

<b>Report to</b>	Licensing sub committee 21 September 2018	<b>Item</b>
<b>Report of</b>	Head of citywide services Licensing Act 2003:	<b>3</b>
<b>Subject</b>	Application for the Variation of a Premises Licence – Pig & Whistle, 2 – 8 All Saints Green Norwich NR1 3NA	

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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 the above premises, following the receipt of relevant representations.

## **Recommendation**

That Members determine the application to vary the premises licence in accordance with the:

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

## **Corporate and service priorities**

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

## **Financial implications**

None.

**Ward/s:** Mancroft

**Cabinet member:** Councillor Maguire – safe city environment

## **Contact officers**

Rachel Bennett, licensing assistant

01603 212760

## **Background documents**

None

# **Report**

## **The application**

1. The applicant is The Craft Union Pub Company Ltd, 3 Monkspath Hall Road, Solihull B90 4SJ.
2. In summary the application seeks to:
  - To permit alterations and amend the plan
  - To delete all conditions within Annex 2 and to add new conditions

## **Operating Schedule**

3. A copy of the existing licence and operating schedule is attached at appendix A to the report.
4. A copy of the application form is attached at appendix B to the report.

## **Relevant representations**

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

Police – representation (applicant has agreed to their conditions).

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. 8 representations objecting to the application have been received from a local residents. Copies of the representations are attached at appendix C to the report.

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

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

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

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

## Summary

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



# NORWICH City Council

## Premises Licence Summary

**Premises Licence Number**

**17/01950/PREMTR**

### Premises Details

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

Pig and Whistle  
2 - 8 All Saints Green  
Norwich  
Norfolk  
NR1 3NA

**Telephone number**

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

Not applicable

**Licensable activities authorised by the licence.**

Films - Activity takes place indoors  
Late Night Refreshment - Activity takes place indoors  
Live Music - Activity takes place indoors  
Performances of Dance - Activity takes place indoors  
Plays - Activity takes place indoors  
Sale by Retail of Alcohol  
Recorded Music - Activity takes place indoors

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

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

Films	Every Day	19:00 - 00:00
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Late Night Refreshment	Sunday	23:00 - 02:30
New Years Eve to New Years Day.		

An additional hour on New Years Day, Burns Night, St Valentine's Day, St David's Day, St Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St George's Day, Friday, Saturday, Sunday and Monday of May Bank Holiday, Friday, Saturday, Sunday and Monday of Spring Bank Holiday, Friday, Saturday, Sunday and Monday of August Bank Holiday, St Andrew's Day, Christmas Eve, Christmas Day, Boxing Day, 27th December, 28th December and Lord Mayor's Procession Day. (Sunday to Wednesdays only).

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Saturday, Sunday and Monday of August Bank Holiday, St Andrew's Day, Christmas Eve, Christmas Day, Boxing Day, 27th December, 28th December and Lord Mayor's Procession Day. (Sunday to Wednesdays only).

Late Night Refreshment	Thursday to Saturday	23:00 - 03:30
New Years Eve to New Years Day.		

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**The opening hours of the premises**

Monday	07:00 - 02:30
Tuesday	07:00 - 02:30
Wednesday	07:00 - 02:30
Thursday	07:00 - 03:30
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**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption both on and off the Premise

**Name, (registered) address of holder of premises licence**

The Craft Union Pub Company Limited  
3 Monkspath Hall Road  
Solihull  
B90 4sj

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

Registered Business Number                      09429990

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

Toby James Hughes

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

No under 18's will be admitted when performances of lap dancing or striptease are taking place.



**Premises Licence Number**

**17/01950/PREMTR**

**Part 1 – Premises Details**

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

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**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**

No under 18's will be admitted when performances of lap dancing or striptease are taking place.

## Part 2

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

The Craft Union Pub Company Limited  
3 Monkspath Hall Road  
Solihull  
B90 4sj

Electronic Mail

licensing@eigroupplc.com

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

Registered Business Number                      09429990

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

Toby James Hughes



### **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: 

Licensing Authority: 

## Annex 1 – Mandatory conditions

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

- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
  - (b) an ultraviolet feature.
- 11 The responsible person shall ensure that:
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - (i) beer or cider half pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 12 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 13 . For the purposes of the condition set out in paragraph 1:
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) "permitted price" is the price found by applying the formula:  

$$P = D + (D \times V)$$
 Where:
    - (i) P is the permitted price
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:
    - (i) The holder of the premises licence
    - (ii) The designated premises supervisor (if any) in respect of such a licence, or
    - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 14 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- 15 Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 16 Where the film classification body is specified in the licence, unless subsection (12)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
- 17 Where
- (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 18 In this section "children" means any person aged under 18; and

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

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

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

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

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

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

(b) in respect of premises in relation to:

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

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

21 For the purposes of this section:

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

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

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

### **1 General - all four licensing objectives**

2 ALL BAR STAFF WILL BE TRAINED IN THE BASIC LAW RELATING TO THE SALE/SUPPLY OF  
ALCOHOL AND A RECORD OF WHO HAS RECEIVED THIS TRAINING WILL BE KEPT AT THE  
PREMISES.

3 THERE WILL BE A 30 MINUTE "CHILL OUT" / WIND DOWN PERIOD AFTER ALL LICENSED  
ACTIVITIES (EXCEPT LATE NIGHT REFRESHMENT) HAVE ENDED.

### **4 The Prevention of Crime and Disorder**

5 THE LICENSEE, THAT IS THE PERSON IN WHOSE NAME THE PREMISES LICENCE IS ISSUED, SHALL  
ENSURE THAT AT ALL TIMES WHEN THE PREMISES ARE OPEN FOR ANY LICENSABLE ACTIVITY,  
THERE ARE SUFFICIENT, COMPETENT STAFF ON DUTY AT THE PREMISES FOR THE PURPOSE OF  
FULFILLING THE TERMS AND CONDITIONS OF THE LICENCE AND FOR PREVENTING CRIME AND  
DISORDER.

