

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing sub-committee
16 February 2012

3

Report of Head of citywide services

Subject Licensing Act 2003:
Application to vary a Premises Licence -
Carnival, 1 Queen Street, Norwich, NR2 4SG

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application to vary a Premises Licence in respect of Carnival 1 Queen Street Norwich NR2 4SG following the receipt of a Responsible Authority and Interested Party representations.

Recommendation

That members determine the application to vary a Premises Licence in respect of Carnival 1 Queen Street Norwich NR2 4SG in accordance with the:

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

Financial Consequences

The financial consequences for this report are nil.

Corporate Objective/Service Plan Priority

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

Contact Officer
Ian Streeter

Phone No 212439

Background Documents

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

1.0 The Application

1.1 The applicant is Michelle Nadler of The Norfolk Loft Company Ltd 2 Upper King Street Norwich NR3 1HA.

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

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

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

1.3 The application seeks to increase the hours for the following licensable activities and the hours the premises are open to the public, as shown in the tables below:

Live music – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 02:00	10:00 – 02:00
Monday	10:00 – 02:00	10:00 – 03:00
Tuesday	10:00 – 02:00	10:00 – 03:00
Wednesday	10:00 – 02:00	10:00 – 03:00
Thursday	10:00 – 02:00	10:00 – 04:00
Friday	10:00 – 03:00	10:00 – 04:00
Saturday	10:00 – 03:00	10:00 – 04:00

Recorded music – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 02:00	10:00 – 02:00
Monday	10:00 – 02:00	10:00 – 04:00
Tuesday	10:00 – 02:00	10:00 – 04:00
Wednesday	10:00 – 02:00	10:00 – 04:00
Thursday	10:00 – 02:00	10:00 – 04:00
Friday	10:00 – 03:00	10:00 – 04:00
Saturday	10:00 – 03:00	10:00 – 04:00

Performances of dance – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 02:00	10:00 – 02:00
Monday	10:00 – 02:00	10:00 – 03:00
Tuesday	10:00 – 02:00	10:00 – 03:00
Wednesday	10:00 – 02:00	10:00 – 03:00
Thursday	10:00 – 02:00	10:00 – 04:00
Friday	10:00 – 03:00	10:00 – 04:00
Saturday	10:00 – 03:00	10:00 – 04:00

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

	Existing hours	Proposed hours
Sunday	10:00 – 02:00	10:00 – 02:00
Monday	10:00 – 02:00	10:00 – 04:00
Tuesday	10:00 – 02:00	10:00 – 04:00
Wednesday	10:00 – 02:00	10:00 – 04:00
Thursday	10:00 – 02:00	10:00 – 04:00
Friday	10:00 – 03:00	10:00 – 04:00
Saturday	10:00 – 03:00	10:00 – 04:00

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

	Existing hours	Proposed hours
Sunday	10:00 – 02:00	10:00 – 02:00
Monday	10:00 – 02:00	10:00 – 04:00
Tuesday	10:00 – 02:00	10:00 – 04:00
Wednesday	10:00 – 02:00	10:00 – 04:00
Thursday	10:00 – 02:00	10:00 – 04:00
Friday	10:00 – 03:00	10:00 – 04:00
Saturday	10:00 – 03:00	10:00 – 04:00

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

	Existing hours	Proposed hours
Sunday	10:00 – 02:00	10:00 – 02:00
Monday	10:00 – 02:00	10:00 – 04:00
Tuesday	10:00 – 02:00	10:00 – 04:00
Wednesday	10:00 – 02:00	10:00 – 04:00
Thursday	10:00 – 02:00	10:00 – 04:00
Friday	10:00 – 03:00	10:00 – 04:00
Saturday	10:00 – 03:00	10:00 – 04:00

Late Night Refreshment – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	23:00 – 02:00	23:00 – 02:00
Monday	23:00 – 02:00	23:00 – 04:00
Tuesday	23:00 – 02:00	23:00 – 04:00
Wednesday	23:00 – 02:00	23:00 – 04:00
Thursday	23:00 – 02:00	23:00 – 04:00
Friday	23:00 – 03:00	23:00 – 04:00
Saturday	23:00 – 03:00	23:00 – 04:00

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

	Existing hours	Proposed hours
Sunday	08:00 – 02:00	10:00 – 02:00
Monday	08:00 – 02:00	10:00 – 04:00
Tuesday	08:00 – 02:00	10:00 – 04:00
Wednesday	08:00 – 02:00	10:00 – 04:00
Thursday	08:00 – 02:00	10:00 – 04:00
Friday	08:00 – 03:00	10:00 – 04:00
Saturday	08:00 – 03:00	10:00 – 04:00

Hours premises are open to the public – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	08:00 – 02:00	10:00 – 02:30
Monday	08:00 – 02:00	10:00 – 04:30
Tuesday	08:00 – 02:00	10:00 – 04:30
Wednesday	08:00 – 02:00	10:00 – 04:30
Thursday	08:00 – 02:00	10:00 – 04:30
Friday	08:00 – 03:00	10:00 – 04:30
Saturday	08:00 – 03:00	10:00 – 04:30

- 1.4 In addition to the proposed standard hours shown in paragraph 1.3 above, the applicant is seeking a non-standard timing to extend the hours until 06:00 on all Bank Holiday Mondays.
- 1.5 Attached at Appendix B is a letter from the applicant's representative suggesting three conditions that could be applied to the licence as a result of the variation application. Also attached at Appendix B are copies of the policies referred to in the letter.
- 1.6 All premises licence variation applications contain a paragraph which asks the applicant to "*Highlight any adult entertainment or services, activities other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children*". The applicant had completed this section by requesting "*the facility to allow hen/stag parties adult entertainment i.e party strippers*". I have since received correspondence from the applicant requesting that this part of the application be removed. Members may consider whether it

is appropriate to attach conditions to control adult entertainment at the premises.

2. Relevant Representations

2.1 The responses from the Responsible Authorities are as follows:

- Police – Representations received – (Appendix C).
- Environmental Services – No representations.
- Fire Officer – No representations.
- Planning Officer – No representations.
- Area Child Protection Committee – No representations.
- Trading Standards – No representations.

