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|------------------|--|-------------|
| <b>Report to</b> | Licensing sub committee<br>15 December 2015  | <b>Item</b> |
| <b>Report of</b> | Head of citywide services<br>Licensing Act 2003:   | <b>3</b>    |
| <b>Subject</b>   | Application for the grant of a premises licence –<br>21-23 Nelson Street, Norwich, NR2 4DW |             |

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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 grant of a premises licence in respect of 21-23 Nelson Street, Norwich, NR2 4DW following the receipt of relevant representations.

## **Recommendation**

That members determine the application to grant a premises licence in respect of 21-23 Nelson Street, Norwich, NR2 4DW in accordance with the:

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

## **Corporate and service priorities**

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

## **Financial implications**

None.

**Ward/s:** All Wards

**Cabinet member:** Councillor Driver – Neighbourhoods and community safety

## **Contact officers**

Tony Shearman, Licensing Manager

01603 212761

## **Background documents**

None

# Report

## The application

1. The applicant is Woolf and Social Limited of 21-23 Nelson Street, Norwich, NR2 4DW.
2. The application seeks to allow the licensable activities of, sale of alcohol, provision of recorded music and provision of late night refreshment.
3. The proposed days and hours for the licensable activities are:

### **Sale of alcohol, for consumption on the premises**

|           |               |
|-----------|---------------|
| Monday    | 09:00 – 23:00 |
| Tuesday   | 09:00 – 23:00 |
| Wednesday | 09:00 – 23:00 |
| Thursday  | 09:00 – 23:00 |
| Friday    | 09:00 – 24:00 |
| Saturday  | 09:00 – 24:00 |
| Sunday    | 10:00 – 22:00 |

Non-standard timings – New Years Eve 02:00

Plus up to 5 special events per year, only to be held on a Friday, Saturday or bank holiday Sunday until 02:00

### **Provision of recorded music, indoors only**

|           |               |
|-----------|---------------|
| Monday    | 09:00 – 22:00 |
| Tuesday   | 09:00 – 22:00 |
| Wednesday | 09:00 – 22:00 |
| Thursday  | 09:00 – 23:00 |
| Friday    | 09:00 – 24:00 |
| Saturday  | 09:00 – 24:00 |
| Sunday    | 10:00 – 22:00 |

Non-standard timings - New Years Eve until 02:00

And up to 5 special events until 02:00 only to be held on Friday, Saturday or a bank holiday Sunday

## **Provision of late night refreshment, indoors and outdoors**

|           |               |
|-----------|---------------|
| Monday    |               |
| Tuesday   |               |
| Wednesday |               |
| Thursday  |               |
| Friday    | 23:00 – 24:00 |
| Saturday  | 23:00 – 24:00 |
| Sunday    |               |

Non-standard timings - New Years Eve 02:00  
Plus up to 5 events per year until 02:00 only to be on a Friday, Saturday or bank holiday Sunday

## **The opening hours requested are:**

|           |               |
|-----------|---------------|
| Monday    | 09:00 – 23:00 |
| Tuesday   | 09:00 – 23:00 |
| Wednesday | 09:00 – 23:00 |
| Thursday  | 09:00 – 23:00 |
| Friday    | 09:00 – 24:00 |
| Saturday  | 09:00 – 24:00 |
| Sunday    | 10:00 – 22:00 |

Non-standard timings - New Years Eve until 02:00  
Plus up to 5 special events per year only to be held on a Friday, Saturday or bank holiday Sunday until 02:00

4. The steps proposed to promote the licensing objectives together with a plan of the premises are attached at appendix A to the report. Also included are details of alterations and additional conditions confirmed as agreed with the Police and Environmental Protection responsible authorities.

## **Relevant representations**

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

Police – no representations.  
Environmental Protection – no representations.  
Fire Officer – no representations.  
Planning Officer – no representations.  
Area Child Protection Committee – no representations.

Trading Standards – no representations.  
Primary Care Trust – no representations

6. Two representations objecting to the application have been received from local residents with concerns relating to all four licensing objectives of the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm. Copies of these representations are attached at appendix B to the report.

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

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

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

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

### **Summary**

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

account in operating schedules having regard to the type of premises and/or the licensable activities.

13. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.

Continued from previous page...

## Section 18 of 19

### LICENSING OBJECTIVES

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

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

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

The licensee, that is the person in whose name the premises licence is issued, shall ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for; preventing crime and disorder; ensuring public safety; prevention of public nuisance; and to ensure the protection of children from harm . And will be on site to implement the control measures listed below or will have a trained member of staff to do so.

b) The prevention of crime and disorder

issues regarding prevention of Crime and disorder

issue

underage drinking

Control measure

- adoption of challenge 21 and the 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

Model Condition

7.1 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, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Portman Proof of Age card, Citizen Card, Connexions Card or PASS scheme card or any replacement scheme of a similar effect.

7.2 A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises advising customers that they may be asked to produce evidence of their age.

Issue

drunkenness on premises

Control Measure

- effective and responsible management of premises
- training and supervision of staff

Model Condition

4.2 No persons carrying open or sealed glass bottles shall be admitted to the premises at any time that the premises are open for any licensable activity.