6 THERE SHALL BE PROVIDED AT THE PREMISES RADIO COMMUNICATION EQUIPMENT TO BE  
OPERATED IN CONJUNCTION AND IN LIAISON WITH THE LOCAL POLICE SERVICE PROVIDED  
SUCH A SYSTEM IS AVAILABLE AND IS PROVEN TO BE EFFECTIVE AND NECESSARY.

7 ANY RADIO COMMUNICATION SYSTEM PROVIDED SHALL BE CAPABLE OF SENDING AND  
RECEIVING MESSAGES TO AND FROM THE LOCAL POLICE, AND OTHER LICENSEES, DESIGNATED  
PREMISES SUPERVISORS, DOOR SUPERVISORS, MANAGERS AND CLUB OPERATORS,  
INCORPORATED INTO ANY JOINT AND MUTUALLY BENEFICIAL SCHEME OPERATING IN THE AREA.

8 ANY RADIO COMMUNICATION SHALL BE MAINTAINED IN GOOD WORKING ORDER AT ALL TIMES  
WHEN THE PREMISES ARE BEING USED FOR A LICENSABLE ACTIVITY AND WILL BE ACTIVATED,  
MADE AVAILABLE TO, AND MONITORED BY THE DESIGNATED PREMISES SUPERVISOR OR A  
RESPONSIBLE MEMBER OF STAFF AT ALL TIMES WHEN THE PREMISES ARE BEING USED FOR A  
LICENSABLE ACTIVITY.

9 THE LICENSEE, DESIGNATED PREMISES SUPERVISOR OR OTHER PERSON HAVING  
RESPONSIBILITY FOR MONITORING RADIO COMMUNICATION SYSTEM PROVIDED SHALL COMPLY  
WITH ANY INSTRUCTIONS OR DIRECTIONS RECEIVED THROUGH THE SYSTEM FROM THE POLICE.

10 THE LICENSEE, DESIGNATED PREMISES SUPERVISOR OR OTHER RESPONSIBLE PERSON SHALL  
USE THE TEXT AND/OR PAGER SYSTEM PROVIDED TO NOTIFY AND REPORT ANY INCIDENT OF  
CRIME AND DISORDER TO THE POLICE AS SOON AS PRACTICALLY POSSIBLE, IN ACCORDANCE  
WITH AGREED PROTOCOLS.

11 THE LICENSEE AND/OR DESIGNATED PREMISES SUPERVISOR SHALL ENSURE THAT THERE ARE  
EMPLOYED AT THE PREMISES AN APPROPRIATE NUMBER OF DOOR SUPERVISORS, TO THE  
PERCEIVED RISK, WHO ARE SECURITY INDUSTRY ACT BADGED.

12 THE LICENSEE SHALL ENSURE THAT WHERE PHYSICAL SEARCHING OF PATRONS IS TO BE  
UNDERTAKEN, THAT THERE ARE A SUFFICIENT NUMBER OF APPROPRIATELY TRAINED STAFF TO  
CARRY OUT SUCH SEARCHES REGARDLESS OF WHETHER PATRONS ARE MALE OR FEMALE.

13 DOOR SUPERVISORS SHALL BE PROVIDED WITH 'TWO-WAY' RADIOS OR SIMILAR SYSTEMS  
CAPABLE OF ENSURING CONTINUOUS COMMUNICATION BETWEEN EACH OTHER AT ALL TIMES  
THAT THE PREMISES ARE OPEN FOR A LICENSABLE ACTIVITY.

14 DOOR SUPERVISORS SHALL WEAR CLOTHING OF THE SAME STYLE, TYPE AND COLOUR, WHICH  
MAY BE APPROPRIATE TO THE NATURE OF THE VENUE, BUT WHICH WILL ENSURE THEY ARE  
CLEARLY DISTINGUISHABLE AND IDENTIFIABLE AS DOOR SUPERVISORS HAVING REGARD TO THE  
EVENTS AND ACTIVITIES TAKING PLACE AT THE LICENSED PREMISES.

15 THE LICENSEE SHALL KEEP AN INCIDENT BOOK. THIS INCIDENT BOOK MUST BE AVAILABLE FOR  
INSPECTION BY THE POLICE OR AUTHORISED OFFICER AT ALL TIMES WHEN THE PREMISES ARE  
OPEN.

16 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.

17 ALL MEMBERS OF STAFF AT THE PREMISES INCLUDING DOOR SUPERVISORS SHALL SEEK  
CREDIBLE PHOTOGRAPHIC PROOF OF AGE EVIDENCE FROM ANY PERSON WHO APPEARS TO BE  
UNDER THE AGE OF 18 YEARS AND WHO IS SEEKING ACCESS TO THE PREMISES OR IS SEEKING  
TO PURCHASE OR CONSUME ALCOHOL ON THE PREMISES.

18 A SUITABLY WORDED SIGN OF SUFFICIENT SIZE AND CLARITY MUST BE DISPLAYED AT THE  
POINT OF ENTRY TO THE PREMISES AND IN A SUITABLE LOCATION AT ANY POINTS OF SALE,  
ADVISING CUSTOMERS THAT THEY MAY BE ASKED TO PRODUCE EVIDENCE OF THEIR AGE.

19 CCTV IS PROVIDED AT THE PREMISES AND THERE IS BOTH EXTERNAL AND INTERNAL COVERAGE.



20 QUEUING AREAS WILL BE MONITORED BY DOOR SUPERVISORS.

21 THERE WILL BE RANDOM DRUG SEARCHES CARRIED OUT ON PATRONS ON THE PREMISES.

22 WHEN DOOR SUPERVISORS ARE IN PLACE A 'NO ID NO ENTRY' POLICY WILL BE OPERATED FOR THOSE PEOPLE THAT APPEAR TO BE UNDER 21.