2.2 Members will note from the second bullet point of the Police representations at Appendix C that a total of three door supervisors would be required from midnight until close on Friday, Saturday and Sunday nights before Bank Holidays. The applicant originally agreed this condition but has subsequently requested that the number of door supervisors on Friday be reduced to two. The police have attempted to contact the applicant to discuss this matter, but at the date of writing the report this issue has yet to be resolved.

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

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

3.0 Norwich City Council Statement of Licensing Policy

3.1 Attached at Appendix E are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application.

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

4.1 Attached at Appendix F are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

5.0 Summary

- 5.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 5.2 In making its decision, the Sub-Committee is also obliged to have regard to guidance issued under Section 182 of the Licensing Act 2003 (National Guidance) and the Council's own local licensing policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.
- 5.3 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- Grant the application as asked;
 - Modify the conditions of the licence by altering or omitting or adding to them;
 - Reject the whole or part of the application
- 5.4 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.
- 5.5 The representations received from the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee is directed to paragraphs 20 and 24 of the local licensing policy at Appendix E which contain examples of factors that impact on the two licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
- 5.6 The Sub-Committee is also reminded of the contents of appendix 4 of the local licensing policy (not re-produced in this report) which contains pools of model conditions relating to the prevention of crime and disorder and the prevention of public nuisance.



NORWICH
City Council

APPENDIX A

Premises Licence Summary

Premises Licence Number

11/02354/PREM

Premises Details

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

Knowhere
1 Queen Street
Norwich
NR2 4SG

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Other Entertainment falling within Act - Activity takes place indoors
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
Provision of Dance Facilities - Activity takes place indoors
Provision of Music Facilities - Activity takes place indoors
Provision of Entertainment Facilities - Activity takes place indoors
Sale by Retail of Alcohol - Activity takes place both indoors and outdoors
Recorded Music - Activity takes place indoors

The times the licence authorises the carrying out of licensable activities

Other Entertainment falling within Act	Every Day	10:00 - 03:00
Films	Every Day	10:00 - 03:00
Late Night Refreshment	Every Day	23:00 - 03:00
Live Music	Every Day	10:00 - 03:00
Performances of Dance	Every Day	10:00 - 03:00
Plays	Every Day	10:00 - 03:00
Provision of Dance Facilities	Every Day	10:00 - 03:00
Provision of Music Facilities	Every Day	10:00 - 03:00
Provision of Entertainment Facilities	Every Day	10:00 - 03:00
Sale by Retail of Alcohol	Every Day	08:00 - 03:00
Recorded Music	Every Day	10:00 - 03:00

Non Standard/Seasonal Timings

On New Years Eve from the end of permitted hours on 31 December until the start of permitted hours on 1 January.

On Certain celebration days, namely New Years Day, St Valentines Day, Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Saturday and Easter Sunday a further hour is added to the end of standard hours.

The opening hours of the premises

Monday	08:00 - 03:00
Tuesday	08:00 - 03:00
Wednesday	08:00 - 03:00
Thursday	08:00 - 03:00
Friday	08:00 - 03:00
Saturday	08:00 - 03:00
Sunday	08:00 - 03:00

Non Standard/Seasonal Timings

On New Years Eve from the end of permitted hours on 31 December until the start of permitted hours on 1 January.

On Certain celebration days, namely New Years Day, St Valentines Day, Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Saturday and Easter Sunday a further hour is added to the end of standard hours.

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 Norfolk Loft Company Limited
15 Upper King Street
Norwich
Norfolk
NR3 1RB

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

Registered Business Number 05730820

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

Sarah-Jane Roberts

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

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



Schedule 12

Regulation 33,34

Premises Licence

Premises Licence Number

11/02354/PREM

Part 1 – Premises Details

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

Knowhere
1 Queen Street
Norwich
NR2 4SG

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Other Entertainment falling within Act - Activity takes place indoors
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
Provision of Dance Facilities - Activity takes place indoors
Provision of Music Facilities - Activity takes place indoors
Provision of Entertainment Facilities - Activity takes place indoors
Sale by Retail of Alcohol - Activity takes place both indoors and outdoors
Recorded Music - Activity takes place indoors

The times the licence authorises the carrying out of licensable activities

Other Entertainment falling within Act	Every Day	10:00 - 03:00
Films	Every Day	10:00 - 03:00
Late Night Refreshment	Every Day	23:00 - 03:00
Live Music	Every Day	10:00 - 03:00
Performances of Dance	Every Day	10:00 - 03:00
Plays	Every Day	10:00 - 03:00
Provision of Dance Facilities	Every Day	10:00 - 03:00
Provision of Music Facilities	Every Day	10:00 - 03:00
Provision of Entertainment Facilities	Every Day	10:00 - 03:00
Sale by Retail of Alcohol	Every Day	08:00 - 03:00

Recorded Music

Every Day

10:00 - 03:00

Non Standard/Seasonal Timings

On New Years Eve from the end of permitted hours on 31 December until the start of permitted hours on 1 January.

On Certain celebration days, namely New Years Day, St Valentines Day, Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Saturday and Easter Sunday a further hour is added to the end of standard hours.

The opening hours of the premises

Monday	08:00 - 03:00
Tuesday	08:00 - 03:00
Wednesday	08:00 - 03:00
Thursday	08:00 - 03:00
Friday	08:00 - 03:00
Saturday	08:00 - 03:00
Sunday	08:00 - 03:00

Non Standard/Seasonal Timings

On New Years Eve from the end of permitted hours on 31 December until the start of permitted hours on 1 January.

On Certain celebration days, namely New Years Day, St Valentines Day, Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Saturday and Easter Sunday a further hour is added to the end of standard hours.

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

Alcohol is supplied for consumption both on and off the Premise

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

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

Part 2

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

The Norfolk Loft Company Limited
15 Upper King Street
Norwich
Norfolk
NR3 1RB

Telephone Number 01603 622265

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

Registered Business Number 05730820

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

Sarah-Jane Roberts
2 Upper King Street
Norwich
NR3 1HA

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: 140

Licensing Authority: South Norfolk District Council

Annex 1 – Mandatory conditions

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

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

 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;

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

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

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

11 (with effect from 1 October 2010)

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

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

12 (with effect from 1 October 2010)

The responsible person shall ensure that -

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

(i) beer or cider: half pint;

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

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the Operating Schedule

1 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" period after all licensed activities cease (except late night refreshment) before the premises are closed.

