Redwell Street is very narrow also. When smokers come onto the street to smoke, as they will, there is considerable danger that they will disrupt and act as a nuisance to passing pedestrians, but given the narrowness of the pavement outside it is inevitable that they will leave the pavement and:

- (a) disrupt passing traffic as it attempts to use the narrowed road;
- (b) be a danger to themselves, especially if inebriated, given the narrowness of the pavement and the proximity to the main road;
- (c) cause further noise nuisance.

**A drinking establishment at 8 Redwell Street will create a public nuisance**

The building abuts residential properties. There are real concerns that it would in itself, and by the clients that it attracts, act as a noise nuisance in an area. Licensing this building as a bar will cause further antisocial behaviour in an historic quarter of the city that is now beginning to become notorious for such nuisance. In the last year the incidence of antisocial behaviour has risen sharply. As it is, drinkers are sick in the street, fighting and screaming until the early hours on most nights.

## **A drinking establishment at 8 Redwell Street will foster crime and disorder**

Much of the nuisance/antisocial behaviour that happens at night in the vicinity of the area's existing drinking establishments turns into criminal behaviour. Drinkers in the area already commit assaults, urinate in doorways, issue threats and carry out criminal damage. Another bar will simply exacerbate this criminal activity.

In early August, acting in concert with the police, Norwich City Council instigated a campaign to try to reign in the spread of bars and clubs from Prince of Wales Road / Riverside and staggered the opening times of these establishments, presumably in an attempt to contain club land and its nuisance/criminal problems to a more manageable and well-defined area. Granting the variation of licence and allowing 8 Redwell Street as a bar would run counter to the spirit of this initiative.

Allowing this variation will also threaten the "mixed use" of this part of the city in an area that is already well catered for in terms of bars. With the bar in Cinema City, Delaney's Bar, The Doghouse, The Playhouse bar, the Kartel bar on London Street and the numerous drinking establishments on Queen Street, most of which have licences that allow drinking into the early hours, there is already the danger that this important and historic area is becoming subsumed by the sprawl of Prince of Wales Road and its well-documented problems of nuisance and criminal behaviour.

It seems very likely that in trying to vary the licence to turn a wine shop into a bar, the applicants are, rather cynically, attempting to circumvent the original decision of the licencing committee. The application for a wine shop has clearly been viewed as a 'foot-in-the-door' and was made on the assumption that, once granted, a variation to become a bar would be easier to obtain. Indeed, the conversion of the interior of 8 Redwell Street seems to indicate that in the eyes of the applicants, the variation is a mere formality and is certain to be granted, since the interior has been kitted out as a bar with a large bar counter and an apron shelf running along the principal wall. It looks nothing like a wine shop and everything like a bar. Such presumption and apparent cynicism indicates bad faith and should not be tolerated.

The City of Norwich – and this area in particular – stays "alive" because it has a good mixture of private dwellings, commercial offices, cafes, shops and historic attractions. Drinking establishments should be a part of that mixture but they must not be allowed to drive other businesses and residents out and to turn the city centre into a ghost town after 6.00pm.

Yours faithfully

David Cook

Organisational Development
02 AUG 2012
Post Room

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

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

<b>Your name/organisation name/name of body you represent (see note 1)</b>	MRS. DIANA HYAM
<b>Postal address</b> 66	6 ELM HILL NORWICH NR31HW
<b>Email address</b>	
<b>Contact telephone number</b>	

<b>Name of the premises you wish to support or object to</b>	FORMER COUNTRY EASTERN SHOP
<b>Address of the premises you wish to support or object to.</b>	8 REDWELL ST. NORWICH

**Your support or objection must relate to one of the four Licensing Objectives (:**

<b>Licensing Objective</b>	<b>Please set out your support or objections ; Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	OBJECT. This is likely to produce more crime & disorderly conduct in ELM HILL.
<b>Public safety</b>	OBJECT. The pavement is too narrow to allow smoking customers.
<b>To prevent public nuisance</b>	OBJECT. We already suffer night-time noise vomiting in the street. Urinating on my doorstep - broken windows & graffiti. ENOUGH!
<b>To protect children from harm</b>	

<b>Please suggest any conditions which would alleviate your concerns.</b>	Only the refusal of a drinking licence at the premises.
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**From:** Cllr Grahame, Lesley  
**Sent:** 09 August 2012 13:06  
**To:** Planning  
**Subject:** 8 Redwell Street

Dear Council Officers

I object to the application for 8 Redwell Street, on both licensing and democratic grounds. The wine-tasting shop was much contested, as residents had a realistic fear that this was a cover for yet another drinking establishment outside the allocated leisure zone.

This application is to overturn the special conditions that made the allowed use less unacceptable to residents, and may have contributed to the appeal decision to overturn the City's refusal of permission.

In giving way to the proprietor in this way, we would be giving the green light to any developer to ride roughshod over all the licensing objectives, by making incremental applications, each of minor significance, but adding up to development that would

be totally unacceptable if seen as a whole. Previous plans to turn the premises into a bar have been democratically rejected twice, and I see no reason to overturn these decisions, as neither public opinion, nor the licensing objectives have changed.

Crime and disorder are well known to increase with alcohol consumption. This is well policed in Prince of Wales Road, but surrounding areas miss out as they get the fallout from the late night activity zone, without the police resources to manage it.

Public safety would be compromised for the reasons above, and public nuisance increased. Young people need to experiment with alcohol in safe conditions, as ensured by the priority level of policing in a contained area, and the availability of the SOS bus - such protections would not be available to young people, some of whom may be classed as children, outside the designated area.

On behalf of residents, who have a need and a right to enjoy their homes in peace, I hope you will reject this application.

Best wishes

Lesley Grahame  
Thorpe Hamlet Ward Councillor

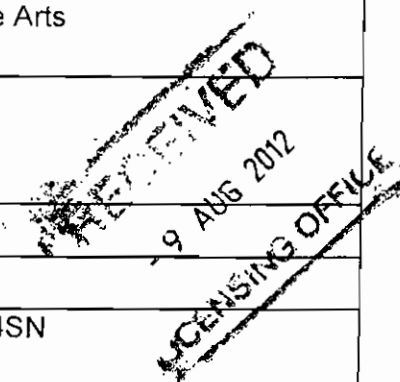
Green Group City Councillors' Office

# Norwich City Council Licensing Authority Licensing Act 2003



**NORWICH**  
City Council

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

<b>Your name/organisation name/name of body you represent (see note 1)</b>	Angela Robson Norwich University College of the Arts
<b>Postal address</b>	3-7 Redwell Street Norwich NR2 4SN
<b>Email address</b>	
<b>Contact telephone number</b>	
<b>Address of the premises you wish to support or object to</b>	8 Redwell Street, Norwich, NR2 4SN
	
<b>Licensing objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary.</b>
<b>To prevent crime and disorder</b>	<p>We consider the premises to be inappropriate for the proposed change in licence conditions. We believe that the intensity of the proposed use - the extended licensed area, longer opening hours and the removal of the conditions relating to consumption of alcohol on the premises - would be of unacceptable detriment to the surrounding area and bring increased likelihood of incidence of crime and disorder for local residents and pedestrians.</p> <p>It is in immediate proximity to professional businesses, residential property and the NUCA education premises. Further, the premises is in a conservation area.</p> <p>CCTV cameras will not be sufficient to deter anti-social behaviour.</p>
<b>Public safety</b>	<p>The nature and structure of the building and its corner location give us considerable concerns for the proposed change in use.</p> <p>The pavement alongside these premises, both in Redwell Street and St Andrews Street, is narrow. We would be extremely concerned about both pedestrian and highway safety and for the additional hazards relating to</p>