23 SIA REGISTERED DOOR SUPERVISORS WILL BE PROVIDED TO REMAIN AT THE DOOR AND STAND OUTSIDE AS PEOPLE LEAVE. AT LEAST ONE DOOR SUPERVISOR TO BE IN PLACE ON FRIDAY AND SATURDAY EVENINGS.

24 THE DPS AND / OR SUITABLE REPRESENTATIVE TO BE A MEMBER OF NORWICH LICENSING FORUM AND NORWICH PUBWATCH AND UNDERTAKE TO ATTEND AT LEAST 3 MEETINGS OF EACH PER YEAR.

25 OPENING HOURS TO BE INCLUDED IN ALL PUBLICITY MATERIAL AND ON SIGNAGE TO CUSTOMERS BEFORE THEY COME INSIDE.

26 **Public Safety**

27 A FIRE RISK ASSESSMENT HAS BEEN UNDERTAKEN IN RESPECT OF THE PREMISES.

28 A HEALTH AND SAFETY RISK ASSESSMENT HAS BEEN UNDERTAKEN IN RESPECT OF THE PREMISES.

29 ALL EXIT DOORS MUST BE REGULARLY CHECKED TO ENSURE THAT THEY FUNCTION SATISFACTORILY.

30 ALL FIRE DOORS MUST BE MAINTAINED EFFECTIVELY SELF CLOSING AND MUST NOT BE HELD OPEN OTHER THAN BY APPROVED DEVICES.

31 FOLLOWING AN OUTBREAK OF FIRE, THE LICENSEE 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.

32 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.

33 NO ALTERATIONS MUST BE MADE TO THE PREMISES WHICH MAKE IT IMPOSSIBLE TO COMPLY WITH AN EXISTING LICENCE CONDITION WITHOUT FIRST SEEKING A VARIATION OF THE PREMISES LICENCE PROPOSING THE DELETION OF THE CONDITION IN QUESTION. THE APPLICANT WILL NEED TO PROPOSE A NEW OPERATING SCHEDULE REFLECTING THE PROPOSED ALTERATION TO THE PREMISES AND HOW HE OR SHE INTENDS TO TAKE ALTERNATIVE STEPS TO PROMOTE THE PUBLIC SAFETY OBJECTIVE AND AMEND THE RISK ASSESSMENT ACCORDINGLY.

34 **The Prevention of Public Nuisance**

35 INTERNAL AND EXTERNAL LIGHTING PROVIDED FOR THE PURPOSE OF CUSTOMER AND STAFF SAFETY AND FOR THE SECURITY OF THE PREMISES MUST BE SO POSITIONED TO NOT CAUSE NUISANCE TO NEIGHBOURING OR ADJOINING PROPERTIES.

36 LIGHTING ASSOCIATED WITH ACTIVITIES OF ENTERTAINMENT MUST BE POSITIONED SO AS NOT TO CAUSE NUISANCE TO NEIGHBOURING OR ADJOINING PROPERTIES.

37 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.

38 PREMISES MUST REMOVE THEIR WASTE AND REFUSE IN A TIMELY MANNER TO A LICENSED WASTE DISPOSAL FACILITY.

39 AN ADEQUATE NUMBER OF STAFF MUST MONITOR THE ACTIVITY OF PERSONS LEAVING THE PREMISES AND REMIND THEM OF THEIR PUBLIC RESPONSIBILITIES WHERE NECESSARY.

40 **The Protection of Children From Harm**

41 NO CHILDREN UNDER THE AGE OF 18 YEARS MUST BE ALLOWED ACCESS TO THAT PART OF THE PREMISES DURING ANY TIME WHERE AND WHEN AN ACTIVITY OR ENTERTAINMENT OF A SEXUAL NATURE IS BEING PROVIDED. FOR THE PURPOSES OF THIS CONDITION, ENTERTAINMENT OF A SEXUAL NATURE INCLUDES BUT IS NOT LIMITED TO STRIPEASE (SOMETIMES REFERRED TO AS EXOTIC DANCING), LAP DANCING, POLE DANCING OR ANY OTHER ENTERTAINMENT OF A SIMILAR NATURE

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

- 1      There will be no entry to the premises after 02:00 on any day.

## **Annex 4 – Plans**

the following: (1) the number of patients with a positive result; (2) the number of patients with a negative result; (3) the number of patients with a positive result who were also positive on the reference test; (4) the number of patients with a positive result who were also negative on the reference test; (5) the number of patients with a negative result who were also positive on the reference test; (6) the number of patients with a negative result who were also negative on the reference test; (7) the number of patients with a positive result who were also positive on the reference test and who were also positive on the reference test; (8) the number of patients with a positive result who were also positive on the reference test and who were also positive on the reference test; (9) the number of patients with a positive result who were also positive on the reference test and who were also positive on the reference test; (10) the number of patients with a positive result who were also positive on the reference test and who were also positive on the reference test.



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**Norwich**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensingapplications@norwich.gov.uk](mailto:licensingapplications@norwich.gov.uk)  
 Telephone: 0344 980 3333

\* required information

**Section 1 of 18**

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

System reference

Not Currently In Use

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

Your reference

RJT/MJM/98454.24874

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

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

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

**Applicant Details**

\* First name

THE CRAFT UNION PUB COMPANY LTD

\* Family name

THE CRAFT UNION PUB COMPANY LTD

\* E-mail

mandy\_mighty@gosschalks.co.uk

Main telephone number

01482 324252

Include country code.

Other telephone number

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

Is the applicant:

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

☐ Applying as an individual

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

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

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

Registration number

09429990

Business name

THE CRAFT UNION PUB COMPANY LTD

If the applicant's business is registered, use its registered name.