8.1 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.

Issue

*Continued from previous page...*

public drunkenness

**Control Measure**

- Providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night – including licensed taxis and private hire (mini-cabs).
- training and supervision of staff

**Model Condition**

5.5 There will be no off sales of alcoholic drinks except for consumption in an area which is covered by a licence to place tables and chairs on the highway.

5.6 No alcoholic drinks will be sold or supplied for consumption off the premises or alcoholic drinks will be only be sold or supplied for consumption on the premises, (and there shall be no off sales).

5.7 There will be no sales of alcoholic drinks for consumption off the premises on any day(s) when an event is taking place, subject to notice in writing having been given to the licensee from the licensing authority (in conjunction with Norfolk police) at least seven days prior to the respective day(s). (Note. examples of when such a notice may be given might be if a major outdoor event (sporting or otherwise) or a parade is scheduled to take place in an area of the local authority, and where it is considered that alcohol off-sales in that area might give rise to or add to potential crime and disorder problems).

**Issue**

preventing disorderly and potentially violent behaviour on and outside the premises and reducing antisocial behaviour and disorder inside and outside the premises

**Control Measure**

lighting, outside premises

- effective and responsible management of premises
- training and supervision of staff
- Providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night – including licensed taxis and private hire (mini-cabs).

**Model Conditions**

2.4 The licensee, designated premises supervisor or other responsible person shall use the telephone to notify and report any incident of crime and disorder to the police as soon as practically possible, in accordance with agreed protocols.

5.5 There will be no off sales of alcoholic drinks except for consumption in an area which is covered by a licence to place tables and chairs on the highway.

5.6 No alcoholic drinks will be sold or supplied for consumption off the premises or alcoholic drinks will be only be sold or supplied for consumption on the premises, (and there shall be no off sales).

5.7 There will be no sales of alcoholic drinks for consumption off the premises on any day(s) when an event is taking place, subject to notice in writing having been given to the licensee from the licensing authority (in conjunction with Norfolk police) at least seven days prior to the respective day(s). (Note. examples of when such a notice may be given might be if a major outdoor event (sporting or otherwise) or a parade is scheduled to take place in an area of the local authority, and where it is considered that alcohol off-sales in that area might give rise to or add to potential crime and disorder problems)

6.1 The maximum number of persons permitted on the premises at any one time shall not exceed 120 persons.

**Issue**

protecting people and property from theft, vandalism and assault

**Control Measure**

lighting, outside premises

- effective and responsible management of premises

**Model Conditions**

2.4 The licensee, designated premises supervisor or other responsible person shall use the telephone to notify and report any incident of crime and disorder to the police as soon as practically possible, in accordance with agreed protocols.

5.4

No patrons will be allowed to leave the premises while in the possession of any drinking vessel or open glass bottle,

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whether empty or containing any beverage. This condition will not apply to patrons who have purchased beverages for consumption off the premises (within the curtilage of the premises licensed area or in the area designated under a licence to place 54 tables and chairs on the highway) with the express consent of the licensee, designated premises supervisor or responsible person.

6.1 The maximum number of persons permitted on the premises at any one time shall not exceed 120 persons.

#### Issue

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

#### Control Measure

- ensure glasses are collected on an ongoing basis, make regular inspections for broken glass and clear up

#### Model Conditions

4.2 No persons carrying open or sealed glass bottles shall be admitted to the premises at any time that the premises are open for any licensable activity.

5.4 No patrons will be allowed to leave the premises while in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage. This condition will not apply to patrons who have purchased beverages for consumption off the premises (within the curtilage of the premises licensed area or in the area designated under a licence to place 54 tables and chairs on the highway) with the express consent of the licensee, designated premises supervisor or responsible person.

### c) Public safety

#### public safety issues

##### Issue

- the age, design and layout of the premises

##### Control measures

- provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- determine sensible occupancy limits according to the nature of the premises and activities being carried out
- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

##### Model Conditions

1. When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre-determined plan.
2. Disabled people on the premises must be made aware of the arrangements in place to enable their safe evacuation in the event of an emergency.
3. All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
4. All exit doors whenever the premises are occupied, must be able to be easily opened in the case of an emergency, without the use of a key, card, code or similar means.
5. All exit doors must be regularly checked to ensure that they function satisfactorily
9. The edge of the treads of steps and stairways to be maintained and be conspicuous. All staircases shall be provided with suitable and sufficient handrails.
10. Safety checks must be carried out before the admission of the public.
12. All licensed premises must have a means of giving warning to persons in the event of an outbreak of fire or other emergency.
13. Curtains, hangings and temporary decorations must be arranged so as not to obstruct exits, fire safety signs or firefighting equipment.
15. Arrangements must be made to ensure that any capacity limit imposed under the premises licence certificate are not



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exceeded.

20. The responsible person where there is an outbreak of fire, however slight, must raise the alarm, evacuate the building, and call the fire brigade. Following the incident, the responsible person must ensure that the details are recorded in a fire log book. Any remedial work necessary to restore fire precautions to their original standard must be completed with systems fully functional prior to re-admittance of the public.