4 The Prevention of Crime and Disorder

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

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

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

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

9 The Licensee shall not advertise, promote, sell or supply alcoholic drinks in such a way that it is intended or likely to encourage persons to consume alcohol to an excessive extent.

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

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

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

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

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

15 Public Safety

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

17 The Prevention of Public Nuisance

18 All doors and windows (except for access and egress) are to be closed whilst regulated entertainment is being performed.

19 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.

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

21 An adequate number of staff must monitor the activity of persons leaving the premises and remind them of their responsibilities where necessary.

22 There must be clear and legible notices displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents.

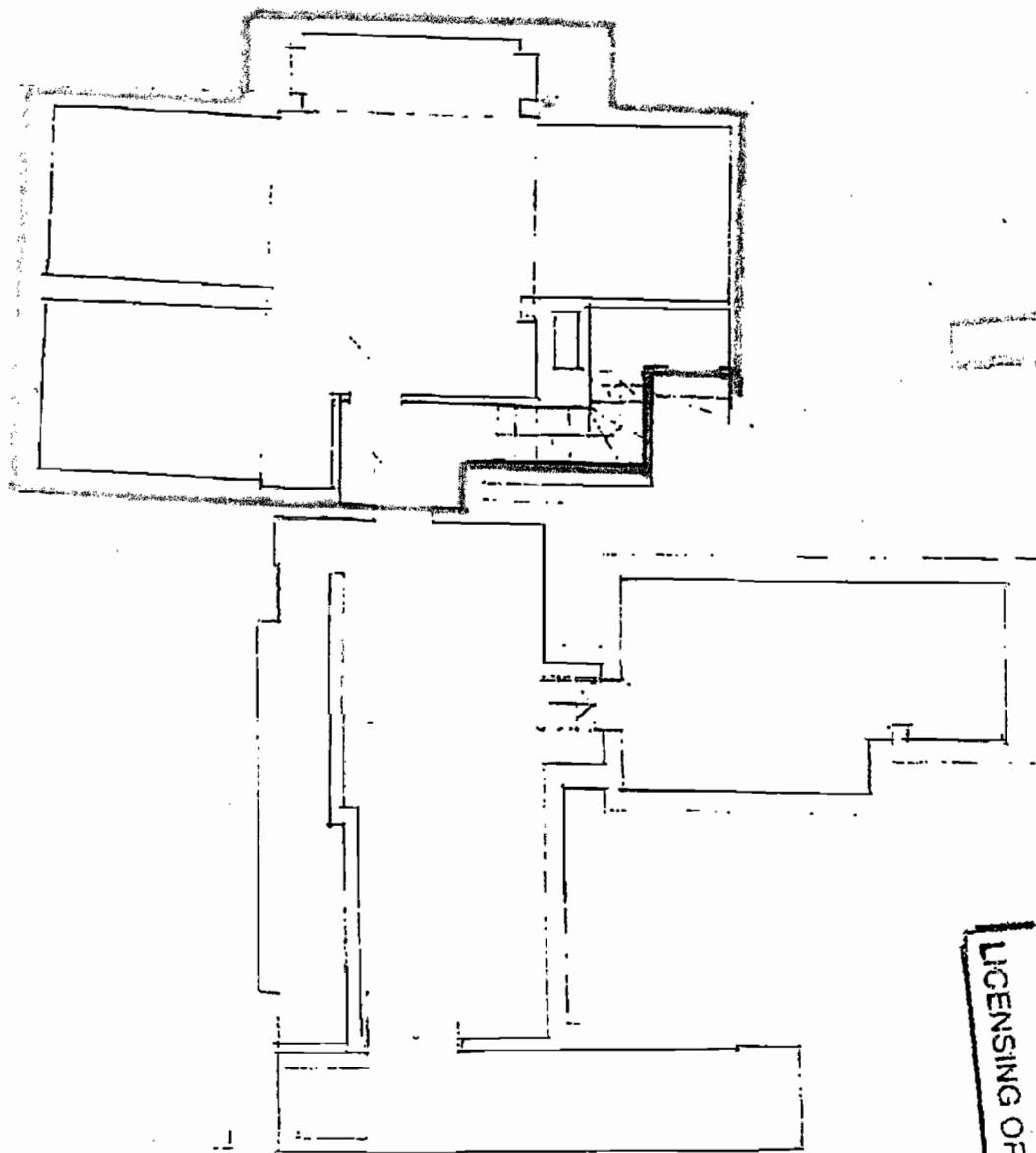
23 Volume levels from licensable music, both live and recorded, will be monitored by responsible persons throughout the period both inside and outside the premises with particular regard to excessive noise to neighbouring properties.

24 The Protection of Children From Harm

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

- 26 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.
- 27 No children under the age of 18 years to be allowed access to that part of the premises during any time when an activity or entertainment of a sexual nature is being provided.