VAT number

GB

206221948

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

LICENSING

Home country

United Kingdom

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

3

Street

MONKSPATH HALL ROAD

District

City or town

SOLIHULL

County or administrative area

Postcode

B90 4SJ

Country

United Kingdom

**Agent Details**

\* First name

GOSSCHALKS SOLICITORS

\* Family name

GOSSCHALKS SOLICITORS

\* E-mail

mandy\_mighty@gosschalks.co.uk

Main telephone number

01482 324252

Include country code.

Other telephone number

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

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

**Agent Business**

Is your business registered in the UK with Companies House?

☐ Yes

☒ No

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

Is your business registered outside the UK?

☐ Yes

☒ No

Business name

GOSSCHALKS SOLICITORS

If your business is registered, use its registered name.

VAT number

GB

433613472

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

Legal status

Partnership

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

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

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

\* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable  
value of premises (£)

38,000

### Section 3 of 18

#### VARIATION

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

☒ Yes

☐ No

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

☐ Yes

☒ No

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

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

#### Describe Briefly The Nature Of The Proposed Variation

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

1. To permit alterations and amend the plan that attaches to the premises licence.
2. To delete all conditions within Annex 2.
3. To add new conditions.

### Section 4 of 18

#### PROVISION OF PLAYS

See guidance on regulated entertainment

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

☐ Yes

☒ No

### Section 5 of 18

#### PROVISION OF FILMS

See guidance on regulated entertainment

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

☐ Yes

☒ No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS



*Continued from previous page...*

See guidance on regulated entertainment

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

☐ Yes ☒ No

#### Section 7 of 18

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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

☐ Yes ☒ No

#### Section 8 of 18

#### PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

☐ Yes ☒ No

#### Section 9 of 18

#### PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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

☐ Yes ☒ No

#### Section 10 of 18

#### PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

☐ Yes ☒ No

#### Section 11 of 18

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

See guidance on regulated entertainment.

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

☐ Yes ☒ No

#### Section 12 of 18

#### PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

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

☐ Yes ☒ No

### Section 13 of 18

#### SUPPLY OF ALCOHOL

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

☐ Yes ☒ No

### Section 14 of 18

#### ADULT ENTERTAINMENT

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

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

NONE

### Section 15 of 18

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

##### MONDAY

Start

End

Start

End

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

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 07:00

End 03:30

Start

End

SUNDAY

Start 10:00

End 02:30

Start

End

State any seasonal variations.

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

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

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

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

All conditions in Annex 2 are to be removed.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

Section 16 of 18

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.

*Continued from previous page...*

As existing save for the conditions to be removed and added.

**b) The prevention of crime and disorder**

As existing save for the conditions to be removed and added.

**c) Public safety**

As existing save for the conditions to be removed and added.

**d) The prevention of public nuisance**

As existing save for the conditions to be removed and added.

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

As existing save for the conditions to be removed and added.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

*Continued from previous page...*

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

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

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

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

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

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

\* Fee amount (£) 315.00

### DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

*Continued from previous page...*

\* licensing act 2003, to make a false statement in or in connection with this application.

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

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

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

[Add another signatory](#)

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

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

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

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

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

#### OFFICE USE ONLY

Applicant reference number	<input type="text" value="RJT/MJM/98454.24874"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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

## **PROPOSED CONDITIONS**

**PIG AND WHISTLE, 2-8 ALL SAINTS GREEN,  
NORWICH NR1 3NA**

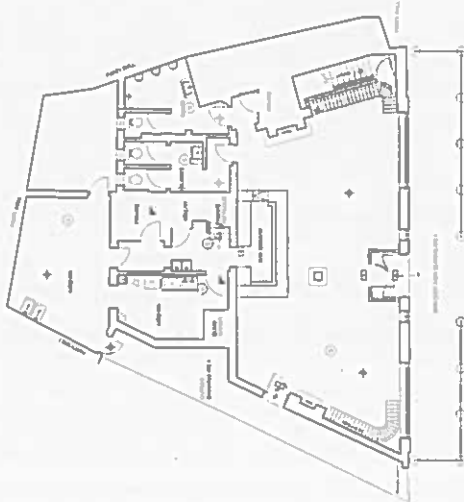


1. A CCTV system will be installed and maintained at the premises. The cameras will cover both internal and external areas and images will be retained for a minimum period of 28 days. Those images will be made available to officers of the responsible authorities upon request.
2. The Police radio link system will be operated in conjunction and in liaison with the local Police.
3. The DPS shall maintain an incident book at the premises. This incident book must be made available for inspection by officers of the responsible authorities upon request.
4. The DPS will operate a challenge 21 policy. Any person who appears to be under the age of 21 will be asked to provide photographic evidence that he/she is over the age of 18 if he/she is attempting to purchase alcohol. The only acceptable proof of age is a photocard driving licence, passport, military identification or a Government approved ID documentation bearing the PASS logo.
5. The DPS will operate a dispersal policy to ensure the customers leave the premises quietly after closing time.
6. Notices will be displayed within the premises asking customers to disperse quietly.
7. No children will be permitted to remain in the premises after 2100 unless it is for the purposes of completing a meal purchased prior to that time.



[illegible]SITE LOCATION PLAN  
1:1250

0530-900X(199807)16:3;1-L



GROUND FLOOR PLAN AS PROPOSED

RECEIVED  
20 JUL 2018  
LICENSING OFFICE

MR+P  
ARCHITECTS

**PAVILLION**  
**ARCHITECTS**  
MELLING ROADWAY • PARTNERS LTD  
CHARLETON HILL, MOORE STREET

**OFFFIELD B3 JUN**

ENTERPRISE INNS PLC  
PKG & WHSTLE  
22-8 ALL SAINTS GREEN  
NORMICH NR1 3NA

GROUND FLOOR PLAN

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JUNE 2016

1:100 @ A1

5072785



**NORFOLK**  
CONSTABULARY

*Our Priority is You*

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

Date 30<sup>th</sup> July 2018

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/Madam

### Application to vary Premises Licence – Pig & Whistle

Police have received a copy of the application for Pig & Whistle, Westlegate to vary the current premises licence. This variation involves amending the current plan to include the alterations and replacing all the current conditions attached to Annex 2 with some amended ones.