21. Access to the premises for emergency vehicles must be kept clear and free from obstruction.

25. In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests must be fully in operation when they are present.

Issue

- the permanent sale or supply of alcohol

Control measures

- 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
- determine sensible occupancy limits according to the nature of the premises and activities being carried out
- adoption of best practice guidance

Model Conditions

10. Safety checks must be carried out before the admission of the public.

12. All licensed premises must have a means of giving warning to persons in the event of an outbreak of fire or other emergency.

15. Arrangements must be made to ensure that any capacity limit imposed under the premises licence certificate are not exceeded.

22. Adequate and appropriate equipment and materials must be provided for enabling first aid to be rendered to members of the public if they are injured or become ill whilst at the licensed premises.

24. If, having regard to the nature of the premises, the number of persons visiting it and the location of the premises, it would be adequate and appropriate to do so, then instead of a person for rendering first aid there must be a person appointed to take charge of the situation relating to an injured or ill member of the public and the first aid equipment and facilities.

25. In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests must be fully in operation when they are present.

Issue

the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)

Control measures

- effective and responsible management of premises
- adoption of best practice guidance

Model Conditions

25. In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests must be fully in operation when they are present.

Issue

- the safety of electrically powered equipment at the premises

Control measures

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

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#### Model Conditions

10. Safety checks must be carried out before the admission of the public.

#### Issue

- having public liability insurance.

#### Control measures

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

#### Model Conditions

3. All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.

4. All exit doors whenever the premises are occupied, must be able to be easily opened in the case of an emergency, without the use of a key, card, code or similar means.

5. All exit doors must be regularly checked to ensure that they function satisfactorily

9. The edge of the treads of steps and stairways to be maintained and be conspicuous. All staircases shall be provided with suitable and sufficient handrails.

10. Safety checks must be carried out before the admission of the public.

12. All licensed premises must have a means of giving warning to persons in the event of an outbreak of fire or other emergency.

13. Curtains, hangings and temporary decorations must be arranged so as not to obstruct exits, fire safety signs or firefighting equipment.

15. Arrangements must be made to ensure that any capacity limit imposed under the premises licence certificate are not exceeded.

20. The responsible person where there is an outbreak of fire, however slight, must raise the alarm, evacuate the building, and call the fire brigade. Following the incident, the responsible person must ensure that the details are recorded in a fire log book. Any remedial work necessary to restore fire precautions to their original standard must be completed with systems fully functional prior to re-admittance of the public.

21. Access to the premises for emergency vehicles must be kept clear and free from obstruction.

22. Adequate and appropriate equipment and materials must be provided for enabling first aid to be rendered to members of the public if they are injured or become ill whilst at the licensed premises.

#### d) The prevention of public nuisance

##### Public nuisance issues

#### Issue

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship

#### Control measures

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly.
- Fit prominent signs requesting that customers respect local residents and leave quietly.
  - Installation of soundproofing, extraction
- Siting of external lighting, including security lighting.
- Management arrangements for collection and disposal of waste, empty bottles etc.

To address issues arising from customers smoking, eating and drinking in outdoor areas and on the highway outside the

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premises, restrictions on the numbers of customers permitted in certain outside areas and/or at certain times and employees to monitor possible public nuisance issues.

#### Model conditions

8. Lighting provided externally to promote advertising of the premises or activities associated with the premises must be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.

9. Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.

10. Premises must remove their waste and refuse in a timely manner to a licensed waste disposal facility.

11. Premises must enter into a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of the agreement.

12. Empty bottles must be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally bottles must be removed from the public area on a frequent basis and transferred to the skip. Transfer to an external skip must not be undertaken after 11pm to minimise noise disturbance to adjoining properties.

13. Provide clear and legible notices displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents.

14. The premises licence holder, must monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

#### Issue

- the hours of opening, particularly between 11pm and 7am

#### Control measures

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly.
- Fit prominent signs requesting that customers respect local residents and leave quietly.
- Siting of external lighting, including security lighting.
- Management arrangements for collection and disposal of waste, empty bottles etc.

To address issues arising from customers smoking, eating and drinking in outdoor areas and on the highway outside the premises, restrictions on the numbers of customers permitted in certain outside areas and/or at certain times and employees to monitor possible public nuisance issues.

#### Model Conditions

12. Empty bottles must be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally bottles must be removed from the public area on a frequent basis and transferred to the skip. Transfer to an external skip must not be undertaken after 11pm to minimise noise disturbance to adjoining properties.

13. Provide clear and legible notices displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents.

14. The premises licence holder, must monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

#### Issue

- 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

#### Control measures

- Effective and responsible management of premises.

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- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure music is kept to an unobtrusive volume and only played indoors.
- Installation of soundproofing, air conditioning,
- Siting of external lighting, including security lighting.
- To address issues arising from customers smoking, eating and drinking in outdoor areas and on the highway outside the premises, restrictions on the numbers of customers permitted in certain outside areas and/or at certain times and employees to monitor possible public nuisance issues.