	<p>arrangements for bins, servicing, delivery lorries, access to the premises and fire safety.</p> <p>Traffic at this location is particularly heavy and could pose a danger to customers of the bar. Customers leaving the bar could pose a danger to the road users. Additional traffic, such as taxi pick up and set down, would be likely to cause obstruction.</p>
<b>To prevent public nuisance</b>	<p>We have particular concerns over the increased noise levels and disturbance, whether through open windows for ventilation or customers smoking outside and with extended opening hours this will inevitably add to the detriment of people living and working nearby.</p> <p>Mitigation measures for possible noise impact would adversely impact on both the character of the Conservation area and the historic fabric of the building.</p> <p>The extended use of the first floor, including proposed film screenings and required soundproofing is also of a concern.</p> <p>We believe that lifting the conditions from the granted licence would no longer meet the Licensing Objectives.</p>
<b>To protect children from harm</b>	
<b>Please suggest any conditions which would alleviate your concerns</b>	
<b>Signed:</b>	<b>Date:</b>
Angela Robson	07/08/2012

## Notes

1. In order for you to be able to support or object to an application for a premises licence you must live, work or represent a body that is in the vicinity of the premises.
2. Comments of support or objection must relate to the four licensing objectives, which are:
  - to prevent crime and disorder
  - public safety
  - to prevent public nuisance
  - to protect children from harm.



# Norwich City Council Licensing Authority Licensing Act 2003



**NORWICH**  
City Council

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

Your name/organisation name/name of body you represent (see note 1)	SUE SKIPPER - TONY KIMBLE RESIDENTS - TRADERS
Postal address	THE BRITONS ARMS COFFEE HOUSE 67 ELM HILL NORWICH NR3 1HA
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	8 Redwall Street NORWICH NR2 4SU
<p>Licensing objective</p> <p>Please set out your support or objections below. Please use separate sheets if necessary.</p>	
To prevent crime and disorder	See enclosed letter
Public safety	See enclosed letter
To prevent public nuisance	See enclosed letter
To protect children from harm	NA
Please suggest any conditions which would alleviate your concerns	a complete review of the site & trading hours of this establishment
Signed:	Date: 5th August 2012

RECEIVED OFFICE

8.8.2012

RE-  
-9 AUG  
LICENSING

THE BRITONS ARMS,  
9, ELM HILL,  
NORWICH,  
NR3 1HN.

RE;

8 Redwell Street, Norwich, NR2 4SN

Licensing Act 2000; Premises License-Variation.

Dear Mr. Streeter,

We wish to object to the above application for License Variation on the following grounds.

To prevent crime and disorder.

The proposal set out in the application will present an inevitable increase in crime and disorder in this area. Elm Hill is a street of residential and small business use, it is within a Conservation Area. We already experience considerable night time disorder from groups of drinkers moving between the pubs and clubs of Wensum St/Magdalen St. and other venues. A 'vertical drinking' establishment on the scale proposed for 8 Redwell St. will greatly exacerbate this disorder. Elm Hill will become a 'rat run' for even greater numbers. Damage to property, drunken disorder, fighting and public urinating ( and defecating ) are already a regular problems in this historic street. Such goings on are entirely at odds with the expectations of visitors and residents. We wish to maintain the diverse, well maintained and attractive nature of the street and believe that crime and disorder associated with the proposed use for 8 Redwell St. will severely endanger this .

Public Safety

The Princes St. Redwell St. approach to the property is single lane and includes a blind right hand turn. We have serious concerns that this has the potential to become a dangerous bottleneck. A single waiting taxi will be able to block all through traffic along this route. There must be inevitable consequences for the emergency services and for general access and therefor for public safety.

We also share concerns about the safety of the many elderly residents in this area. Redwell St. is the main access from the city center to their homes. Passing the proposed drinking establishment especially after dark will become threatening and possibly dangerous. Their freedom will be curtailed and their safety compromised.

Public Nuisance.

This neighbourhood is characterised by narrow cobbled streets ( and non- double glazed properties). It is currently a sought after residential area and contributes a good example of city center residential use as promoted by Norwich City Council. However, on street noise is a problem for the above reasons and the contribution of large extra numbers of drinkers within the extended hours proposed will undoubtedly increase this problem substantially. However well 'policed' an establishment is there is little control to be had over customers once they have left a venue.

Noise generated within the venue is to be subject to strict controls. It is however our observation that buildings of this nature, with large windows and fragile construction can 'leak' low level noise which causes noise pollution which is beyond statutory controls .We feel that this has the potential to damage the peaceful enjoyment of local residents and to harm the viability of the mixed use of the area.

We refer again to the problems of maintaining small businesses in area where there is public urinating, vomiting and worse. There are numerous suitable alleys and corners.....members might well ask themselves how it feels to have to remove the detritus of other peoples' nights out before trading begins. We have absolutely no wish to increase this unpleasant aspect of our trade.

We conclude that 8 Redwell St. has been the subject of repeated applications and that the associated problems are well understood but only partially resolved. We feel that it remains a highly unsuitable property in an unsuitable position for a drinking establishment of this nature.

Yours sincerely,

Sue Skipper and Anthony Hayden.

3 Princes Street,  
Norwich, NR3 1AZ

8th August, 2012

Licensing  
Legal and Democratic Services,  
Norwich City Council,  
City Hall,  
Norwich NR2 1NH.

Your ref 12/01298/PREM

Re 8 Redwell Street Norwich  
Premises Licence -Variation

Dear Sirs,

My objections to this Premises Licence Variation are because the licence applied for and awarded by the Licensing Magistrates is for a day-time wine shop on the ground floor, not for a three storey late night bar. The variation requested would completely overturn the conditions and trading hours applied by the magistrates. The two businesses are entirely different from each other in their trading practices and consequently on their impact on the neighbourhood.

On the grounds of public nuisance, public safety, and crime and disorder, I ask that this application is refused in its entirety.

The following comments have been accepted by the Licensing Committee in their consideration and refusal of previous applications for a large drinking establishment in these premises:

Three floors licensed for drinking would be a venue with the potential for hundreds of drinkers. The building is old and not constructed to contain the huge noise generated by such crowds. There are large single glazed windows, and no ventilation without having them open. Noise generated anywhere in the surrounding streets ricochets around and in to other buildings. My family have suffered from hugely increased late night noise levels, from both inside and outside premises, since late licensing in 2005/6 and the expansion of late-licensed premises beyond the 'late night zone'. We have effectively lost the use of one of our bedrooms. To say that attracting large numbers of people to late night premises next door would not have a worsening effect on our home is to deny the dismal impact of this trade on city centre residents over the last few years.

A large capacity bar attracts large groups that congregate outside - as they decide whether to go in, wait for friends, see who else is there or walking past, come out to smoke, or talk loudly into their phones, or argue with a partner, or decide where to go next. People rarely arrive or depart neatly one at a time. If they are just outside the door of the premises they will necessarily be on the road because the pavement is wide enough only for one person. There is no smoking area. If they are across the road, (and even if not), Church Alley and the churchyard are vulnerable as lavatories and worse. If they loiter around on St. Andrews Street, they are a beacon for other groups, and will be outside an entrance to our homes. Apart from the noise generated, my family will feel vulnerable and inhibited from

using that gate. It has already been broken into by force. People attracted to a large bar and hanging around outside would notice it more than they do now. Our neighbours in surrounding streets would most probably be as apprehensive as us about making their way through such groups.

Our neighbourhood is vulnerable to the antisocial disorder and vandalism already brought to our doorsteps by late night heavy drinking - broken windows, broken bottles and glasses, use as lavatories, smoking shelters, and places to fight and argue.