I have met with the applicant prior to the application and am aware that this is predominately to accommodate the upstairs smoking area so the sale of alcohol can take place.

Firstly, I would like the applicant to clarify which area will be licensed on the 1<sup>st</sup> floor plan. I can see most of this floor is now residential and I think the intention is to include the outside area only but I feel that this needs to be specified.

In addition it may be appropriate for the sale of alcohol and activities to cease within this outside area at an earlier time than the rest of the current licence to reduce the risk of noise complaints from local residents.

The request to delete all the current conditions attached to Annex 2 and replace them is sensible due to the fact are many of them are now redundant. The proposed conditions include CCTV, radio link system, incident book and restrictions relating to children.

I acknowledge that the condition relating to a last entry time attached to Annex 3 will remain.

In addition to these, I request that the following are added:

- **Management will carry out a written risk assessment to assess the requirement for security staff. This document will be kept at the premises and be available to Police or Licensing on request.**
- **Patrons will be prevented from taking open vessels of alcohol off the premises (with the exception of areas granted a tables and chairs licence)**
- **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.**

With an amendment in hours and area outlined for the use of the upstairs agreed, along with these conditions added to the premises licence, there will be no outstanding Police objections.

Yours faithfully,

Michelle Bartram  
Licensing Officer

**Fuller, Maxine**

---

**From:** Bartram, Michelle <bartramm@norfolk.pnn.police.uk>  
**Sent:** 24 August 2018 17:36  
**To:** LICENSING  
**Cc:** Woods, Suzanne  
**Subject:** FW: Letter of representation Pig & Whistle  
**Attachments:** PIG AND WHISTLE, ALL SAINTS GREEN, NORWICH - APPLICATION FOR VARIATION OF PREMISES LICENCE GTE:00094000007711

Hello Licensing

In relation to the application for Pig & Whistle, I am in receipt of two emails.

One below is confirming that the area upstairs and outside is for consumption of alcohol only and the intention is for the area to be cleared of customers by 23.30pm.

The email attached, also confirms agreement of the following conditions:

1. Management will carry out a written risk assessment to assess the requirement for security staff. This document will be kept at the premises and be available to Police or Licensing on request.
2. Patrons will be prevented from taking open vessels of alcohol off the premises with the exception of areas granted a tables and chairs licence and the outside drinking area shown on the plan that attaches to the premises licence.
3. Staff will be trained in relation to the sale of alcohol and a record of this training will be kept at the premises and made available to Police or the Licensing Authority on request.

With these amendments, I have no outstanding representations to this application

Regards

---

**Michelle Bartram**

Licensing Officer

Licensing

Norfolk Constabulary

Bethel Street Police Station

Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025

Follow us @nfklicensing



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

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

---

**From:** Richard Taylor [mailto:RJT@gosschalks.co.uk]  
**Sent:** 10 August 2018 11:17

**Bennett, Rachel**

---

**From:** Richard Taylor <RT@gosschalks.co.uk>  
**Sent:** 15 August 2018 11:08  
**To:** LICENSING  
**Cc:** Bartram, Michelle  
**Subject:** PIG AND WHISTLE, ALL SAINTS GREEN, NORWICH - APPLICATION FOR VARIATION OF PREMISES LICENCE GTE:00094000007711

Good Morning

I act for Craft Union Pub Company and submitted the application for variation of the premises licence which is seeking to permit alterations and amend the plan that attaches to the premises licence and replace a number of conditions.

I have been discussing this application with Michelle Bartram of Norfolk Police and have agreed 3 further conditions.

The agreed conditions are as follows:-

1. Management will carry out a written risk assessment to assess the requirement for security staff. This document will be kept at the premises and be available to Police or Licensing on request.
2. Patrons will be prevented from taking open vessels of alcohol off the premises with the exception of areas granted a tables and chairs licence and the outside drinking area shown on the plan that attaches to the premises licence.
3. Staff will be trained in relation to the sale of alcohol and a record of this training will be kept at the premises and made available to Police or the Licensing Authority on request.

If you have any problems or queries then please do not hesitate to contact me. I have copied Michelle into this email in order that she may confirm that subject to the imposition of these conditions, the Police have no objection to the application.

Please note that the reference to the outside drinking area shown on the plan in condition 2 (above) is a reference that I have added to make it clear that drinks may be taken to the designated outside drinking area and any other area that has been granted a tables and chairs licence.

If you have any problems or queries then please do not hesitate to contact me.

Kind regards

RICHARD

Richard Taylor | Partner | Licensing

Gosschalks, Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: 01482 590216 | F: 0870 600 5958 | M: 07949 132931 | Switch: 01482 324252 | [www.gosschalks.co.uk](http://www.gosschalks.co.uk)

Anti-fraud notice – please read carefully: We will not change our bank details during the course of this matter.

If, during the course of this matter, you receive an email or phone call purporting to be from Gosschalks informing you that our bank details have changed, it is likely to be an attempted fraud. If this happens, please report it immediately to our Cashiers Department on 01482 590203 who will verify our bank details and, if necessary, report the matter to the police.