**Model Conditions**

8. Lighting provided externally to promote advertising of the premises or activities associated with the premises must be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.
9. Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.
12. Empty bottles must be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally bottles must be removed from the public area on a frequent basis and transferred to the skip. Transfer to an external skip must not be undertaken after 11pm to minimise noise disturbance to adjoining properties.
14. The premises licence holder, must monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

**Issue**

- the occupancy capacity of the premises

**Control measures**

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly.

**Model Conditions**

14. The premises licence holder, must monitor the activity of persons leaving and entering the premises and remind them of their public responsibilities where necessary.

**Issue**

- wind down period between the end of the licensable activities and closure of the premises

**Control measures**

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly.
- Fit prominent signs requesting that customers respect local residents and leave quietly.
- Siting of external lighting, including security lighting.

**Model Conditions**

13. Provide clear and legible notices displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents.
14. The premises licence holder, must monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

**Issue**

- preventing litter and refuse becoming an eyesore

**Control measures**

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- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure tables are cleared and any disposables are removed and disposed of in skips/bins with lids
- Management arrangements for collection and disposal of waste, empty bottles etc.

#### Model Conditions

10. Premises must remove their waste and refuse in a timely manner to a licensed waste disposal facility.
11. Premises must enter into a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of the agreement.
12. Empty bottles must be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally bottles must be removed from the public area on a frequent basis and transferred to the skip. Transfer to an external skip must not be undertaken after 11pm to minimise noise disturbance to adjoining properties.

#### Issue

- consideration of local residents that they are not upset by loud or persistent noise or by excessive light

#### Control measures

- Effective and responsible management of premises.
- Siting of external lighting, including security lighting.

#### Model Conditions

8. Lighting provided externally to promote advertising of the premises or activities associated with the premises must be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.

#### Issue

- 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

#### Control measures

- Effective and responsible management of premises.
- Management arrangements for collection and disposal of waste, empty bottles etc.

#### Model Conditions

10. Premises must remove their waste and refuse in a timely manner to a licensed waste disposal facility.
11. Premises must enter into a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of the agreement.
12. Empty bottles must be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally bottles must be removed from the public area on a frequent basis and transferred to the skip. Transfer to an external skip must not be undertaken after 11pm to minimise noise disturbance to adjoining properties.

#### e) The protection of children from harm

##### Issues regarding child protection

Alcohol will be consumed on the premises and children may be present

##### Control measures

- Imposition of requirements for children to be accompanied by an adult.
- Train staff to deal with – and be vigilant about – potentially harmful situations, e.g. children in the presence of adults who

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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.



# NORFOLK

## CONSTABULARY

*Our Priority is You*

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

Date: 13th November 2015

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

Dear Sir

**Application for a new premises licence – Woolf & Social, Nelson Street**

I can confirm that Police have received a copy of the application for a new premises licence for 21-23 Nelson Street, Norwich.

The purpose of the application is to request recorded music, late night refreshment and the sale of alcohol 0900-2300 hrs Monday-Wednesday, 0900-0000 hrs Friday and Saturday and 1000-2200 hrs Sundays.

The applicant has informed me that they intend to open a restaurant café with the ability to offer alcohol for consumption on the premises only.

The applicant is a chef by trade and therefore intends to use the business to promote his culinary skills.

The applicant has included measures within the application to promote the licensing objectives; these include Challenge 21 policy and staff training.

The application also requests that the premises can operate until 2am on 5 occasions a year. I request that the applicant incorporates a condition which gives Police and Council notification of the dates of these extensions.

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

- **On five occasions in any one calendar year, the premises will be permitted to operate until 0200 hrs on a Friday, Saturday or Bank Holiday Sunday. Police and licensing authority to be advised of these dates in writing 7 days in advance.**
- **Staff will be trained in relation to the sale of alcohol and a record of this training will be kept at the premises and available to Police or Licensing Authority on request.**
- **The use of tables and chairs outside the premises shall cease at 2200 hrs.**
- **An intruder alarm will be in operation.**

**With these conditions attached to the premises licence, there will be no Police objections**

Yours faithfully,

Michelle Bartram  
Licensing Officer



**Fuller, Maxine**

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**From:** Woolf&Social <woolfandsocial@gmail.com>  
**Sent:** 04 November 2015 17:50  
**To:** Divey, Richard  
**Cc:** LICENSING; Bartram, Michelle  
**Subject:** Re: New premises application - DONE

To whom it may concern,

Woolf & Social would request the premises licence regarding 21-23 Nelson street, Norwich to contain the recommendations made by Richard Divey, detailed in the attached email.

Many thanks,

Francis Woolf  
(Woolf & Social Limited)

On 4 Nov 2015, at 16:48, Divey, Richard <[RichardDivey@norwich.gov.uk](mailto:RichardDivey@norwich.gov.uk)> wrote:

Dear Francis

As discussed I believe the following opening condition changes to be more appropriate. Without them there is no way that the police and licensing authority would be able to tell if the five occasions have been used.

Sec 14

New Years Eve 02:00

plus up to 5 events per year until 02:00 only to be on a Friday or Saturday or bank holiday Sunday

I would prefer this to read;

New Years Eve 02:00

and on five occasions in any one calendar year on a Friday, Saturday or bank holiday Sunday, police and licensing authority to be advised of these dates in writing 7 days in advance.