Such premises adjoining our home and that of our neighbours can only increase the disturbance of this regular public nuisance. It is, unfortunately, in the nature of that type of business, and a complete contrast to the way customers use a daytime shop.

We have seen over the last six years, that CCTV cameras on the premises do not stop problems just outside on the streets - the premises are not responsible once people have left the building. CCTV is not an answer to crowd disorder out on the streets, neither are door staff. In practice, granting a bar licence does not confine its effects to within the premises, it brings crowd noise, anti-social and criminal behaviour to many other people living and working in the surrounding area.

The applicant has not on this occasion asked for music to be added to his shop licence. He has, however, asked for films and late night refreshment. Any soundtrack of film would be a concern because of the lack of soundproofing. Our house is physically connected to the premises by walls and a beam.

Princes Street and Elm Hill are already used by late night drinkers to drive around looking for parking throughout the night, and by groups walking into the city centre or back out in the hours after midnight. These drinkers are made louder by alcohol and less responsible to their surroundings. They treat the streets as party areas and do not reduce their noise. Our heavily residential area is a valuable partner in the Cathedral Quarter together with professional offices, cultural and heritage buildings. The encroaching of late night drink businesses threatens the willingness of this partnership to continue to care for a beautiful and valuable part of the city.

The commercial interests of one applicant should not supercede the rights of the numbers of surrounding residents under the Human Rights Act. This right, to quiet enjoyment of their homes, is repeated in the Council's Licensing Policy.

For these reasons, on behalf of my family, I ask the Committee to uphold the licence given by the Licensing Magistrates, and refuse this variation.

Yours faithfully,

C. L. Hardman

**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)	FRIENDS OF ELM HILL
Postal address	20 ELM HILL NORWICH NR3 1HG
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	8. BROWN STREET
Address of the premises you wish to support or object to.	

**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	See Appendix 1
Public safety	See Appendix 1
To prevent public nuisance	See Appendix 1
To protect children from harm	See Appendix 1



Please suggest any conditions which would alleviate your concerns.	RETAIN THE CURRENT LICENCE RESTRICTIONS
--	--

Signed:

Date:

11 August 2012

Please see notes on reverse

## **Appendix 1**

### **1. Preventing crime and disorder**

In Elm Hill there has been an increase in windows being smashed, bottles thrown, theft and petty car crime which, if all were reported, would stretch scarce Police resources away from Prince of Wales road and Riverside where the Norwich night time economy is supposed to be located (and controlled). Adding another late night drinking establishment to the area will only make matters worse.

A recent application for change of use to drinking establishment in Elm Hill was turned down by the City Council Planning Committee for, among other reasons, avoiding adding to the crime and disorder.

### **2. Public safety**

Should any part of the licence variation be approved, taxi traffic around Redwell Street and Princes Street/Elm Hill will become even more of a nuisance and hazard to pedestrians who are often under the influence of alcohol, particularly on Friday and Saturday nights.

It is essential the new application to remove the current license restrictions on 8 Redwell Street be brought before the Magistrates. There has been no change in the criteria against which the Magistrates made their decision on the current licensing restrictions and we therefore see no reason why the current license application should be approved.

### **3. Preventing public nuisance**

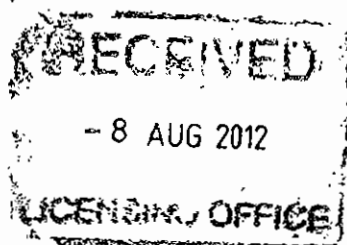
Yelling, shrieking and swearing late at night as gangs of drinkers travel through residential streets searching for the next drinking establishment is unpleasant, intimidating and unacceptable. The residents have a right to enjoy a night's sleep.

The incidence of vomiting, urinating, defecating and copulating in the streets around Elm Hill, Redwell Street and Princes Street is on the increase. On Saturday and Sunday / Monday mornings the businesses and residents are obliged to wash down their buildings, the pavements and remove the human excrement, used condoms and broken glass.

### **4. Protecting children from harm**

A child being woken at night by swearing and shouting drunks is unacceptable as is having to provide an explanation as to the meaning of, for example, the words f\*\*k and c\*\*t. Their exposure in the morning to the detritus of the night before and the associated health hazards is unacceptable in residential streets.

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



7<sup>th</sup> August 2012

**Attachment to Statement of Support or Objection to an application for a premises licence - Objection to an application for a premises licence**

**Ref 12/01298/PREM**

**8 Redwell Street, Norwich**

As the occupier of the business premises at 9-10 Redwell Street I am writing to object to the application for a Premises Licence Variation for 8 Redwell Street.

We have had a number of concerns over the negative impact another drinking establishment will have to the local business community and surrounding residents.

**To prevent crime and disorder:**

The introduction of a late night bar adjacent to our premises is likely to encourage the spread of uncivilized and anti-social behaviour from nearby, larger and already abundantly social quarter of the city, to a charming and well kept residential and business area. We believe the 'free-pour' aspect of the bar with the proposed extension of late night drinking hours will attract and create crowds of drunk and unruly people.

On a daily basis we have to clear rubbish from those drinking establishments that are already close by; cans and bottles are regularly strewn across the street and we have had to clean vomit and graffiti from the entrance of our premises.

**Public Safety:**

The hazards against both local businesses and residents in terms of violence and disorder are multiplied tenfold by allowing large numbers of potentially intoxicated people to gather below our premises. Norwich already has enough late-night drinking venues minutes away from Redwell Street. There seems little point in spreading potentially anti-social and dangerous behaviour further into this quiet area.

We are concerned that the doorway to our premises will be used by smokers. This will cause a potential fire hazard for the business and an anti-social environment for the tenants above who use the entrance to gain access to the 2<sup>nd</sup> floor flat.

It could also mean cigarette butts will be strewn across the doorway and street, which is unhygienic, unsightly and potentially damaging for our business habitat and client relations.

**To prevent public nuisance:**

The noise and disorder will be a huge public nuisance, causing problems for local residents and businesses alike. This is a quiet area where business and residents carry out working and private lives in peace; the introduction of daily and nightly noise and disorder caused by the late night bar will infringe and disrupt everyone's lives.

We also share an alley way which when used, could cause nuisance, with smoke and smoke.

**To protect children from harm:**

The potential rubbish of bottles and cans left on the street on a daily basis could cause dangers for children on foot.



**Fuller, Maxine**

**From:** barrie masterson  
**Sent:** 08 August 2012 12:28  
**To:** Licensing  
**Subject:** 8 Redwell Street

Dear Sir,

Ref 12/01298/prem 8 Redwell Street.

I write as one of the owners and on behalf of the rest of the owners of No.7 Princes Street.

First of all I am surprised that I had to find out about the rather important application to vary the Licence granted on 8 Redwell Street by a casual conversation, a phone conversation with a neighbour, and a small notice in the window of the premises. Surely we should have been given notice of such an important proposal to vary the approval.?

Surely extending the hours and the total area of bars amounts almost to granting the original permission sought.

I can only repeat the original objection that yet another late night Bar in Norwich will add to the problems encountered in the City and on this particular site give rise to traffic dangers and traffic problems.

It is a very narrow road in fact 1 car wide and could be blocked by delivery and refuse vehicles on a regular basis and a crowd smoking on the pavements will be a danger to themselves and passing foot traffic as well as car users. The alley opposite will no doubt become even more used as a toilet.

Most unwise to open it up into this enlarged use.