**NORWICH**  
City Council

CORPORATE RESOURCES

02 AUG 2018

POST ROOM

RECEIVED

- 9 AUG 2018

LICENSING OFFICE

## Norwich City Council Licensing Authority Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	Mr Nicolas Backhouse & Mrs Jane Backhouse
Postal address	Apartment 9, Westlegate Tower 14-18 Westlegate Norwich NR1 3LJ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Pig and Whistle
Address of the premises you wish to support or object to	2-8 All saints Green, Norwich NR1 3NA

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

Licensing Objective	<i>Please set out your support or objections below. Please use separate sheets if necessary</i>
To prevent crime and disorder	
Public safety	
To prevent public nuisance	<p>We object to the Pig &amp; Whistle's licence application on the grounds that it will severely affect the public amenity of local residents.</p> <p>The Pig &amp; Whistle is situated at the heart of what is increasingly becoming a residential area. In addition to Westlegate Tower (14 flats), Lion &amp; Castle Yard (5 properties), Emms Court (14 flats) and Pablo Fanque Tower (244 students), the Council have just approved the Boar's Head development (69 flats). Other nearby residential developments at 10-14 Ber Street (10 dwellings) and Archant/Prospect House (100 plus dwellings) are now at the public consultation phase. A licence allowing evening and night-time drinking at tables and chairs placed outside the Pig &amp; Whistle would have a serious impact on local residents, due to the noise created by customers.</p> <p>The council will be aware (Complaint Ref eH17/8400) that from March to November 2017 local residents suffered continuously from the noise of customers outside the Pig &amp; Whistle, and from the music that came from within the building. Even before this application has been heard, we are already experiencing noise</p>

	<p>problems from outside the Pig &amp; Whistle late into the night and early morning as residents were kept awake until 2.00am on Sunday 5<sup>th</sup> August (emailed complaint to <a href="mailto:licencing@norwich.gov.uk">licencing@norwich.gov.uk</a> on 5th August at 12.26). By agreeing to this licence application, the council will be consigning local residents to a future of disturbed nights. Although we think it is really important that the P&amp;W thrives locally as an asset to the local community (and we were pleased to see it reopen as a proper pub), it cannot be at the expense of local residents' amenities. The Council are actively encouraging regeneration of this area for residential use and consequently have a responsibility to protect all those living nearby from the public nuisance that this licence would certainly create</p>
To protect children from harm	

<p><b>Please suggest any conditions which would alleviate your concerns.</b></p>	<p>The licence for outside drinking should end at 9.00 p.m. every evening, with the tables and chairs being cleared away from the pavement. This would enable the Pig &amp; Whistle to offer its customers the facility of drinking outside during the day and early evenings whilst protecting local residents from noise disturbance during late evenings and early mornings.</p>
--	---

Signed: \_\_\_\_\_

Date: 8th August 2018.

**Please see notes below**



**NORWICH**  
City Council

Organisational Development  
- 1 AUG 2018  
Post Room

## 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)	MRS L.J. HOSEASON
Postal address	APT 5 WESTLEGATE TOWER 14-18 WESTLEGATE NORWICH NR1 3LJ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	PIG & WHISTLE
Address of the premises you wish to support or object to	2 - 8 ALL SAINTS GREEN NORWICH NR1 3NA

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	THE AREA OUTSIDE THE PIG & WHISTLE IS BECOMING INCREASINGLY RESIDENTIAL IN NATURE WITH A NUMBER OF NEW AND PROPOSED SITES. THE NOISE LEVELS AT NIGHT WILL AFFECT OUR RESIDENTIAL QUANTITY. BEDROOM IMMEDIATELY OPPOSITE.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	RESTRICT TO 23.00 HRS OR 24.00 HRS AT THE VERY LATEST
--	---

Signature

Date: 30.7.18

Please see notes below





# NORWICH City Council

## 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)	James Close
Postal address	Apartment 8 Westlegate Tower 14-18 Westlegate Norwich
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	Pig and Whistle
Address of the premises you wish to support or object to	2-8 All Saints Green

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

Licensing Objective	<i>Please set out your support or objections below. Please use separate sheets if necessary</i>
To prevent crime and disorder	
Public safety	
To prevent public nuisance	<p><b>Noise levels late at night will affect our residential amenity</b></p> <p>The Pig and Whistle currently has a licence until 02.30am Sunday to Wednesday and 03.30am Thursday to Saturday. The committee should note that the main bedroom accommodation within Westlegate Tower is on the south elevation overlooking the Pig and Whistle, therefore any noise from the establishment has a direct effect on the ability of residents to achieve a full nights undisturbed sleep.</p> <p>The variation being sought would introduce tables and chairs outside the front of the Pig and Whistle which given the licencing hours will, on the balance of probability, cause a major impact to the lives of the residents within Westlegate Tower and Lion and Castle Yard. Noise generated from the Pig and Whistle is currently contained within the fabric of the establishments building and therefore minimises impact to residents. If this noise moves-out onto the street in front of the Pig and Whistle this will have a detrimental impact on the lives of residents. The area in close proximity to the P&amp;W is becoming increasing residential, eg Westlegate Tower, Lion&amp; Castle Yard, the student residents in Pablo Fanque House and the proposed Boar's Head development in Westlegate, which should also be noted.</p>
To protect children from harm	<p><b>Children's educational achievement</b></p> <p>There are a number of school aged children who live within Westlegate Tower and studies have shown conclusively that disturbed sleep (sleep deprivation) has a dramatic effect on a child's ability to learn and achieve their potential within the school environment.</p>
Please suggest any conditions which would alleviate your concerns.	<p>The tables and chairs should be a temporary feature and removed (packed away and stored) from the front of the Pig and Whistle in the early evening (by 9pm), ensuring all night time drinking is contained within the Pig and Whistle establishment building minimising the impact of any noise on residents and the local community.</p>

Signed: James Close

Date: 31/7/18



**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)	MRS YVONNE BORG OWNER OF 3 LION & CASTLE YARD WESTLEGATE NORWICH. NR1
Postal address	HILL HOUSE 30 NORWICH ROAD STOKE HOLY CROSS. NR14 8AB.
Email address	[REDACTED]
Contact telephone number	[REDACTED]
Name of the premises you wish to support or object to	PIG & WHISTLE
Address of the premises you wish to support or object to	2-8 ALL SAINTS GREEN NORWICH. NR1 3NA.