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



ALL LICENSEABLE
ACTIVITIES

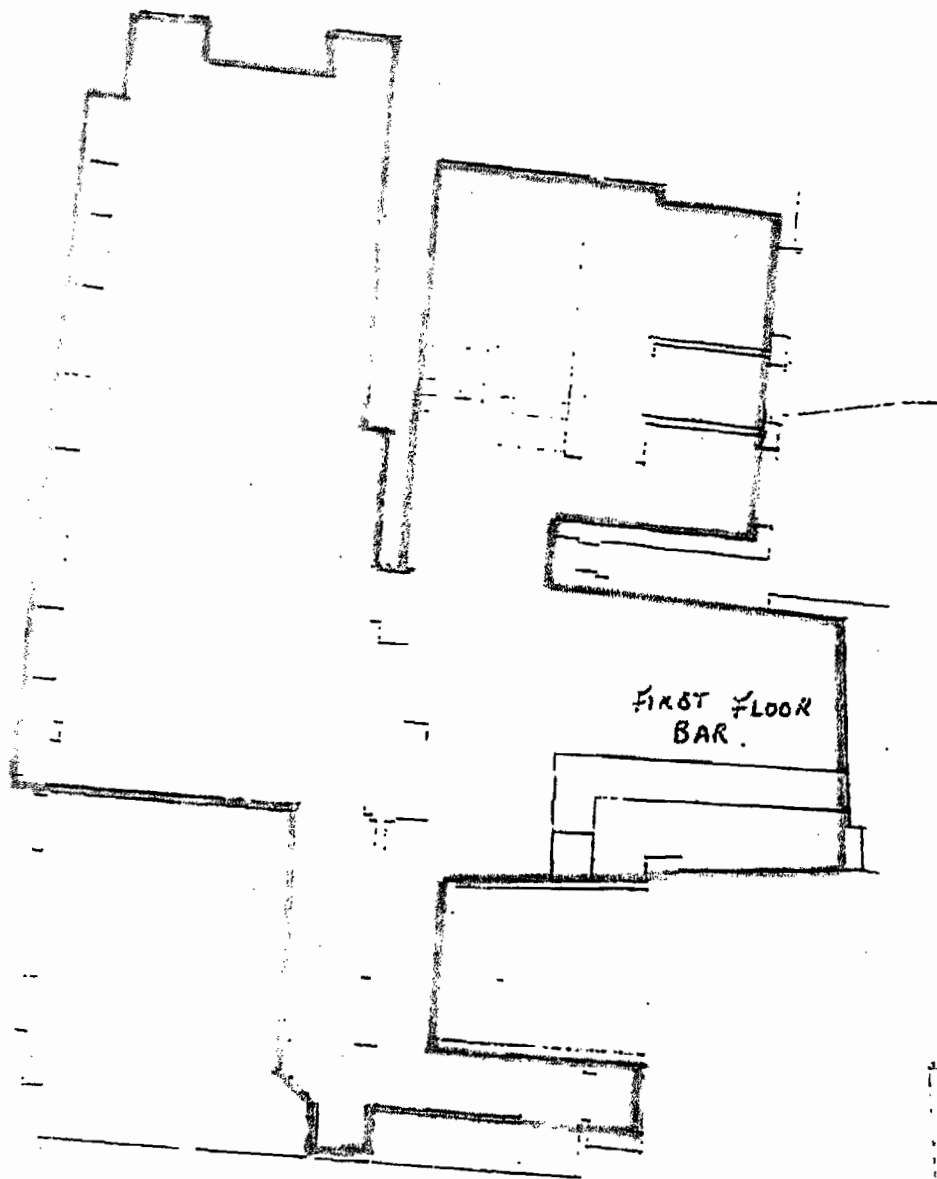
RECEIVED
11 NOV 2009
LICENSING OFFICE

RECEIVED
4 AUG 2010
LICENSING OFFICE

NATHAN HALL
ASSOCIATES
QUEEN ST.
PHOTOGRAPHY LTD
N012
BASEMENT LEVEL
1/100
0100004
977/02

N012 Queen Street NORWICH

BASEMENT LEVEL



FIRST FLOOR
BAR.

No 12 Queen Street NORWICH

FIRST FLOOR PLAN

RECEIVED
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LICENSING OFFICE

ALL LICENSEE
ACTIVITIES

RECEIVED
4 AUG 2010
LICENSING OFFICE

JONATHAN HALL
ASSOCIATES
27-29 QUEEN STREET
NORWICH NR1 2JL
01603 254444
1:100
177/03

APPENDIX B

2 Upper King Street

Norwich

NR3 1HA

19.12.11

To Whom this may concern

Please see enclosed a variation for 1 Queen Street, Norwich.

It will be our intention to vary the license to trade until 04.00 other than bank holiday Mondays until 06.00.

I have also enclosed our policies for the following:

Capacity and Environment

Drugs

Glass Collection

Disorder and violence

Alcohol Sales to those underage or drunk

First Aid

If the license was agreeable I would like to suggest that the following conditions be added to the license.

1. The use of shop safe radios
2. The minimum of 2 door security for the extended hours
3. The security staff be SIA registered

Please do not hesitate to contact me if you have any questions, all our sites have full risk assessments in relation to late night activity.

Hope you have a lovely Christmas

Kind Regards

Sarah Jane Roberts

Capacity & Environment		
C1	We have conducted a full risk assessment, taking into consideration health, safety and fire hazard factors, and have assessed that the maximum capacity for this venue is	
C2	We use a 'clicker' or counting device to monitor the number of people in the venue at any time and act to ensure that that number does not exceed our stated capacity	
C3	We will assess the number of people in the venue by way of head counts and will act to ensure that our stated capacity is not exceeded	
C4	We will use a ticketing system to ensure that our stated capacity is not exceeded	
C5	We will regulate capacity with a till system to ensure that our stated capacity is not exceeded	
C6	Our staff will act to ensure that main entrances and fire exits are kept clear at all times	
C7	We will monitor the internal temperature of all areas of the venue and act to ensure it never exceeds °C/°F	
C8	If the temperature of any part of the venue exceeds °C/°F and is likely to do so on more than one occasion then we will - use fans / air conditioning units / restrict access to effected areas	
C9	We will provide free drinking water, on request, to any customer	
C10	We will adhere to the following conditions, stated on our Premises Licence to ensure that noise pollution does not cause problems for local residents - - -	

Drugs		
D1	We operate a policy of zero tolerance with regards to drugs* use and supply on our premises.	
D2	We recognise that we hold a responsibility to provide a safe environment for all members of staff and customers and that this could be jeopardised by anyone under the influence of drugs or solvents.	
D3	Admission will be refused to anyone suspected of being under the influence of drugs.	
D4	A policy for searching patrons on entrance to the venue is in place.	
D6	All staff are given training / guidance in recognising the signs and symptoms of drug use and supply and are instructed to be vigilant at all times and to report any concerns to the most senior manager as soon as possible.	
D7	Admission will be refused to those suspected of dealing in drugs, but only if it is believed that such action will not endanger the safety of staff and customers.	
D8	If a person is suspected of dealing drugs in a venue, then staff will always seek advice from police before taking any action	
D9	The confiscation or discovery of all drugs must be witnessed, logged in the relevant Incident book and the drugs handed to the most senior member of management, who will secure them in a secure designated place such as a drug safe or lockable filing cabinet.	
D10	In this venue, drugs will be stored in – Prior to police collection.	
D11	Staff will always request that police collect drugs from the venue. Drugs will never be taken off the premises by staff, even if they are requested to do so by a police officer, or with the intention of delivering them to directly to a police station	
D12	All drug related incidents must be recorded in a designated Incident book or log	
D13	The earliest notification of any drug-related incidents must be given to Police and Licensing Officers.	
D14	Suitable signage will be displayed to inform customers of the venue's policy towards drug use and supply	

*all reference to the word 'drugs' relates to the illicit use or supply of substances listed as controlled drugs under section 2, schedule 2, parts 1 to 3 of the Misuse of Drugs Act 1971.