Yours sincerely,

B.L.Masterson	The Retreat, Bungay Road, Hempnall, NR15 2NG
---------------	---

**Fuller, Maxine**

**From:** Ian Thorburn

**Sent:** 08 August 2012 09:34

**To:** Licensing

**Subject:** 8 Redwell Street Norwich: premises licence-Variation ref: 12/01298/PREM

Dear Sirs

I refer to the above licensing application to change the provisions of the Justices' licence as follows:

1. Extending the hours to midnight every day.
2. Extending the licensed area to include the first floor.
3. Adding films and late night refreshments.

Whilst I did not have to objection to a wine shop, the proposed amendments to the licence turns these premises into a cinema with potentially restaurant and bar facilities. That use will increase the level of disturbance in Princes Street and Redwell Street and impact upon the residential amenity of the area.

Please therefore register my objection to the amendments to the licence.

Yours faithfully


Ian Thorburn

Ian Thorburn Commercial  
4 Princes Street  
Norwich  
NR3 1AZ  
Tel.   
Fax. 

Confidentiality: this email and its attachments are intended for the above named only and may be confidential. If they have come to you in error you must take no action based on them, nor must you copy or show them to anyone; please reply to this email and highlight the error.

Security Warning: please note that this email has been created in the knowledge that internet email is not a 100% secure communications medium. We advise that you understand and observe this lack of security when emailing us.

**Fuller, Maxine**

**From:** James Kearns   
**Sent:** 07 August 2012 12:09  
**To:** Licensing  
**Cc:** 'Aldridge, Graham Roger'  
**Subject:** Licensing Application 12/01298/PREM

I refer to the above application and wish to register and objection to the application.

Our objection is on the following grounds:

**Prevention of Crime and Disorder** – prior to the granting of this licence, Church Alley, which is directly opposite to the premises has been the scene of at least four incidents of crime, causing damage to windows at Church House, theft of garden equipment and violence resulting in blood stains on an external door. Church Alley has also been used as a toilet, congregation area for drinking and misuse of drugs, and evidence of sexual activity. All of these activities have been associated with evening activities associated with neighbouring licensed premises.

**Public Safety** – Church Alley, and Redwell Street, are used by vulnerable adults and young people accessing our premises in Church House and the Princes Street Church Rooms normally up until 10.30pm, and an increase in anti-social behaviour, likely to be linked to a further local bar, could be intimidating to some of the disabled people who use the area.

**Public Nuisance** – Church Alley, opposite the premises, has provided a poorly lit area often used by people using local licensed facilities as a place to urinate, excrete and vomit, as well as a gathering point, which is away from the main thoroughfare.

Whilst we recognise that the applicant has the right to carry out a lawful business from these premises we believe that the residential, and commercial premises users in this vicinity, already experience an unacceptable level of crime and anti-social behaviour related to licensed premises in Queen Street, London Street, Tombland and St Andrews.

We are aware that through work by the St Michael at Plea residents' Association, ourselves and the local PCSO, proposals for a barrier gate are being considered by the City Council to prevent inappropriate use of Church Alley. We believe that installation of this gate would reduce inappropriate, and anti-social activities in Church Alley, but would do little to reduce the prospect of intimidation in the area. We believe that under no circumstances should approval be given to this variation without the installation of the gate.

**James Kearns**  
Chief Executive - BUILD

**BUILD is a Norfolk based independent registered charity providing social, leisure and learning opportunities for adults and young people with disabilities.**

BUILD Charity Limited is registered in England & Wales with company number 8069610 and registered with the Charity Commission with charity number 1147395 at the registered office being Church House, Church Alley, Redwell Street, Norwich, NR2 4SN to which all correspondence should be sent.

Tel 01603 618029

[www.buildcharity.co.uk](http://www.buildcharity.co.uk)

The contents of this message are intended for the recipient only, unless otherwise stated.

Norwich City Council Licensing Authority  
Licensing Act 2003

RECEIVED  
- 7 AUG 2012  
LICENSING OFFICE

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

Your name/organisation name/name of body you represent (see note 1)	NORWICH SOCIETY
Postal address	ASSEMBLY HOUSE, THEATRE ST. NORWICH NR2 1RQ
Email address	<i>[scribble]</i>
Contact telephone number	<i>[scribble]</i>

Name of the premises you wish to support or object to	
Address of the premises you wish to support or object to.	8 REDWELL STREET, NORWICH NR2 4SN REF 12/01298/PREM

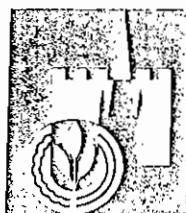
Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Please see the attached  document for the objections  of the Norwich Society to this application for a variation  of the existing premises licence
Public safety	
To prevent public nuisance	
To protect children from harm	

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

Signed: *[signature]* Date: 6 August 2012

Please see notes on reverse  
Administrator  
+ Secretary to the Trustees



# THE NORWICH SOCIETY

(Founded 1923)

President: The Lord Mayor of Norwich

Registered Charity No: 311118

The Assembly House, Theatre Street, Norwich NR2 1RQ

Telephone

email:

website:

## **8 Redwell Street Norwich NR2 4SN Licensing Act 2003: Premises Licence – Variation Objection by the Norwich Society**

Applications for a licence for these premises were considered by the Licensing Committee in 2010 and 2011.

We have read the extensive Report which was submitted to the Members of the Committee in Application 10/02201/PREM following which the Committee, in granting the current licence for the premises, balanced the licensing objectives under the Licensing Act 2003 with the rights of local residences to peace and quiet.

As far as we are aware, nothing has changed in the neighbourhood since the granting of the current licence.

That being the case, we submit it would be entirely appropriate and consistent with the Licensing Committee's previous decision, that the application for variation be rejected; the consequence of which would be that the current licence would remain unaltered.

We also make the following observations:-

1. 8 Redwell Street has not yet opened for business.
2. While an Early Morning Alcohol Restriction Order could not be made in respect of these premises (a) because such Orders are not yet in force and (b) even if in force, could not be applied to these premises given the current application is to open until 0000 hours; it is appropriate to take into account the intention of Parliament to rebalance the licensing Act 2003 in favour of local communities.
3. We have not conferred with any of the residents, the Friends of Elm Hill or any other interested party before submitting this objection.

*August 6 2012*

Mary Ash

Vice Chairman

Tim Townshend

Member of the Executive

**Fuller, Maxine**

**From:** Cyril Zipfel (TSL)  
**Sent:** 06 August 2012 22:18  
**To:** Licensing  
**Subject:** 12/01298/PREM Re 8 Redwell Street Norwich NR2 4SN, Licensing Act 2003:Premises Licence - Variation

12/01298/PREM

Re 8 Redwell Street Norwich NR2 4SN, Licensing Act 2003:Premises Licence - Variation

Dear Mr Streeter,

Once more, we need to write to the City Council to object on a licence application or variation for 8 Redwell Street Norwich NR2 4SN. In the last 3 years, a number of objections have been submitted from local residents to ensure that this historical building situated within a residential area (will not become one of the numerous night bars that already populate the nearby Queen St and Prince of Wales Rd. While the latest application was rejected by the Norwich City Council, the Licensing Magistrates gave a tight licence limiting wine tasting and strict opening hours. The current application for variation of Premises Licence basically proposes to overturn the decision from the Licensing Magistrates and to return to the same original application that brought numerous objections in the past.

