

Report to Licensing sub committee
22 March 2022

Report of Environmental Health & Public Protection Manager

Subject Application for the Grant of a Premises Licence –
Junkyard Market Dojo, 23B St Marys Works, St Marys
Plain NR3 1QA

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a premises licence in respect of Junkyard Market Dojo, 23B St Marys Works, St Marys Plain, Norwich NR3 1QA following the receipt of relevant representations.

Recommendation

That Members determine the application to grant 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 priorities

The report helps to meet the corporate priorities of inclusive economy and people living well.

Financial implications

None.

Ward/s: Mancroft

Cabinet member: Councillor Jones – Safer, stronger neighbourhoods

Contact officers

Maxine Fuller – Public Protection Licensing Advisor 01603 989400

Background documents

None

Report

The application

1. The applicant is After Dark Promotions Ltd.
2. The proposed DPS is Robert MacCallum.
3. The application seeks to allow the licensable activities, times and opening hours as set out in the application form, which is attached at appendix A. This also includes the steps proposed to promote the licensing objectives (operating schedule).

Relevant representations

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

Police – representation received (copy attached at appendix B)

Public Protection – email confirming that application has not been reviewed (copy attached at appendix C)

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

Representation objecting to the application has been received from 7 local residents (copies attached at appendix D).

A location map is at appendix E

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

5. 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.

Norwich City Council Statement of Licensing Policy

6. Norwich City Council Statement of Licensing Policy was adopted on 1 December 2021 and can be viewed on the Norwich City Council [website](#).

Summary

7. 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.
8. 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
 - refuse to accept the proposed DPS
9. 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.
10. The representations received appear to relate to issues that fall under the licensing objectives.



Norwich
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

JunkYard Market Dojo Premises Licence

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

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

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

RECEIVED

26 JAN 2022

LICENSING OFFICE

Include country code.

Are you:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

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

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

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

Registration number

11881533

Business name

After Dark Promotions Ltd

If your business is registered, use its registered name.

VAT number

- none

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

PLC

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality

Documents that demonstrate entitlement to work in the UK

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OPERATING SCHEDULE

When do you want the premises licence to start?

/ /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

/ /
dd mm yyyy

Provide a general description of 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.

The premises adjoins and is linked to the established JunkYard Market outdoor space with Norwich City Council Licence No. 20/01220/PREM. As shown in the attached Plans, the new indoor area shares the outer entrance and exit and access to disabled toilet but is otherwise self-contained over 2 floors in a separate building. The JunkYard Market model is based on a food led offer with a variety of bistro style street food vendors serving to a diverse family oriented customer base. The style is visually stimulating and engaging with fun up-market art and decor including graffiti art and lighting. The business was

Continued from previous page...

developed entirely outdoors during social distancing restrictions and this element will flow indoors with barrel seating and the same decor. The offer will be games oriented with electronic darts, shuffle boards and similar interactive social pastimes. This will be complemented by appropriate music so that the atmosphere is fun and family enjoyment. At other sites, customers have enjoyed cocktails on site and these will be offered in sealed containers for delivery via a reputable courier.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes ☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes ☒ No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start 12:00

End 23:00

Start

End

WEDNESDAY

Start 12:00

End 23:00

Start

End

THURSDAY

Start 12:00

End 23:00

Start

End

FRIDAY

Start 12:00

End 23:00

Start

End

SATURDAY

Start 12:00

End 23:00

Start

End

SUNDAY

Start 12:00

End 23:00

Start

End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

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

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

Music to accompany the indoor games atmosphere including music mixed and performed by a DJ.

State any seasonal variations for the performance of live music

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

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

Continued from previous page...

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

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

☒ Indoors ☐ Outdoors ☐ Both

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

Continued from previous page...

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

Music to accompany the indoor games atmosphere including music mixed and performed by a DJ.

State any seasonal variations for playing recorded music

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

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

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

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes ☒ No

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

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give 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

Continued from previous page...

WEDNESDAY

Start 12:00

End 23:00

Start

End

THURSDAY

Start 12:00

End 23:00

Start

End

FRIDAY

Start 12:00

End 23:00

Start

End

SATURDAY

Start 12:00

End 23:00

Start

End

SUNDAY

Start 12:00

End 23:00

Start

End

Give a description of the type of entertainment that will be provided

Music to accompany the indoor games atmosphere including music mixed and performed by a DJ.

Will this entertainment take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

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

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

State any seasonal variations for entertainment

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

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

Continued from previous page...

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

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 12:00

End 22:30

Start

End

Will the sale of alcohol be for consumption:

- ☐ On the premises ☐ Off the premises ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

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 the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

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

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Robert

Family name

MacCallum

Date of birth

DD MM YYYY

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☒ Electronically, by the proposed designated premises supervisor
- ☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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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

Give 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.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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 in the column on the left, list below

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

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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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)

Continued from previous page...

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

The premises will have a full health & safety risk assessment in place.

The premises will operate in accordance with a Covid-19 prevention risk assessment kept up to date with current Government guidelines.

All staff responsible for selling alcohol shall receive training in the Licensing Act 2003. Written records of this training shall be retained and made available to Police and Council officers on request.

The premises shall install and maintain a CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data when requested.

Appropriate signage will be displayed, in a prominent position, informing customers they are being recorded on CCTV.

An incident log (which may be electronic) shall be maintained with entries being made available to officers of the responsible authorities on request. Instances of disorder, ejections, refused sales or similar will be recorded.

b) The prevention of crime and disorder

The Licensee shall ensure that at all times the premises is open for any licensable activity, there are sufficient competent staff on duty for the purposes of fulfilling the terms and conditions of the Licence and for preventing crime and disorder. The premises licence holder will risk assess the need for security provision and provide security as identified necessary by that risk assessment.