Disorder and Violence		
D01	All staff are made aware that the prevention of disorder is the responsibility of everyone employed in this venue	
D02	All staff are instructed to be vigilant for any verbal disputes taking place inside the premises as we acknowledge that verbal disputes can escalate into more serious incidents.	
D03	All staff are instructed to intervene in verbal disputes only when they believe that by doing so will not put them, other staff or customers in danger of physical assault.	
D04	Customers will be advised that if their behaviour is judged to be having an adverse effect on others, they must stop or they will be asked to leave.	
D05	Staff will only intervene to prevent the escalation of physical disorder if they believe doing so will not put themselves, other members of staff or customers at risk of injury	
D06	We will permit only SIA registered staff to intervene in incidents of physical violence in this venue, unless failure to do so could increase the risk of injury to customers or staff	
D07	If the behaviour or attitude of any person gives staff reason to believe that any further verbal intervention with that person, or requests for that person to leave, may increase the likelihood of that person being physically violent towards staff or customers, then the police will be called prior to that person being asked to leave	
D08	In instances of physical violence occurring inside the premises, we will always dial 999 and ask for the police.	

First Aid		
FA1	All staff will be made aware of the whereabouts of First Aid boxes as part of their induction.	
FA2	Any items removed from the first aid boxes will be brought to the immediate attention of a senior member of staff who will ensure the items are replaced as a matter of urgency.	
FA3	Wherever possible, we will initially treat the injured person out of public view and will seek to respect the privacy of the injured person.	
FA4	Wherever possible, at least one first aid trained member of staff will be on duty.	
FA5	In the case of any medical emergency or concern about the immediate health of staff or customers we will always dial 999 and request an ambulance.	
FA6	In the case of any head injury, however minor, we will always dial 999 and request an ambulance.	
FA7	The health and safety of our staff or customers is our first priority and therefore we will always seek medical attention for any person who appears ill or incapacitated in any way, even if we believe their condition is as a direct result of drug use or excessive alcohol consumption.	
FA8	Records of all first aid interventions and accidents will be kept in the designated log book.	

Glass & Glass Collection

GC1	It is the duty of all members of staff to proactively collect glasses. Any unattended drinking vessels must be collected as soon as possible to avoid the risk of injuries.	
GC2	When collecting bottles, we will place them carefully into a glass bin to avoid any undue noise and risk of broken glass.	
GC3	Bottle bins will be emptied on a regular basis before they are completely full and overflowing	
GC4	We will not empty glass bins after 1.00 hrs am/ pm	
GC5	We will prevent glass bottles or glass vessels being taken off the premises or used in outside areas.	
GC6	We will only use safety glass or non glass-based vessels for any alcoholic drink consumed in outside areas	

Alcohol Sales to those Underage or Drunk		
Ad1	All staff are instructed never to serve customers who are, or appear to be, drunk, under any circumstances	E
Ad2	<p>We train our staff to identify a person as drunk if they display some, or all, of the following symptoms -</p> <ul style="list-style-type: none"> ▪ Glazed, possibly reddened, eyes ▪ Slurred speech ▪ Poor co-ordination (staggering, being unsteady on their feet, being unable to count out cash or use a mobile phone) ▪ Inability to respond appropriately to clearly stated questions or requests ▪ Strong smell of alcohol on the breath 	
Ad3	If any member of staff is not sure if a person is too drunk to serve, they are trained always to seek the assistance of a manager.	
Ad4	We acknowledge that it is the police and not our staff who will ultimately decide whether or not a person is, or appears to be, drunk. We train all of our serving staff to be diligent in ensuring that no person who is, or who appears to be drunks is served with alcohol and ensure they are fully aware of the legal and financial penalties for serving drunks	
Ad5	If a customer is, or appears to be drunk, will be asked to leave	
Ad6	If a customer who is, or appears to be drunk, asks for an alcoholic drink, they will be offered a soft drink or a glass of water as an alternative.	
Ad7	If a customer who is, or appears to be drunk, refuses a soft drink when offered and persists in requesting an alcohol drink, then they will be asked to leave.	
Ad8	If we have reason to believe that someone is attempting to purchase alcohol for, or on behalf of, a person is, or appears to be drunk, they will be refused service.	
Ad9	If the behaviour of any person gives staff reason to believe that by refusing service they may endanger the safety of staff or customers, then the police will be called prior to that person being asked to leave.	
Au1	Those under the age of 18, or who cannot prove they are 18 or over, will not be sold alcohol under any circumstances	
Au2	<p>The forms of Identification we train our staff to recognise and accept as proof of age are -</p> <ul style="list-style-type: none"> ▪ UK passport ▪ UK Photo Driving Licence ▪ Cards bearing the 'Pass' hologram ▪ ▪ 	
Au3	Our staff have been trained to follow the guidance of Check/Challenge 21 schemes and will ask any person who, in their	

	opinion, looks 21 or under for proof of age	
Au4	Staff will always ask for any form of proof of age to be handed to them for closer examination. If any person refuses to do so, they will be refused service and asked to leave	
Au5	If any member of staff has reason to believe that a form of proof of age given to them is either fake or is not the property of the person attempting to use it, then it will be confiscated. The person will be informed that they can collect the proof of age at a designated time on the next working day, after staff have informed local police.	
Au6	If any member of staff has reason to believe that a form of proof of age given to them is either fake or is not the property of the person attempting to use it, then the proof of age will be returned to them and they will be asked to leave	
Au7	To assist staff in quickly establishing whether the date of birth given on genuine forms of ID indicates a person is over 18, the date on which a person would have had to have been born on, or before, to be aged 18 will be prominently displayed on all tills. (i.e if today is 18 July 2007, then only those born on, or before, 18 July 1989 would be over 18, so that date will be displayed)	
Au8	If no proof of age can be produced, then under no circumstances will any person who looks 21 or under be served alcoholic drinks	
Au9	Our bar staff will always ask for proof of age if they consider someone to look 21 or under, even if Door Supervisors or other members of staff have already done so	
Au10	We ensure all staff are fully aware of the legal and financial penalties for serving those under 18 with alcohol	