Sec 15

New Years Eve 02:00

plus up to 5 events per year until 02:00 only to be on a Friday or Saturday or bank holiday Sunday

I would prefer this to read;

New Years Eve 02:00

and on five occasions in any one calendar year on a Friday, Saturday or bank holiday Sunday, police and licensing authority to be advised of these dates in writing 7 days in advance.

Sec 17

New Years Eve 02:00

plus up to 5 events per year until 02:00 only to be on a Friday or Saturday or bank holiday Sunday

I would prefer this to read;

New Years Eve 02:00

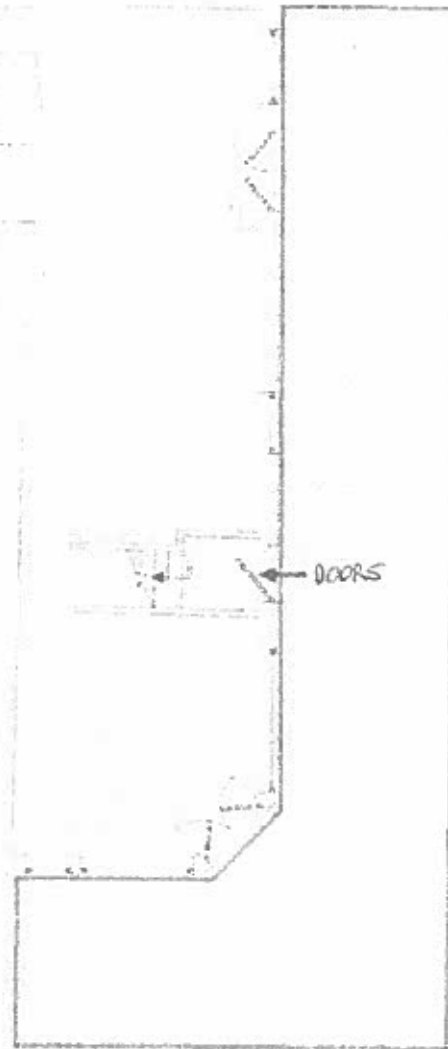
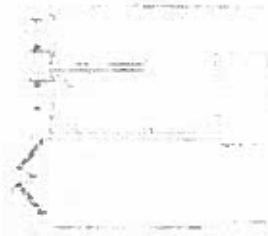
and on five occasions in any one calendar year on a Friday, Saturday or bank holiday Sunday, police and licensing authority to be advised of these dates in writing 7 days in advance.

If you are happy to make these changes please confirm this by return email the licensing mailbox as above. I would then have no representations.

*Richard Divey*

Environmental Protection Officer  
Norwich City Council  
St. Peters Street, Norwich  
NR2 1NH.  
01603 212319

QCAR



**PLAN 2**

FORECOURT  
21-23 NELSON STREET  
NORWICH  
NORFOLK  
NR2 4DW

SCALE 1:100 AT A4 SIZE

0m 1m 2m 3m 4m 5m 6m

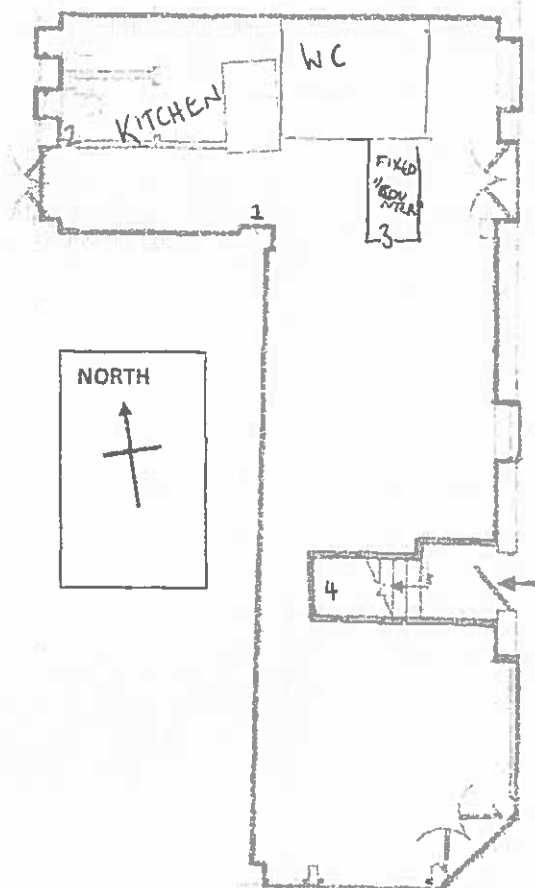
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22 OCT 2015