We can only reiterate the reasons to why we object to these variations. The main objection is linked to the character of the proposed change to a late-night drinking establishment. As shared by all our fellow neighbours, we feel there is no need for a new drinking establishment in this historical neighbourhood. We fear this proposed change will contribute to this area becoming similar to the nearby Queen St and Princes of Wales Rd. We believe there is no need to reiterate the disturbances caused by the intoxicated individuals that frequent Queen St and Prince of Wales Road. Noise disturbances, litter and human waste, and anti-social behaviour taking place in this area each weekend, require significant police presence at tax-payers cost. We would not want to see this sad deterioration expands further into the beautiful historic parts of the city, especially in this so-far relatively preserved neighbourhood.

The presence of the existing drinking establishments nearby, and of course the link with Princes of Wales, Queen Rd and Tombland areas, already causes great noise nuisance, associated with regular anti-social behaviour. A new establishment would only worsen this situation. In addition of reducing access to pedestrians, the presence of transiting customers and outside smokers at the junction of Redwell St and St Andrews St will only further increase the likelihood of noise and anti-social behaviour. This phenomenon is already exemplified every night in front of the nearby Delaneys Pub, Carnaval and Kartel night clubs, to name only a few.

07/08/2012

We remind the Council that several residential properties are immediately adjacent or have windows/doors facing 8 Redwell Street. These include our property that has 3 windows facing the back of the proposed drinking establishment via a courtyard. In view of the numerous letters of objection previously sent and the current ones, it is time that the applicant (and hopefully the City Council) realize that many people are against this project as it may directly affect the quality of their life.

Yours sincerely,

Drs Hale Tufan and Cyril Zipfel  
5, Princes Street  
Norwich, NR3 1AZ

Norwich City Council Licensing Authority  
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	Dr Tom Stuttford
Postal address	36 Elm Hill, Norwich, NR1 3HG
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	8 Redwell Street, Norwich, NR2 4SN
Address of the premises you wish to support or object to.	8 Redwell Street, Norwich, NR2 4SN

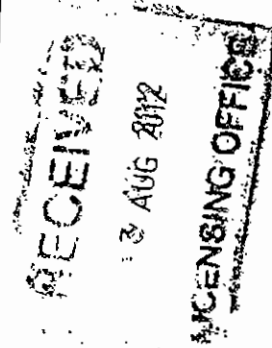
Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Objections to the potential increase in crime and disorder related to extended licensing hours. See separate sheet.
Public safety	Building unsuitable because of fire risk. Dangerous road narrow pavements, obstructed vision. see separate sheet
To prevent public nuisance	Noise, traffic, vomiting and urinating in public places, litter of a very unpleasant kind. Disregard for religious feelings and a disrespect for the site's past, its sacred significance and Norwich's past. See separate sheet.
To protect children from harm	Children as pedestrians could be easily run over when avoiding narrow pavements crowded by smokers. See separate sheet

Please suggest any conditions which would alleviate your concerns.	Leaving the current arrangements and agreements over licensing in place, as was agreed only a short while ago.
--	--

Signed:  Date: 31, 12 2012

Please see notes on reverse





Dr Thomas Stuttford OBE, 36 Elm Hill, Norwich, Norfolk NR3-1HG

Tel 01603

Email

Re:

**Application for variation of premises licence  
8 Redwell Street, Norwich NR2 4SN**

**Objections to licence change**

**1) To prevent crime and disorder;**

It is now accepted nationally and, judging from reports in the Eastern Daily Press and Evening News locally, that the extension of the licensing hours has had a detrimental effect on the City centre as a whole. In my own experience once the main concentration of drinking and entertainment establishments moved away from the Tombland and Cathedral quarter and its adjacent streets the frequency of crime, disorder and antisocial behaviour in our neighbourhood fell dramatically. Residential life, although not trouble free, is still remarkably better than it was even on a Friday or Saturday night. However the adverse effect on the City centre of the relatively recent changing of the licensing law is all too obvious and is recorded in the local press. Fortunately both the residents in the Elm Hill and Redwell Street area have not fared as badly as they would have done had the earlier distribution of drinking establishment been left in place and the epicentre of the troubles was still located in the historic centre. Regrettably in the last year or so there has been return of drinking establishments creeping back into the Tombland area. It is noteworthy that there is no reduction yet in the number of windows protected by iron grills at night. Any further extension of licensed premises staying open into the early hours would be likely to cause irreparable harm to the cities reputation and the hotel and tourist trade. The livelihood of many of Norwich's citizens depends on this reputation. A city that is as full of architectural, archaeological and cultural riches as Norwich should be treasured and not trashed, as it might well be with further extended drinking hours from more and more licensed premises.

**2) Public Safety.**

Number 8 Redwell Street is on a dangerous corner and the pavements outside it and the opposite pavement are narrow even by Norwich's standards. Inevitably customers will gather in groups to smoke and socialise on the narrow pavements and block the passage of pedestrians. Pedestrians will be forced with their children on to a potentially dangerous road. The carousers will also obstruct the vision of drivers and thereby increase any hazard to themselves, pedestrians and other road users.

The structure of number 8 Redwell Street, like many buildings in the area, has a much older and potentially inflammable core than even its obviously part timber exterior suggests. If there was to be a fire it might well represent as great a danger to the public as was occasioned by the recent dance club fire in Northampton.

### 3) Public Nuisance

Although there has been some improvement in behaviour in the Elm Hill, Redwell Street district over the 20 years the area still suffers badly from broken bottles and glasses on the pavement. Most weekends the courts, nooks and crannies of the area are defiled by vomit and urine and sometimes faeces and discarded condoms. Food cartons and packaging litter any open space such as the gardens behind the church railings as well as the gutters and pavements.

The noise of the revellers and their transport, with alcohol fuelled arguments, car stereos blaring, slamming doors is a nuisance, worry to all of us and a sleep deterrent to those whose bedrooms face the street. There is only very limited street parking in Redwell Street.

It is not only the local residents but everyone who is proud of Norwich who will be dismayed by any suggestion that the conditions that were contained in the earlier planning permission granted for 8 Redwell Street could now apparently be easily removed, (despite all the protestations at the time that this would neither be asked for nor granted). Many people have told me that it appals them that the churchyard of St Michael at Pleas (the open area immediately opposite number 8 Redwell Street) that is said to be the oldest sacred ground in Norwich and to date from about AD 4-500 might now become the pissoir and rubbish dump for revellers and drunks.

It is, in many people's opinion unfortunate that developers and speculators are prepared to sacrifice Norwich's history in order to line their own pockets. It would be even worse and totally hypocritical if a city that so recently made such a good attempt at becoming the National City of Culture could be prepared to despoil its heritage.

Norwich is rightly proud to have a reputation second to none as a city that has welcomed refugees. Many are already outraged that the church with its memorial to Jacques de Hem, who in the 16<sup>th</sup> century led the strangers seeking freedom from religious persecution in Norwich and who founded important industry in the city of which he became mayor is in danger of becoming overwhelmed and fouled.



W John Walker BSc FRICS  
Commercial & Industrial Property Agents and Advisors



4 Princes Street  
Norwich NR3 1AZ  
01603 627077  
Fax 01603 627066  
www.wjwalker.co.uk

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

Our Ref: WJW/jw

Your Ref: 12/01298/PREM

Date 01 August 2012

Dear Sir

8 Redwell Street, Norwich NR2 4SN  
Licensing Act 2003: Premises Licence - Variation



Thank you for your letter dated 13<sup>th</sup> July notifying us of the above application.

As occupiers of premises in the vicinity, we are surprised at the application, and indeed have previously made representations expressing our concern at the original application (which was refused).

This is an area largely made up of professional offices and residential occupiers. There is residential use above our offices in Princes Street and I believe that the property immediately adjacent to the subject premises is also in full residential use.

We have completed the Form of Objection and this is attached.

Please will you let us know the date and time of the meeting of the authority's licensing sub-committee.