APPENDIX C

NORFOLK

CONSTABULARY

Our Priority is You

Mr Ian Streeter
Licensing Manager
St Peters Street
Norwich
NR2 1NH

Date: 13th January 2011

Dear Mr Streeter

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Application to vary the premises licence for Carnival, 1 Queen Street Norwich

I can confirm that we have received an application to vary the premises licence for Carnival, 1 Queen Street Norwich to extend the licensable activities and opening hours of the premises

In order to reduce the risk of impacting crime and disorder at or in the vicinity of the premises by allowing this extension, I have requested that the following conditions are added to the licence:

- **Whilst the premises is open to the public and available, a radio communication system will be in use to communicate to other venues and the Police**
- **On Friday, Saturday and Sunday nights before Bank Holidays, there will be a minimum of 1 SIA door supervisor employed from 2200 hrs, another 1 SIA Door supervisor employed from 2300 hrs and 1 additional Door supervisor at Midnight. (A total of 3 SIA door supervisors on the ground floor from midnight until close)**
- **When the upstairs floor is open for licensable activities, 1 SIA door supervisor will be employed until finish (in addition to the previous door condition) to specifically patrol this area and prevent unauthorised access.**
- **Door Supervisors will use a signing in book to log names, full SIA badge number and tour of duty. This book will be available on request.**
- **Last entry to the premises is at 3.15am**

With these conditions added, there will be no Police objections

By conditioning the licence with a specific number of door supervisors and establishing a last entry time, we can ensure that the licensing objective, the prevention of crime and disorder is being promoted.

I have already discussed these proposals with the applicant so I do not anticipate this to be an outstanding issue.

Yours faithfully,

Michelle Bartram
Licensing Officer

APPENDIX

D

3 Princes Street,
Norwich.

19th January, 2012

Norwich City Council,
Licensing Section,
City Hall,
Norwich, NR2 1NH.



Re: Licence variation, Knowhere 1 Queen Street, NR2 4SG
Application to extend hours to 6am, and 'adult entertainment'

Dear Sirs,

I am writing in response to the Council's notice, to object to a further extension of hours and the development of nightclub activities at these premises on the grounds of public nuisance.

For two years, the building at 1 Queen Street has caused problems to my family and to close neighbours by pushing the noise of music beyond the licenced area of the premises, into the surrounding streets. Even neighbours along Elm Hill, much further away than my family home, have felt the deep rumbling of base vibrations when they have been trying to get to sleep late at night.

The licence granted in January 2010 apparently omitted the noise limiter condition which had been included in the previous licence and which it superceded. Throughout 2010 and 2011 the following conditions have been flouted; The conditions to keep doors and windows closed, and "Committee noted the obligations contained in the operating schedule to control noise nuisance arising from amplified sound and the obligations via staff and notices to attempt to control persons leaving the premises."

Environmental Health has had a number of complaints over these two years from my family and from other residential neighbours, and should have records of some but by no means all of the occasions when we were denied sleep in the small hours of the night because of noise nuisance. My first complaint was directly to the current applicant in April 2010, but thereafter to the Environmental Health department in May and December 2010, January and February 2011, and November 2011 after a period of closure "for refurbishment."

On the numerous occasions when we were disturbed by amplified noise, it became less disturbing to my family to move out of the bedroom which is particularly blighted by this nuisance. We have effectively lost the use of part of our home due to the noise from these premises, which runs contrary to the Human Rights Act.

I am able to offer copies of these specific complaints, describing in detail the effects of the noise nuisance on different occasions, if the records at Environmental Health are not available.

These premises, well beyond the City's Late Night Zone, are operating as a nightclub. It must be the only nightclub in Norwich without a noise limiting device, particularly so close to a historic residential area. My objection to this application for yet another extension is because of the dreadful history of causing public nuisance, and ignoring the terms of the current premises licence.

As an example particularly relevant to this application, I attach a current advertisement for an "All Nighter" which I believe must be contrary to the current licence hours.

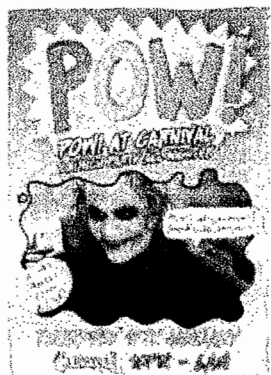
"Carnival Launch Party - All Nighter Thursday 19th January 10pm - **6am**"

<http://www.facebook.com/events/279699542084876/>

Because I certainly do not think this is the first time that the hours of trading have been breached, because the premises have been trading in a completely different way to that originally promised by the applicant, because the fabric of the building cannot contain the volume of sound the nightclub wants, and because this is just another step in the inexorable creep of nightclubs away from Riverside and Prince of Wales Road towards residential areas and City Hall, I ask that this variation, which emphasises nightclub 'adult entertainment' throughout the night, is not granted.

Yours faithfully,

C. Hardman



Going (175)



Maybe (61)



Invited (5,026)



Export · Report

POW! CARNIVAL LAUNCH PARTY – ALL NIGHTER

Public Event · By POW

Thursday 10:00pm until 6:00am

CARNIVAL NORWICH

...WRITE NAMES ON WALL FOR £2 ENTRY BEFORE 11.30PM...
...£2 BUDWEISERS, £2 JAGERBOMBS, £1.50 POW! SHOTS, £3 POW! COCKTAILS...

<http://www.facebook.com/POW!Q> and click 'Like'.

FIRST OF ALL, A BIG THANKS TO EVERYONE THAT STUCK WITH US FOR OUR BRIEF PIT STOP IN KARTEL. WE HAD SOME GREAT TIMES THERE. 2012 HAS SOME EXCITING THINGS IN STORE FOR POW! INCLUDING A NEW WEBSITE, SOME LARGE-SCALE EVENTS WITH HUGE HEADLINERS AND A POTENTIAL UK TOUR. WITH THIS IN MIND, AND OUR CONSTANT AGENDA TO COMBINE THE BEST IN MUSIC WITH THE BEST PARTY CROWD IN NORWICH, IT IS WITH GREAT PLEASURE THAT WE ANNOUNCE THE START OF OUR NEW WEEKLY EVENTS AT NORWICH'S FRESHEST CLUB:

... 'CARNIVAL'!