**LICENSING OFFICE**

ALL AREAS TO BE USED FOR  
THE CONSUMPTION OF ALCOHOL  
EXCEPT KITCHEN AND WC

*Handwritten signature*



**PLAN 3**

**GROUND FLOOR**  
**21-23 NELSON STREET**  
**NORWICH**  
**NORFOLK**  
**NR2 4DW**

**SCALE 1:100 AT A4 SIZE**



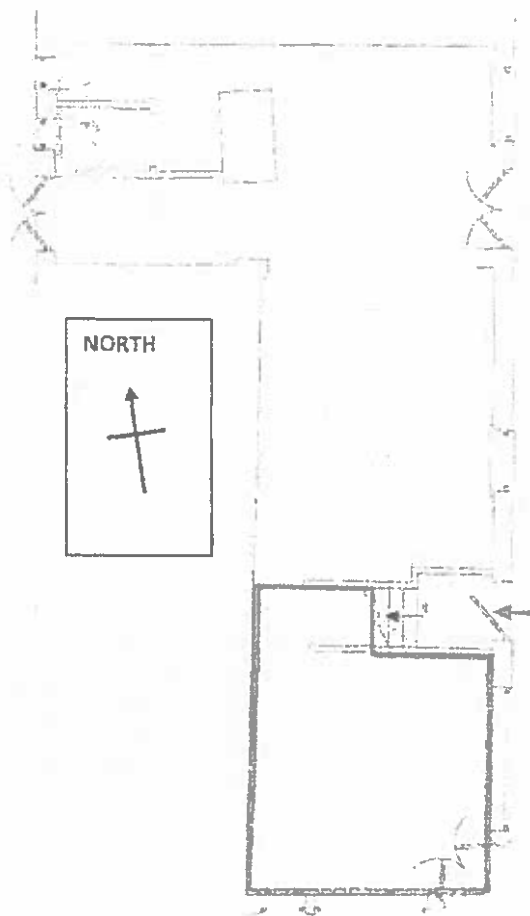
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**22 OCT 2015**

**LICENSING OFFICE**

*Plan 4*



|   |
|---|
| <b>PLAN 4</b>   |
| <b>BASEMENT</b><br><b>21-23 NELSON STREET</b><br><b>NORWICH</b><br><b>NORFOLK</b><br><b>NR2 4DW</b> |
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**22 OCT 2015**  
**LICENSING OFFICE**

12 NOV 2015

Post Room

KP 3039 9466 1GB

SIGNED FOR

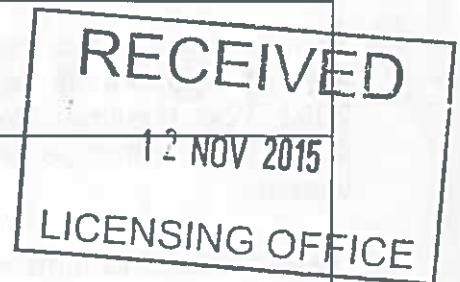
# City Council Licensing Authority Licensing Act 2003

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

|   |  |
|---|--|
| Your name/organisation name/name of body you represent (see note 1) | MATTHEW BRADFELD AND SOANNE LEWISLEY   |
| Postal address  | 16 NELSON STREET<br>NR2 4NN            |
| Email address   |  |
| Contact telephone number  |  |
| Name of the premises you wish to support or object to               | WOOLF & SOCIAL                         |
| Address of the premises you wish to support or object to.           | 21-23 NELSON STREET<br>NORWICH NR2 4NW |

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.<br>Please use separate sheets if necessary |
|-------------------------------|---|
| To prevent crime and disorder |   |
| Public safety                 |   |
| To prevent public nuisance    | PLEASE SEE ATTACHED NOTES ON<br>DETAILED OBJECTIONS   |
| To protect children from harm |   |



|  |  |
|--|--|
| Please suggest any conditions which would alleviate your concerns. | PLEASE SEE SECTION AT BOTTOM OF<br>ATTACHED DOCUMENT |
|--|--|

Signed:

Date:

10/11/15

Please see notes on reverse

## **Objections to the application of grant of premises licence for 21-23 Nelson Street**

**Joanne Lewsley & Matthew Bradfield**

### **Objection #1**

A summary of the application has not been displayed in or near the premises applying for the licence during the period in which representations can be made. Photo proof can be provided of this absence of notification.

Furthermore, we have not seen the required notice in a local newspaper outlining the premises application for a licence during the period in which representations can be made. If this is incorrect we would ask the owner of the premises to prove that it was published.

### **Objection #2**

Shortly after the Norwich City Council notification was delivered, another letter from the owners of Woolf & Social was delivered (a copy of which is attached). This letter refuted some of the main points in the Norwich City Council letter, namely:

- a) Norwich CC summary of application details provision of recorded music until 10pm Mon to Wed, until 11pm Thurs, until midnight Saturday and until 10pm on Sundays.

The letter from W&S stated that recorded music would not be played above talking volume and "certainly not late at night".

There is now confusion over what constitutes "late at night" and there is no reassurance from the owners over what provision is being made to sound proof the building and what measures will be taken to reduce noise leakage as smokers, diners and drinkers enter and exit the premises.

Furthermore, in summer months, as food and drink are served outside, there is no reassurance as to what measures will be taken to reduce noise leakage as serving staff and customers enter and exit the premises.

- b) The letter from Woolf & Social stated that there were errors with the opening hours detailed on the Norwich City Council letter.