Yours faithfully

W J Walker



# Howard Pollok & Webb

Solicitors

Carole A. Webb, B.A.  
Graham Gall

7 Princes Street  
Norwich, Norfolk NR3 1AZ  
Telephone: Norwich 01603 ~~777777~~  
Email: ~~h.pollok@hpollokwebb.co.uk~~  
DX 5273 NORWICH  
Fax: 01603 ~~777777~~

Miss Webb

When calling please ask for .....

Your Ref.

12/01298/PREM

Our Ref.

CAW/EVR

Date:

1 August 2012

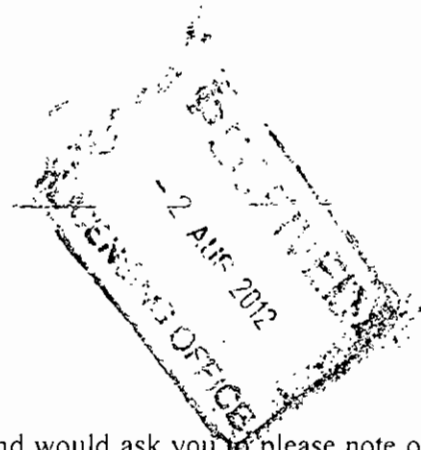
The Licensing Officer  
Licensing Section  
City Hall  
NR2 1NH

Dear Sirs

**Re: 8 Redwell Street, Norwich NR2 4SN**  
**Licensing Act 2003 – Premises Licence – Variation**

We refer to the application to vary the above licence and would ask you to please note our objections as given this is a partial residential area we have concerns over potential crime and disorder. There are no proper smoking facilities for these premises. The pavement area is very narrow therefore there are concerns both as to public safety and public nuisance.

Yours faithfully  
HOWARD POLLOK & WEBB



## Fuller, Maxine

---

**From:** The Bear Shop [~~maxine@bearshop.co.uk~~]  
**Sent:** 26 July 2012 14:07  
**To:** Licensing  
**Cc:** Licensing  
**Subject:** Re: 8 Redwell Street, Norwich NR2 4SN

**Attachments:** Redwell Street.doc



Redwell Street.doc  
(28 KB)

The Bear Shop

18 Elm Hill

Norwich NR3 1HN

26th July 2012

Re: 8 Redwell Street, Norwich NR2 4SN

I would like to object to the proposed variation to the licence you gave for the above property.

You agreed to a 'sensible' licence but now the proprietors are laughing in your face and propose the 'open' licence you have already turned down.

At present Elm Hill and this part of the city are awash with drunks around 12 midnight to 3a.m. - especially at weekends with broken windows, smashed bottles and loud behaviour being the norm. I would fear for my life in attempting to quell one of the many fights (police called last Friday and Saturday). Please put a stop once and for all to this application otherwise I can see the application being passed via 'the back door'.

Robert Stone

Proprietor.

## Fuller, Maxine

---

**From:** Ed Hardman [edhardman@me.com]  
**Sent:** 24 July 2012 23:07  
**To:** Licensing  
**Subject:** Re Licence Variation, 8 Redwell Street, Norwich.

Dear Sirs,

My name is Edward Hardman and I'm resident at 3 Princes Street. I'm writing to you in regards to the proposed "minor" variation to the licence of 8 Redwell Street, to express my profound concern and to urge you to treat this as a new full licence application which I will also object to.

I live in the rear of the building at 3 Princes Street and so the primary method I use to enter and leave my home is next to the side exit of 8 Redwell Street. My bedroom is only a couple of meters from the property. I believe that the use of the property as anything other than a retail location would have a disastrous impact on my life, and make my home unlivable.

The Council has already denied the applicant a licence to have a bar on the premises on two occasions, however that has not stopped him building one anyway. Before this licence variation has even been considered the posters are already up recruiting for bar staff. I find these stealth application tactics to be abhorrent and underhand. It causes my family great distress having to remain vigilant for the next appeal or variation and act accordingly to protect our home. It's a type of siege.

It is clear that the unfortunate decision to allow an on site licence for the applicants proposed wine shop to perform tastings was just the thin end of a wedge. A wedge that we still have no idea of the eventual size. Even if the proposed trading hours are the limit of the applicants ambitions there is nothing to say that the next tenant would have the same ideas.

I don't think the building could be adequately managed in terms of sound proofing, dealing with drunk people literally on my doorstep and the safety issues this raises, or the implications for noise disturbance the smoking ban has created - with scores of drinkers on the narrow pavement outside. The increased noise would be hugely disturbing to me and so I am objecting against this application on grounds of the crime, disorder and public nuisance which would be the result of this change.

I feel that my family home, not to mention a historic part of the city I was born in, has been threatened at each licence application for the premises and I urge the Council to refuse to let this creep any further than it already has. Please put a prompt end to the distress that this is causing my family and I.

Yours sincerely,

Edward Hardman

25 JUL 2012

POST ROOM

Norwich City Council Licensing Authority  
Licensing Act 2003Statement of support or objection to  
an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	NORWICH CHRISTIAN RESOURCES
Postal address	ST MICHAEL -AT- PLEA CHURCH REDWELL STREET NORWICH NR2 4SN
Email address	<del>XXXXXXXXXXXXXXXXXXXX@XXXXXX</del>
Contact telephone number	<del>XXXXX XXXXX</del>

Name of the premises you wish to support or object to	8 REDWELL STREET NORWICH NR2 4SN
Address of the premises you wish to support or object to.	SEE ABOVE

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

Licensing Objective	Please set out your <del>support</del> or objections below. Please use separate sheets if necessary
To prevent crime and disorder	WE ALREADY HAVE FOUR LICENCED PREMISES IN QUEEN STREET AND UPPER KING STREET THAT CREATE ENOUGH DISTURBANCE IN THIS AREA AFTER 9=00 PM
Public safety	WHEN I AM WORKING LATE UP TO 10=30 PM I DO NOT SEE POLICE OFFICERS ON DUTY IN THIS AREA, JUST DOORMEN. INCREASE IN ALCOHOL CONSUMPTION FROM A PREVIOUS RETAIL OUTLET WILL
To prevent public nuisance	BE DETRIMENTAL TO THE GENERAL SAFETY OF THE PUBLIC. I HAVE OFTEN HEARD PEOPLE FIGHTING IN OUR CHURCHYARD LATE IN THE EVENING DESPITE TWO GATES BEHIND LOCKED.
To protect children from harm	INCREASED INTAKE OF ALCOHOL CAN LEAD TO ALL SORTS OF ITEMS BEING DISCARDED IN OUR CHURCHYARD AND NEARBY- USED CONDOMS, NEEDLES, HUMAN EXCREMENT. THIS IS A VERY UNSAFE ENVIRONMENT FOR CHILDREN

Please suggest any conditions which would alleviate your concerns.	PLEASE TURN DOWN THIS APPLICATION, FOR THE THIRD TIME OF ASKING I TRY TO FIND A RETAIL/ CAFE TENANT!
--	--

Signed: 

Date: 23/07/2012

Please see notes on reverse

STEVEN FOYSTER - Manager of  
NORWICH CHRISTIAN RESOURCES

## Fuller, Maxine

---

**From:** Prof. Paul Binski [mailto:~~maxine@fuller.ac.uk~~]  
**Sent:** 29 July 2012 14:33  
**To:** Licensing  
**Subject:** 8 REDWELL STREET 12/01298/PREM

re: 12/01298/PREM planning application for 8 Redwell Street

Dear Licensing Team

I am writing to express my concern about the renewed application for development of 8 Redwell Street as a drinking establishment. I live in Princes St (no. 24). An application like this was previously rejected and it is disturbing to see a reapplication. In fact we consider these repeated applications to be vexacious and to be having a negative effect on this increasingly residential community.