THINGS KICK OFF THURSDAY 19TH JANUARY WITH AN ALL NIGHTER LAUNCH PARTY FEATURING THE ONE AND ONLY 'SANTERO' – REDBULL THRE3STYLE CHAMPION. IN SUPPORT IN THE MAIN ROOM. POW!'S OWN 'JUXTAPOSER' IS JOINED BY NEW POW! RESIDENTS 'DASH' (GET LOW CARTEL) AND 'DJ HOTPOINT'. ALL WILL BE BRINGING YOU THE BEST IN NEW ELECTRONIC MUSIC, WITH A HEALTHY SERVING OF PARTY FAVOURITES.

UPSTAIRS WE ARE THRILLED TO ANNOUNCE A PARTNERSHIP WITH OUR FRIENDS 'DANCE CLUB'. EACH WEEK THEY WILL BE PRESENTING ROOM 2. PUSHING THE MOST UP-FRONT MUSIC YOU'LL FIND IN NORWICH ON A THURSDAY NIGHT (OR PERHAPS ANY OTHER NIGHT FOR THAT MATTER).

AS A TASTE OF WHAT TO EXPECT, CHECK OUT THIS BRAND NEW POW! 2012 MIX BY OUR RESIDENT PARTY-STARTER 'JUXTAPOSER':

JUXTAPOSER – POW! 2012 MIX <http://www.mixcloud.com/POW!PartyBovs/juxtaposer-pow-2012-mix/>

WATCH OUT FOR SPECIAL POW! VIP WRISTBANDS BEING GIVEN OUT TO SELECT PEOPLE BY OUR POW! REPS. THESE WILL GET YOU £2 ENTRY AND QUEUE JUMP ALL NIGHT LONG AND WILL BE VERY LIMITED. KEEP YOUR EYES PEELED! NORMAL GUESTLIST IS STILL IN PLACE. READ ON FOR FULL DETAILS.

SEE YOU ON THURSDAY!

GET YOUR NAMES ON THE WALL FOR:

– £2 ENTRY BEFORE 11.30pm

POW! – IT'S A HOUSE PARTY IN A CLUB. SQUIRE!

POW! – CARNIVAL LAUNCH PARTY – ALL NIGHTER
CARNIVAL (Formerly Knowhere)
THURSDAY 19TH JANUARY
10PM – 6AM

GUESTLIST ENTRY: £2 BEFORE 1130 / £3 AFTER
STANDARD ENTRY: £3 BEFORE 1130 / £4 AFTER

DRINKS DEALS:

– £1.50 POW! SHOTS!
– £2 VODKA MIXER!
– £2 BUDWEISERS (3 for £5!)
– £2 JAGERBOMBS!
– £3 POW! COCKTAILS!

LINEUP:

MAIN ROOM: Mashup House Party Vibes
– SANTERO (Redbull Thre3style Champion)
– SPECIAL GUEST
JUXTAPOSER

- DASH (GET LOW CARTEL)
- DJ HOTPOINT

ROOM 2 HOSTED BY DANCE CLUB: Nu-Disco, House, & Future Garage.

- POW! PARTY BOYS
- DANCE CLUB DJs
- SPECIAL GUESTS

BRING YOUR PHOTO ID WITCHA. OR GET PARRED AT THE DOOR BY MANS.

<http://www.powhq.com>

<http://www.facebook.com/POWHQ>



Jon Gould
Jon Gould
4 hours ago



Jonny Airey
Robin Sheffield
Stephen Boulsted
George Montagi
6 hours ago



Sara Gill
Sophie Melton
Becky Purn
Sara Gill
8 hours ago



Oliver Osborne
hurry up Thursday - David Purnell - POW! CARNIVAL LAUNCH PARTY -
ALL NIGHTER.
8 hours ago



Lisa Cawdron
Charlie Cousens
Sam Bryant
Kirsty Evans
9 hours ago



Lisa Cawdron Jack Bonner
9 hours ago · 1



Matt Giles
Matt giles
Ross betts
Pascal chimbonda
danny murphy
10 hours ago



Luke Knights
Luke Knights
George Woodley
James Lovell and Moe
The kjay
11 hours ago



Alice Tibbenham
Alice Tibbenham
Charlotte boy's
Charlotte Rump
Mimi Chenev
Robert Clarke
Ben Asker
12 hours ago

Fuller, Maxine

From: The Bear Shop
Sent: 19 January 2012 11:02
To: Licensing
Subject: Ref.1 Queen Street, Norwich Premises licence number 11/00174/PREM

18 Elm Hill
Norwich
NR3 1HN

19/1/12

Dear Sirs

Regarding the application to vary a premises licence for the above. I am very much against yet another public house being given extra opening hours - this area is becoming like Prince of Wales Road with late drinkers causing noise and mess to what should be a peaceful area.

I would also like to add as in many other cases of change of use etc a notice has not been displayed on the premises.

Yours faithfully

Robert J. Stone

Fuller, Maxine

From: James Kearns
Sent: 18 January 2012 12:26
To: Licensing
Cc: aldridgeg@norfolk.pnn.police.uk
Subject: 11/00174/PREM - Carnival, 1 Queen Street

I have been passed a copy of the application to extend the license for the premises at 1 Queen Street, and a covering letter from an anonymous concerned resident. We occupy commercial premises off Redwell Street, in Church Alley for use as the operating base for services for young people and adults with learning difficulties and other disabilities.

Whilst we have no real grounds for lodging a formal objection to the granting of an extended license, we would want to draw to the attention of the panel, ongoing concerns surrounding criminal and anti-social behavior in this area of the city. Members of the panel may therefore consider this in making their judgement.

Over recent years, as Queen Street has increased its range of licensed premises, and extended its operating hours we have seen a dramatic increase in incidents of crime and anti-social behavior taking place in Redwell Street, and in particular Church Alley.