The Norwich CC letter stated opening hours from 9am – 11pm Mon to Thurs, 9am to midnight Fri and Sat, and 10am – 10pm Sundays. The letter from Woolf & Social states that the premises will be open from 8am but offers no further information on what days this will apply.

There is now confusion over what the correct opening hours are. In our view this makes the original application invalid if the owners cannot provide correct opening times in their application for a licence.

### **Objection #3**

Nelson Street is a quiet residential area with young families, children and older residents. We have a busy pub already on the street with smokers outside. We've already experienced issues with the Fat Cat not moving customers on from outside the premises after closing time. We have had to call the police on one occasion to ask them to move customers on well after midnight on a week night.

The addition of a new bar/restaurant directly across the road from the pub will compound existing noise issues, effectively doubling the noise volumes from customers of both premises.

Furthermore, we absolutely object to openings times until 2am. This is not acceptable in a residential area. The letter from Norwich CC stated that the application included the ability to stay open until 2am on New Year's Eve and up to 5 times during the year including Fridays, Saturdays and bank holidays. This would be unbearable for local residents as customers will be leaving the venue in the early hours of the morning.

#### **Objection #4**

The proposal to serve food and drink outside in the summer months until at least 10pm in a residential area is unacceptable to us. We need to be able to open the windows of our home in the summer and we will be unable to do this if a number of people are smoking, drinking and causing noise a matter of metres away from our home.

#### **Conditions which would alleviate concerns**

- Closing time of 9pm Mondays to Thursday and Sundays
- Closing time of 10pm Fridays and Saturdays
- Adequate sound proofing measures to be put in place
- Alternative smoking area provided (i.e. not on Nelson street)
- Guarantee that stragglers are promptly moved on from outside the premises after closing
- Absolutely no instances of opening until 2am throughout the year

We would like to add that we are happy to see the premises in use again and we are excited at the plans Woolf & Social have in terms of menus and planning on being a hub of the community.

However we feel very strongly that a restaurant in a residential street must respect the wishes of its neighbours if it is to be a hub of the community. Families with young children and the elderly may not be able to make as much use of the premises as we might like, or be your target demographic, but we are your neighbours and we would like as much respect and as little noise from a business premises as we would expect from a new neighbour.



## Eat. Drink. Be social

**Dear Local Residents,**

Hello! You will be pleased to hear, we are re-opening the Reading Rooms. It will now be called Woolf & Social.

I am aware some of you may have received our License application, and for most people that is the first you have heard of us! Having spoken to a couple of you I would like to clarify some of the bits which the letter refrains to mention...

Firstly, we are opening a cafe/restaurant. Yep, dont worry, we are not going to be a club/music venue. The license application you have received outlines our limitations regarding licensable activities, but not our intentions. We applied for the license to allow us to serve drinks, during the evenings and at weekends. Thats all.

Secondly, regarding the section titled, "recorded music"... This will allow us to play recorded music as people eat and drink. It will rarely go above talking volume, and certainly not late at night.

Thirdly, the licensing letter has a couple of errors (these may have been made by me or NCC im not sure, but it was probably me). One is the section entitled 'Late night refreshment'. This states that we are intending to serve food and drink outside until 0000 on a friday and saturday. We are not. No drinks will be allowed outside after 10pm, and we are only planning on using the outside space for seating during the summer.

The other error, is the opening time... We will be open from 8am so you can come and grab a decent coffee and a bite before work.

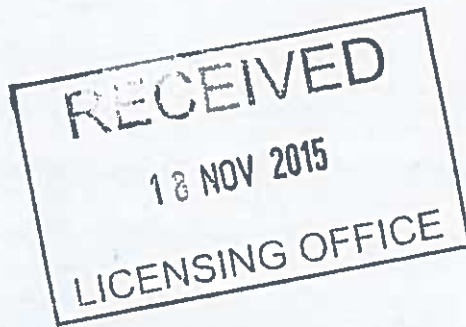
Lastly, you will see in the council's letter that we plan to be open until 0200, five times a year, but only on a friday or saturday or bank holiday. This is so that we can stay open for the odd birthday etc.

We would both really like to meet you all and would love it if you pop in and say hello before we open in December and we can chat a bit more about Woolf & Social. Come in anytime you are passing for a natter. We would also like you to join us on **Saturday the 7<sup>th</sup> November, at 7:30pm, 21-23 Nelson Street**, for a drink and a nibble (on us) and we can all get to know one another.

We hope we will be seen as a hub for the community and that local people will treat the place like home...

See you soon,

Francis and Felix



31, Nelson Street  
Norwich  
NR2 4DW  
17<sup>th</sup> November 2015

Re: 21 - 23 Nelson Street, Norwich. NR2 4DW  
Licensing Act 2003: Premises Licence - New

Dear Tony Shearman,

In regard to the above Licence application, I have enclosed your licence limitations sent to me and also a back up letter sent by the proprietors of the (soon to be) Woolf & Social café in Nelson Street.

Whilst I hope that the café is successful, I do have a few points to raise. The terms of the licence have been reinterpreted or clarified in the back up letter written by the proprietors to local residents. ( A copy of this is enclosed for you to read ). What concerns me is that any behaviour that sways from that stated in the proprietors letter could be rationalised and ignored because the licence allows it. If the residents find need to complain we will be governed by the Council's licence and not by the follow up letter sent by the proprietor. If the letter is kept to then I think things could be alright.