I object on the grounds of probable PUBLIC NUISANCE and CRIME and DISORDER for local residents.

I am concerned that this application if granted will lead to a further imbalance in favour of clubs and bars and against retail and residence in this area, now sadly including Queen Street. These premises border a famously attractive conservation and residential district and it is important that the character of this area should not be affected by the addition of yet another drinking establishment.

When I moved here eight years ago, I understood that the council was adopting an intelligent zoning policy to protect residents and to keep areas of this type reasonably free from the disorder problems often associated with late-night drinking. If granted this application would create a foothold in the Elm Street/Princes Street area. That is probably its intention.

I ask that it be rejected and that the Council should protect residents nearby. Please keep Norwich a mixed economy which people can live in.

Professor Paul Binski  
24 Princes Street Norwich NR3 1AE



**Fuller, Maxine**

**From:** ~~maxine@st-michael.co.uk~~  
**Sent:** 30 July 2012 12:59  
**To:** Licensing  
**Cc:** ~~maxine@st-michael.co.uk~~; ~~maxine@st-michael.co.uk~~  
**Subject:** 8 Redwell Street

Dear Sirs,

I am writing on behalf of the St. Michael at Pleas Residents Company to object to this application to turn the wine shop into a three storey bar.

This has been applied for and rejected twice already and all the same objections apply. I would especially draw your attention to the following:

1. Crime and Disorder : There is already a problem of crime and disorder in this area. There is a dark alleyway in front of this building's entrance. At the end of this alleyway is the entrance to an area of domestic housing. There is one house in the alleyway in which an elderly person lives. There are three houses abutting the churchyard which already has a problem with rough sleepers and drug taking. There are houses in Princes Street which abutt this building. There would be considerable noise nuisance for all the people residing in this vicinity. There is likely to be a problem with people trying to access the building via Tombland, through the domestic residences of St. Michael at Pleas, where there is already a problem of vandalism and rough sleepers.

2. Health and Safety : The drains in this area are not capable of taking the extra effluence which such a use would generate.

Yours sincerely,

Hazel Flavell

Mrs. H. Flavell,  
Acting Chair. of the St. Michael at Pleas Residents' Company.

Tel. ~~01223 782286~~

**Fuller, Maxine**

**From:** Remy Aquarone (~~remy.aquarone@norwich.gov.uk~~)  
**Sent:** 30 July 2012 17:18  
**To:** Licensing  
**Cc:** ~~remy.aquarone@norwich.gov.uk~~  
**Subject:** Council's Refs: 12/01298/PREM

Dear Sir or Madam,

**Re 8 Redwell Street Norwich NR2 4SN, Licensing Act 2003: Premises Licence - Variation**

I am writing to strongly object to an application to vary a license.

The Licensing Magistrates gave 8 Redwell Street a drinks licence tightly limited to a wine shop on the ground floor which could sell 'tasting' quantities of wines dispensed from special cabinets to its customers. No "free pouring" permitted. The hours are between 9am and 8pm daily.

In addition, Tutored tastings may be held in the basement only and the licence extended to 10pm, on up to 20 times per year. Prepaid tickets only - no casual attendees.

It has now come to my attention that the applicants want to 'vary' this licence by removing all the special conditions which limit it to a wine shop with shop hours and

- 1) Extending the hours to midnight every day (and extended on New Years Eve through to 9am the next day)
- 2) Extending the licensed area to include the first floor
- 3) Adding Films and Late Night Refreshment

What the magistrates allowed - a wine shop selling up-market wines to a necessarily limited number of customers until early evening, would then become the three-storey late night bar Mr Fisher originally applied for, with all the problems such premises bring with them and which we already suffer from, especially nuisance, crime and disorder.

**Our objection again relates to the four licensing objectives: to prevent crime and disorder, public safety, to prevent public nuisance, to protect children from harm.**

We would be most grateful to be kept informed of developments.

Thak you.

Remy and Hannah Aquarone  
26 Princes Street,  
Norwich NR3 1AE

# Norwich City Council Licensing Authority Licensing Act 2003



**NORWICH**  
City Council

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

<b>Your name/organisation name/name of body you represent (see note 1)</b>	The Norwich Historic Churches Trust Ltd
<b>Postal address</b>	St Peter Parmentergate 76 King Street Norwich NR1 1PG
<b>Email address</b>	<del>stella.eglington@norwich.gov.uk</del>
<b>Contact telephone number</b>	01603 <del>222222</del>
<b>Address of the premises you wish to support or object to</b>	8 Redwell Street Norwich NR2 4SN
Your support or objection must relate to one of the four licensing objectives (see note 2)	
<b>Licensing objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary.</b>
<b>To prevent crime and disorder</b>	Across the road from these premises there is a redundant church, St Michael at Plea. This church is leased to the Norwich Historic Churches Trust from the City Council. We are in discussions with the Transport Dept and the local police to find ways of cutting down the
<b>Public safety</b>	A member of the public has been dragged into the churchyard and attacked in the past. The likelihood of this type of attack is heightened given the proximity of a licenced venue.
<b>To prevent public nuisance</b>	As previously stated, the churchyard of St Michael at Plea has problems with drunks and criminals using the churchyard at night. Measures are being taken to reduce this activity but a nearby licenced venue will only make the situation worse, encouraging drunken behaviour in the vicinity.
<b>To protect children from harm</b>	
<b>Please suggest any conditions which would alleviate your concerns</b>	The only condition that could help with this problem is ensuring that the licenced property closed at dusk.
<b>Signed:</b> Stella Eglinton	<b>Date:</b> 31 July 2012

CORPORATE RESOURCES

09 AUG 2012

POST ROOM

Norwich City Council Licensing Authority  
Licensing Act 2003Statement of support or objection to  
an application for a premises licence

RECEIVED  
-9 AUG 2012  
LICENSING OFFICE

Your name/organisation name/name of body you represent (see note 1)	K J TURNER
Postal address	GARJETT HOUSE ST ANDREWS HALL PLAIN, NORWICH NR3 1AU
Email address	<del>XXXXXXXXXXXXXXXXXXXX</del>
Contact telephone number	<del>XXXXX XXXXX</del>

Name of the premises you wish to support or object to	8 Reddish Street Norwich
Address of the premises you wish to support or object to.	1.

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	The operator is an experienced person with several other bars
Public safety	I understand there are no public safety issues
To prevent public nuisance	This bar is away from other drinking so there is less likelihood of trouble
To protect children from harm	See above.