Whilst Church House, and the former residential property at Church Cottage, in Church Alley are rarely occupied between the hours of 23.00hrs and 08.00hrs, people using our services, and working at our offices regularly experience discarded takeaways, used bottles and drinking cans, discarded underwear, occasional drug abuse equipment, as well as vomit, urine and human faeces being left along Redwell Street, and in particular Church Alley.

We are working with Norfolk Constabulary and other local residents to address this with proposals for an additional gate to be installed within Church Alley, but there seems to be a stumbling block within the City Council to progress this action.

As a charity that works with vulnerable adults and young people with disabilities, who are encouraged to engage in the vibrancy of city life, for all ages, and at all times of the day and night, we are keen to see a wide range of leisure facilities within the city centre, however we would ask the licensing panel, and planners to give consideration to the impact, and enforce the responsibilities of the venue users and owners in their legislation and guidance.

James Kearns
Chief Executive - BUILD

Building opportunities for people with learning difficulties
Reg Charity 264584
Tel 01603 618029 www.buildnorwich.org.uk
Church House, Church Alley, Redwell Street, Norwich, NR2 4SN

Fuller, Maxine

From: Anita Murray
Sent: 18 January 2012 12:47
To: Licensing
Subject: Carnival - 1 Queen Street - application to vary licence

I and many of my fellow residents in Elm Hill are astonished that the above establishment is seeking to obtain permission for "adult entertainment" to include "strippers" on the doorstep of our Cathedral quarter. Is nothing in this city sacred? It is bad enough that the caterwauling of drunken males and females into the early hours of the morning is accompanied by pools of vomit and the sight of men urinating in our doorways. Now this club wish to extend their opening hours, their days of opening and the nature of the entertainment which would no doubt attract those who cannot find such adult entertainment elsewhere and who would not be sensitive to this last remaining bastion of preserved history in a calm and serene setting.

We implore the licensing authority to help us to preserve our respectable living and working environment by not allowing the further de-restriction of such an establishment.

Miller, Lydia

From: Derek Morris [
Sent: 18 January 2012 16:26
To: Licensing
Subject: Carnival in Queen Street

To whom it may concern.

I am concerned to hear from a neighbour that an existing Bar in Queen Street is seeking an extension to its licensing hours until 04-00 in the morning. I live in Elm Hill and already my wife and I are disturbed on a nightly basis by drunken behaviour in the street beneath our bedroom window. The area just adjacent to Queen Street is largely residential as are most of the streets towards the river. The infringement of residents' rights to a reasonable quality of life is being continually encouraged by the licensing authority, as I have heard licensing officers state that these streets are part of the night time economy. Who is to gain from this? A handful of greedy and irresponsible individuals who care nothing for Norwich and its inhabitants and who seek to perpetrate sleaze and drunkenness. Perhaps it is time that some kind of moral position be taken up by the licensing authority, and, by not allowing further hours of dissolution, they will please not only those people who live in and care for this beautiful part of Norwich, but also take some pressure off an already overloaded Police Force.

Can I ask that common sense prevails, and that this unnecessary and disreputable request is thrown out.

Yours sincerely,
Derek and Christina Morris,
1 The Monastery Court,
Elm Hill,
NR3 1HW

APPENDIX E

Local Policy considerations

1.0 Introduction

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

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

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

(a) 2.0 Consultation and Links to other Policies and Strategies

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

3.0 Applications for Licences

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

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

4.0 Representations

- 4.1 “Responsible Authorities” (see Appendix 7) will be asked to consider all applications and to make representations to the Council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.
- 4.2 The Council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation, will only be accepted by the Council if it is ‘relevant’, ie it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the Council.

5.0 Conditions attaching to Licences

- 5.1 Where relevant representations are made, the Council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
- 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are necessary for the promotion of the licensing objectives.

8.0 The Impact of Licensed Premises

- 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
 - the proposed hours of operation;

- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises including the location of customer entrances and exits;
- the provision of toilet facilities;
- the frequency of the licensable activity.

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

13.0 Management of Licensed Premises

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

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

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

20.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the City Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

20.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.

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

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Keeping Illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.
- Preventing disorderly and potentially violent behaviour on and outside the premises.
- Reducing Anti-social behaviour and Disorder inside and outside the premises
- Litter
- Unauthorised advertising
- Protecting people and property from theft, vandalism and assault
- Guard against glasses and bottles being used as weapons or causing accidents.

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

- Effective and responsible management of premises;
- Training and supervision of staff;
- Employ sufficient numbers of staff to keep numbers down of people awaiting service;
- Provide sufficient seating for customers;
- Patrols of staff around the premises;
- Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity;

Introduce an entry policy – making people aware of it – and apply it consistently and fairly;
 Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises;
 Implement effective management of entrance queues – incorporating barriers if necessary;
 Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;
 Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;
 Provision of effective CCTV in and around premises;
 Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;
 Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;
 Provision of toughened or plastic drinking vessels and bottles;
 Provision of 'bottle bins' inside the premises and near exits;
 Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;
 Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;
 Provision of litterbins and other security measures, such as lighting, outside premises;
 Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;
 Responsible advertising;
 Distribution of promotional leaflets, posters etc;
 Drug Seizure Kits (available from Norfolk Police Operation Enterprise);
 Member of the 'NiteLink' radio scheme;
 Working in partnership with the SOS Bus scheme;
 Ban known offenders and share information with other licensed premises in the area;
 Implement a dispersal policy;
 Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

24.0 Objective - Prevention of Public Nuisance

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

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

24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.

24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.

24.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.

24.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
- the hours of opening, particularly between 11pm and 7am
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport
- wind down period between the end of the licensable activities and closure of the premises
- last admission time
- preventing litter and refuse becoming an eyesore

- consideration of local residents that they are not upset by loud or persistent noise or by excessive light
- preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces
- avoid early morning or late night refuse collections
- avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning
- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

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

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

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

SECTION E - Hours of Trading

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

APPENDIX F

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

CRIME AND DISORDER

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

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

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

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

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

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

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

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

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

PUBLIC NUISANCE

2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

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

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

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

Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.

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

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

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

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

Proposed Conditions

10.7 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule which must also set out the proposed hours of opening.

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

Imposed Conditions

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

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

Proportionality

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

Fundamental principles

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

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

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

Standardised Conditions

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

Licensing Hours

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