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

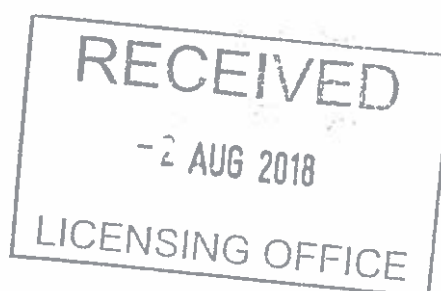
Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	DRUNKEN FIGHTS WILL ENSUE IF CLOSING AT 03.30 IS ALLOWED. MIDNIGHT IS SENSIBU
Public safety	ALCOHOL LEADS TO DRUNKEN BEHAVIOUR AND BRAWLS PLUS NOISE AND POLICE.
To prevent public nuisance	TABLES & CHAIRS ON THE PAVEMENT OUTSIDE WILL MEAN NOISE FOR LOCAL RESIDENTS. PLUS THE CLOSING TIMES SUGGESTED ARE RIDICULOUS AT 03.30!
To protect children from harm	N/A.

Please suggest any conditions which would alleviate your concerns.	FOR ALL BUSINESS AND CUSTOMER ACTIVITY TO BE KEPT INSIDE THE PREMISES AND FOR A CLOSING TIME MIDNIGHT
--	---

Signed:

Date: 31/7/18.

Please see notes below



**Bennett, Rachel**

---

**From:** Profkenhobb [REDACTED]  
**Sent:** 02 August 2018 11:07  
**To:** LICENSING  
**Cc:** [REDACTED]  
**Subject:** Application to vary a premises licence by Craft Union Pub Company at Pig and Whistle 2-8 All Saints Green, Norwich

We wish to oppose this application in its current format on the grounds of 'To Prevent public nuisance'

We are elderly residents of Apartment 10 Westlegate Tower and have enjoyed the relative quiet of living here since the take over of the current licensees of the Pig and Whistle pub across the road from us. They no longer have late night parties within the pub and that used to spill on to the road after midnight, keeping us awake. Thus we view the new application to vary the current premises licence with alarm.

We have no objection to the proposed daytime use of the premises including external seating on Westlegate, daily, UNTIL MIDNIGHT. However any licence allowing drinking and partying externally in Westlegate/All Saints Green BEYOND MIDNIGHT will PREVENT US SLEEPING and cause us extreme discomfort and annoyance.

Furthermore any licence that allows drinking and partying INSIDE the premises or in its roof garden that will allow noise to escape will also keep us awake and cause extreme discomfort and annoyance and potential illness.

We do request that these potential problems to us, as very elderly neighbours, will be considered by your licensing committee, before it agrees to the current application in its current form.

Many thanks for your consideration,

Professor Ken Hobbs and Mr Ken Marshall.

Apartment 10 Westlegate Tower, 14-18 Westlegate, Norwich NR1 3LJ  
[REDACTED]

Sent from my iPad



**Bennett, Rachel**

---

**From:** Gillian <[REDACTED]>  
**Sent:** 03 August 2018 12:26  
**To:** LICENSING  
**Subject:** Application for tables in Westlegate outside Pig and Whistle Pub

Dear NCC Team

Previously when permanent tables were used outside the above pub, there has been aggravation and noise from people using this facility for smoking and drinking late into the night/morning. Not necessarily patrons of the pub. Residents have previously complained. The resources of the Police have also been needed to control behaviour.

If tables and chairs are to be allowed, we would request that these are taken inside at night and only be allowed out until eleven o'clock or midnight at the latest. This is in line with other businesses in the area and to avoid nuisance to residents in the street.

While we would like to see local businesses succeed, we would also like the needs of residents for a peaceful environment to be considered too.

Yours sincerely  
Gillian and Neville Ward  
1a Westlegate Tower

Sent from my iPhone





**NORWICH**  
City Council

Organisational Development

- 6 AUG 2018

Post Room

## 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)	Terry O'Leary
Postal address	Apartment 7 Westlegate Tower, 14-18 Westlegate, Norwich
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	Pig and Whistle
Address of the premises you wish to support or object to	2-8 All Saints Green

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	<p>To avoid excess noise, my wife and I object to a licence being granted for drinking after 10pm outside. This area is shared by both local traders and residential occupants and I believe that residents in a local neighbourhood should have regard to each other.</p> <p>Being partially sighted I need to use the footpath skirting the church wall directly opposite the Pig and Whistle, where drinking glasses and bottles have been found lying about and in the flower beds. I am sure the local street cleaning team will be able to confirm this is happening.</p>
Public safety	
To prevent public nuisance	
To protect children from harm	

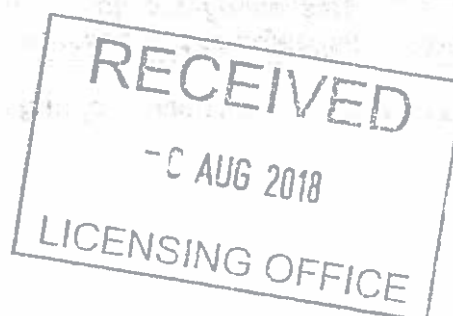
Please suggest any conditions which would alleviate your concerns.	We believe that the Pig and Whistle has outside space to the rear of the premises which may be suitable for seating if required. If this is the case then why would additional seating be required at the front?
--	--

Signed:

Date:

01/08/2018

Please see notes below







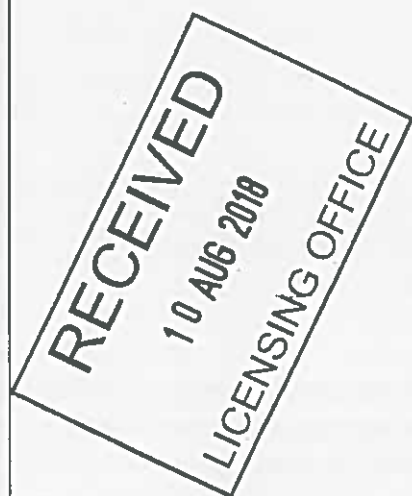
## Norwich City Council Licensing Authority Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	Westlegate Residents Association
Postal address	c/o Apartment 8 Westlegate Tower 14-18 Westlegate Norwich
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	Pig and Whistle
Address of the premises you wish to support or object to	2-8 All Saints Green

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

Licensing Objective	<i>Please set out your support or objections below. Please use separate sheets if necessary</i>
To prevent crime and disorder	<p><b><u>Drug Dealing</u></b></p> <p>It has been noticed by WRA residents that drug dealing is taking place opposite the Pig and Whistle Pub late at night in the alley way between the All Saints church and Warings Lifestore. This may or may not be linked to the extended licencing hours at the Pig and Whistle.</p>
Public safety	
To prevent public nuisance	<p><b><u>Noise levels late at night will affect our residential amenity</u></b></p> <p>The Pig and Whistle currently has a licence until 02.30am Sunday to Wednesday and 03.30am Thursday to Saturday. The committee should note that the main bedroom accommodation within Westlegate Tower is on the south elevation overlooking the Pig and Whistle, therefore any noise from the establishment has a direct effect on the ability of residents to achieve a full nights undisturbed sleep.</p> <p>The variation being sought would introduce tables and chairs outside the front of the Pig and Whistle which given the licencing hours will, on the balance of probability, cause a major impact to the lives of the residents within Westlegate Tower and Lion and Castle Yard. Noise generated from the Pig and Whistle is currently contained within the fabric of the establishments building and therefore minimises impact to residents. If this noise moves out onto the street in front of the Pig and Whistle this will have a detrimental impact on the lives of residents. The area in close proximity to the P&amp;W is becoming increasing residential, eg Westlegate Tower, Lion &amp; Castle Yard, the student residents in Pablo Fanque House and the proposed Boar's Head development in Westlegate, which should also be noted.</p> <p>The council will be aware (Complaint Ref eH17/8400) that from March to November 2017 local residents suffered continuously from the noise of customers outside the Pig &amp; Whistle, and from the music that came from within the building. Even before this application has been heard, we are already experiencing noise problems from outside the Pig &amp; Whistle late into the night and early morning as residents were kept awake until 2.00am on Sunday 5<sup>th</sup> August (emailed complaint to <a href="mailto:licencing@norwich.gov.uk">licencing@norwich.gov.uk</a> on 5th August at 12.26). It would appear that the Landlord is currently allowing patrons to take drinks served in the pub out on to Westlegate where patrons are drinking and smoking daytime and night time into the early hours. The door staff employed at the weekend are taking no action to</p>



	<p>prevent this activity. This clearly demonstrates that no direct controls are in place to manage the impact of noise and in fact the current practice of allowing patrons to take drinks outside of the pub clearly encourages noise onto Westlegate. Historically the patrons of the Pig and Whistle were provided a smoking area at the rear of the Pub (shown on the variation plans), which it would appear is no longer made available to patrons, forcing them onto Westlegate to smoke (and drink).</p> <p>The Council are actively encouraging regeneration of this area for residential use and consequently have a responsibility to protect all those living nearby from the public nuisance that this licence would certainly create.</p>
<b>To protect children from harm</b>	<p><b><u>Children's educational achievement</u></b></p> <p>There are a number of school aged children who live within Westlegate Tower and studies have shown conclusively that disturbed sleep (sleep deprivation) has a dramatic effect on a child's ability to learn and achieve their potential within the school environment.</p>
<b>Please suggest any conditions which would alleviate your concerns.</b>	<p>The tables and chairs should be a temporary feature and be removed (packed away and stored) from the front of the Pig and Whistle in the early evening (by 9pm), ensuring all night time drinking is contained within the Pig and Whistle establishment building minimising the impact of any noise on residents and the local community.</p> <p>Patrons should not be allowed to take drinks outside the pub after the tables and chairs are removed in the evening.</p> <p>A licence review should be conducted to ensure the licencing hours are sympathetic to the needs of all local residents.</p>

Signed: James Close (Secretary WRA)

Date: 10/8/18

Please see notes below

### NOTES

1. In order for you to be able to support or object to an application for a premises licence, your representation must be 'relevant' (i.e. it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives) and is not frivolous or vexatious.
2. The four licensing objectives are:-
  - to prevent crime and disorder
  - public safety
  - to prevent public nuisance
  - to protect children from harm
3. An application for a premises licence will be notified to residents by displaying it on the premises, in the local press and on the council's website. Comments in support or objections must be made within 28 days of the date given in the public notice.
4. If you have made valid comments of support or objection you will be expected to attend a meeting of the authority's Licensing sub-committee and any subsequent appeal proceeding. If you do not attend, the sub-committee will still consider your comments, but they may not carry the same weight as if you had attended if, for example, the contents are disputed or challenged.
5. Your statement of support or objection will be passed to the applicant to allow them the opportunity to address your concerns in line with the Licensing Act 2003. Your statement, which will include your name and address but not your email address, telephone number or signature, will also be published in the report to the

## 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 E**

## **National Guidance**

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

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

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

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

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

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

## **Crime and disorder**

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

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

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

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

## **Public nuisance**

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

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



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

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

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

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

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

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

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

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

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

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

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

## **Conditions attached to premises licence**

### **General**

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

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

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

### **Proposed conditions**

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

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

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

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

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

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

## **Imposed conditions**

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

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

## **Proportionality**

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

## **Hours of trading**

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

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

## **The need for licensed premises**

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