Please suggest any conditions which would alleviate your concerns.	I am concerned that the City has not carried out its duty properly. This should have been approved years ago!
--	---

Signed:

Date: 6/8/2012

Please see notes on reverse

# 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 also indicate if additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is, for example, likely to attract larger audiences.**

### 4.0 Representations

- 4.1 “Responsible Authorities” (see Appendix 7) will be asked to consider all applications and to make representations to the Council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.
- 4.2 The Council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation, will only be accepted by the Council if it is ‘relevant’, ie it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representation’s, 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;

## 22. Objective – public safety

- 22.1 The safety of any person visiting or working in licensed premises must not be compromised. **Applicants are expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.**

- 22.2 Applicants must ensure that they carry out their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and liaise with the Norfolk Fire and Rescue Service where necessary. Further information is available from <http://www.norfolkfireservice.gov.uk/firesafetyinbusinesspremises.html>
- 22.3 Also when addressing the issue of public safety, an applicant must demonstrate that they have considered other public safety issues. These include:
- the age, design and layout of the premises
  - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
  - the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
  - customer profile (eg age, disability)
  - the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc
  - the safety of electrically powered equipment brought onto their premises
  - having public liability insurance.
- 22.4 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 activities:
- suitable and sufficient risk assessments
  - effective and responsible management of premises
  - provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
  - effective management of number of patrons within different parts of the premises
  - determine sensible occupancy limits according to the nature of the premises and activities being carried out
  - impose occupancy limits rigorously, employing registered doorstaff as necessary. In order to manage occupancy effectively, consider automated systems like electronic door counters
  - appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
  - adoption of best practice guidance (eg Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (further advice can be obtained from the Norfolk
  - Fire Service on 01603 810351 [www.norfolkfireservice.gov.uk](http://www.norfolkfireservice.gov.uk) The Event Safety Guide, Safety in Pubs published by the BBPA)
  - provision of effective CCTV in and around premises
  - provision of toughened or plastic drinking vessels
  - implementation of crowd management measures
  - the provision of suitable electrical cut outs for use with electrical appliances which are brought onto the premises (such as amplifiers, microphones etc). Such cut-outs should be of a residual current device

with a rated tripping current of 30ma in 30 milliseconds (applicants should have regard to HSE Publication INDG 24 7 Electrical safety for entertainers)

- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

#### 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.

## 26. Objective – protection of children from harm

26.1 The council will consult with the appropriate area child protection committee for consideration of all applications for licences.

26.2 With a view to the promotion of the licensing objective relating to the protection of children from harm the council will work closely with the police and trading standards authority to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol products to children (for Minor Sales Major Consequences information please contact trading standards on 0844 800 8013 [trading.standards@norfolk.gov.uk](mailto:trading.standards@norfolk.gov.uk)).

26.3 Applicants should be aware that the protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.

26.4 There should be no presumption of giving children access nor any presumption of preventing their access to licensed premises. Where no licensing restriction is necessary, the admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.

26.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving eg topless female bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. The council has given particular consideration to the types of entertainment referred to above, and has included within this policy their expectations of applicants in section A, paragraph 17.

**26.6 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 protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.**

26.7 While children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. **When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on harm to children have been considered.** These include:

- where entertainment or services of an adult or sexual nature are commonly or regularly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- where there has been a known association with drug taking or dealing
- where there is a strong element of gambling on the premises
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

26.8 The council commends the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. **The council will expect all licensees to agree not to replenish their stocks following notification of a retailer alert bulletin by the Portman Group in relation to any product that is in breach of that code. Commitment to that code should be included in operating schedules.**

26.9 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- Adoption of best practice guidance (eg Minor Sales Major Consequences).
- Ensure that all drinks containers carry a price tag or other sticker that identifies your premises. This will be a useful tool for working with authorities to tackle underage drinking if problems arise.
- Limitations on the hours when children may be present, in all or parts of the premises.
- Limitations or exclusions by age when certain activities are taking place.
- Imposition of requirements for children to be accompanied by an adult.
- Train staff to deal with – and be vigilant about – potentially harmful situations, eg children in the presence of adults who are excessively drunk.
- Acceptance of accredited proof of age cards and/or new type driving licences with photographs, or passports.
- Measures to ensure children do not purchase, acquire or consume alcohol.
- Measures to ensure children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

**26.10 In the case of film exhibitions, licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act should implement measures that restrict children from viewing restricted films classified according to the recommendations of the British Board of Film Classification or the council.**

26.11 In premises where there may be children unaccompanied by adults any supervisors must have undergone appropriate checks through the Criminal Records Bureau.

#### 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)**

### **CRIME AND DISORDER**

2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities take place. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local Community Safety Partnership (CSP).

2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on and access to premises where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave. Examples of measures which may encourage swift and effective dispersal from licensed premises include quietening down periods at the end of the night, security training in reminding patrons to leave quietly and signage on the premises reminding people of this.

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

2.6 Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (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.

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

2.8 Radio links and ring-round phone systems allow managers of premises and clubs to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The



inclusion of these systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.

2.9 However, while this may be appropriate and effective in certain parts of a licensing authority's area, it may be less effective or even inappropriate in others. Licensing authorities must remember that only appropriate conditions, which are within the control of the licence holder or club, may be imposed.

2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only appropriate but both practical and achievable. Further guidance on determining whether a condition is appropriate is given in Chapter 10 of this guidance.

2.16 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will", is encouraged. Conditions on licences must:

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

## **PUBLIC SAFETY**

2.17 As a part of their duties under the 2003 Act, licence holders have a responsibility to ensure the safety of those using their premises. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.18 A number of matters should be considered in relation to public safety. These may include:

- Fire safety (see paragraphs 2.20 – 2.23);
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.8 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);

- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11, 2.28 to 2.30, Chapter 10 and 10.41 and 10.42.
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.6 above, this may also assist with promoting the crime and disorder objective).

2.19 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.36 to 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## **FIRE SAFETY – SPECIAL PROVISIONS IN RESPECT OF LICENSED PREMISES**

2.20 The Regulatory Reform (Fire Safety) Order 2005 (the 2005 Order) came into force on 1 October 2006 and applies to practically all non-domestic premises. Under it, a ‘responsible person’ (usually the employer, owner or occupier) is required to carry out a fire risk assessment and put in place suitable and sufficient fire precautions to ensure that the risk to life in the event of a fire is minimised.

2.21 To help ‘responsible persons’ comply with the 2005 Order, the Department for Communities and Local Government (DCLG) makes available a range of technical guidance which explains the risk assessment process and offers detailed practical advice on the range of fire safety measures which will need to be considered to deliver compliance. This, along with information on the law, is available on the DCLG website at: [www.communities.gov.uk/firesafety](http://www.communities.gov.uk/firesafety).

2.22 The 2005 Order contains special provisions for consultation between the enforcing authority and the licensing authority in respect of licensed premises. These require the licensing authority to give the enforcing authority the opportunity to make representations before issuing a licence. Once a licence is issued, the enforcing authority is required to notify the licensing authority of any enforcement action that it takes in relation to premises which have been licensed. These provisions do not apply in the limited circumstances (i.e. designated sports stands) where the licensing authority and the enforcing authority are the same.

2.23 A licence issued by the licensing authority cannot impose any term, condition or restriction relating to fire safety. Fire safety needs to be considered by the responsible person as part of the risk assessment process required by the 2005 Order and enforced by local fire and rescue authorities. In the case of licensed premises, and irrespective of the number of employees on it, the responsible person is required by the 2005 Order to keep a record of the significant findings of their fire safety risk assessment.

## **PUBLIC NUISANCE**

2.33 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.

2.34 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.

2.35 Conditions relating to noise nuisance will normally 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.

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

2.37 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.

2.38 Measures to control light pollution will also require careful thought. Bright lighting outside premises 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.

2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club.

Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.

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

## **PROTECTION OF CHILDREN FROM HARM**

2.41 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

2.42 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.43 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm.

2.44 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.45 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.46 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

## PROPOSED CONDITIONS

10.6 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.

10.7 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. Proper liaison may avoid the need for representations.

10.8 Conditions should be appropriate, proportionate and justifiable in meeting the licensing objectives. They should be written in a prescriptive format and be readily understood and enforceable.

10.9 It is also 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. Conditions should be appropriate for the promotion of the licensing objectives and easily enforceable.

## CONSISTENCY WITH STEPS DESCRIBED IN OPERATING SCHEDULE

10.10 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.

10.11 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

10.12 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.

10.13 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

10.14 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.

10.15 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. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.