Can the proprietors clarifications be integrated into the licence?

Eg The music will be kept to talking volume that is intended to be heard in the café and not the street.

No drinks served or taken outside after 10pm.

Who will keep track of the 5 times a year late night openings?

Yours sincerely



Norwich City Council Licensing Authority  
Licensing Act 2003

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

RECEIVED

18 NOV 2015

LICENSING OFFICE

|   |  |
|---|--|
| Your name/organisation name/name of body you represent (see note 1) | D. Phillips - resident                       |
| Postal address  | 31, Nelson Street, Norwich. NR2 4DW          |
| Email address   |  |
| Contact telephone number  |  |
| Name of the premises you wish to support or object to               | Woolf & Social, 21-23 Nelson Street, NR2 4DW |
| Address of the premises you wish to support or object to.           | as above                                     |

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.<br>Please use separate sheets if necessary  |
|-------------------------------|--|
| To prevent crime and disorder | Drink and drive considerations.  |
| Public safety                 | As experienced before, the cafe will bring more car congestion to the area. There are no speed restrictions in this road and if the alcohol inclusion brings more drivers under the influence it will risk public safety |
| To prevent public nuisance    | The cafe is requesting that it can open 7 days a week. That means there is no let up for the residents with the extra noise and traffic. Could there be 1 day of the week when the cafe is closed                        |
| To protect children from harm | The extra traffic in the street could raise the likelihood of accidents to children and pets.  |

|  |   |
|--|---|
| Please suggest any conditions which would alleviate your concerns. | The conditions of the proprietors letter should be integrated into the licence. The cafe should be closed for 1 day a week. Clear notices should be hung in the cafe asking cafe customers to consider residents with their parking and late night noise. |
|--|---|

Signed

Date: 18th Nov. 2015

Please see notes on reverse

# WOOLF & SOCIAL

**Eat. Drink. Be social**

**Dear Local Residents,**

Hello! You will be pleased to hear, we are re-opening the Reading Rooms. It will now be called Woolf & Social.

I am aware some of you may have received our License application, and for most people that is the first you have heard of us! Having spoken to a couple of you I would like to clarify some of the bits which the letter refrains to mention...

Firstly, we are opening a cafe/restaurant. Yep, dont worry, we are not going to be a club/music venue. The license application you have received outlines our limitations regarding licensable activities, but not our intentions. We applied for the license to allow us to serve drinks, during the evenings and at weekends. Thats all.

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We would both really like to meet you all and would love it if you pop in and say hello before we open in December and we can chat a bit more about Woolf & Social. Come in anytime you are passing for a natter. We would also like you to join us on **Saturday the 7<sup>th</sup> November, at 7:30pm, 21-23 Nelson Street**, for a drink and a nibble (on us) and we can all get to know one another.

We hope we will be seen as a hub for the community and that local people will treat the place like home...

See you soon,

Francis and Felix

# APPENDIX C

## Local Policy considerations

### 1.0 Introduction

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

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

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

### 2.0 Consultation and Links to other Policies and Strategies

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

### 3.0 Applications for Licences

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

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

### 4.0 Representations

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

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

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



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

### 13.0 Management of Licensed Premises

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

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

## **LICENSING OBJECTIVES**

### 20.0 Objective - Prevention of Crime and Disorder

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

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

Underage drinking

Drunkenness on premises

Public drunkenness

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

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

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

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

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

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

Effective and responsible management of premises;

Training and supervision of staff;

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

Provide sufficient seating for customers;

Patrols of staff around the premises;

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

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

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

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

Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and

Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;  
 Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;  
 Provision of effective CCTV in and around premises;  
 Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;  
 Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;  
 Provision of toughened or plastic drinking vessels and bottles;  
 Provision of 'bottle bins' inside the premises and near exits;  
 Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;  
 Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;  
 Provision of litterbins and other security measures, such as lighting, outside premises;  
 Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;  
 Responsible advertising;  
 Distribution of promotional leaflets, posters etc;  
 Drug Seizure Kits (available from Norfolk Police Operation Enterprise);  
 Member of the 'NiteLink' radio scheme;  
 Working in partnership with the SOS Bus scheme;  
 Ban known offenders and share information with other licensed premises in the area;  
 Implement a dispersal policy;  
 Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

#### 24.0 Objective - prevention of public nuisance

- 24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

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

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

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

## **SECTION E - Hours of Trading**

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

# **APPENDIX D**

## **National Guidance**

**(issued under section 182 of the Licensing Act 2003)**

### **Licence conditions – general principles**

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

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

### **Each application on its own merits**

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

## **Crime and disorder**

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

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

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

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

## **Public nuisance**

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

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

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

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

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

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

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

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

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

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



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

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

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

## **Conditions attached to premises licence**

### **General**

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

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

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

### **Proposed conditions**

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

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

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

## **Consistency with steps described in operating schedule**

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

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

## **Imposed conditions**

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

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

## **Proportionality**

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

## **Hours of trading**

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

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

## **The need for licensed premises**

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