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

Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers.

c) Public safety

The premises will have conducted a fire safety risk assessment and the resulting recommendations will be acted upon prior to opening.

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

An appropriate and adequate supply of first aid equipment will be available on the premises.

d) The prevention of public nuisance

A Noise Management Plan for the site shall be developed and submitted for approval to Norwich City Council Environmental Protection Team..

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly

No collection of waste, including bottles, from the premises shall take place between 23:00 hours and 08:00 hours

e) The protection of children from harm

Staff at the premises will seek credible photographic proof of age from any person seeking to purchase alcohol on the premises. Such proof of age will include; passport, photographic driving licence, Portman proof of age card and Pass scheme card.

Suitable signage will be displayed advising customers that the premises operates a 'Challenge 25' proof of age scheme.

In respect of sale of alcohol for consumption off the premises, including delivery, the Premises Licence Holder must ensure that the supply of alcohol is carried on with an age verification policy. Any person receiving the delivery of alcohol who

Continued from previous page...

appears to be under 25 must be asked to provide identification bearing their photograph, date of birth and either a holograph or an ultra-violet feature.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

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 21 of 21

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.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £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 you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event 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 (£)

190.00

DECLARATION

Continued from previous page...

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

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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/apply-1> to upload this file and continue with your application.

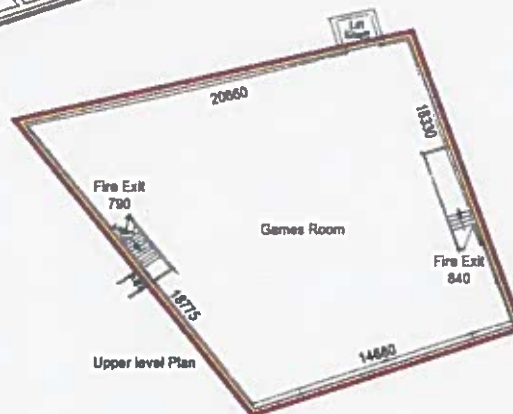
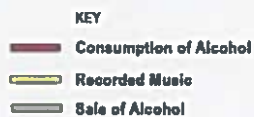
Don't forget to make sure you have all your supporting documentation to hand.

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

LICENSING OFFICE

Date 23rd September 2021





NORFOLK
CONSTABULARY
Our Priority is You

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

Tuesday 22nd February 2022

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

Dear Sir/Madam

I can confirm that Norfolk Police have been consulted on the application for a new premises licence for Junkyard DOJO, 23B St Marys Works, Norwich.

This application is requesting the live music 1200-2300 indoors, recorded Music 1200-2300 hrs, the sale of alcohol for consumption for both on and off the premises 1200-2230 hrs daily.

The applicant is After Dark Promotions who currently operate junkyard market and my understanding is that they wish to expand their current offering with an indoor setting of a similar nature and with games and activities.

The operating schedule of the application is detailed and includes CCTV, Staff training with records, Challenge 25 Policy and a noise management plan.

In order to promote the licensing objectives, I request that further conditions are added on the licence:

- **CCTV footage to cover the main public areas of the premises.**
- **The premises will operate a dispersal policy in place to reduce the impact of patrons leaving on residents.**
- **Management will have a Policy relating to under 18s on the premises.**
- **A written risk assessment to assess the requirement for security staff will be kept at the premises and available to Police or Licensing Authority on request.**
- **The occupancy of the premises will be monitored by management and door supervisors.**
- **Staff training will include CT awareness.**

With these conditions added to the premises licence, there are no objections to the licence.

Due to tight timescales, I have been unable to discuss this proposal with the applicant, but I hope that this will be accepted or negotiated to satisfy both parties.

Yours faithfully,

Michelle Bartram
Licensing Officer

Fuller, Maxine

From: INFO
Sent: 03 March 2022 11:55
To: LICENSING
Cc: Bentley, Tiffany; Lowens, David
Subject: Junkyard premises licence application

Dear Licensing,

The above application has been referred to the public protection team in accordance with its role as responsible authority in relation to environmental protection matters.

Due to other operational matters the team have been unable to review the application prior to the end of the consultation period, which I am aware has now passed.

The lack of any representation from this responsible authority should not be considered as a positive endorsement of the application, nor should this correspondence be considered an indication that a representation would have been made should it have been reviewed at an earlier stage; it is merely an acknowledgement that the application has not been reviewed by this department, should the matter be questioned by any sub-committee held to determine the application.

Kind regards,

Tony Shearman
Public protection manager
Tel: [REDACTED]
Email: [REDACTED]

Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 17 February 2022 17:55
To: LICENSING
Subject: Licensing - Representation Form

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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	James Bartram
Postal address	21 St Marys Plain, Norwich, NR3 3AF
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Junkyard market

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below		
To prevent crime and disorder			
Public safety	People leaving site routinely walk/stagger/stumble on to the road causing a danger to themselves and drivers.		
To prevent public nuisance	Junkyard failed to provide marshal's and clean up operations as required in accordance with their licence. Customers leave highly intoxicated at Weekends causing a nuisance to residents, with noise, litter, vomit and people urinating in public.		
To protect children from harm			
Please suggest any conditions which would alleviate your concerns			
Full name:	James Bartram	Date:	17/02/2022

Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 20 February 2022 11:26
To: LICENSING
Subject: Licensing - Representation Form

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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	James Magalhaes
Postal address	43a Duke Street, Norwich, NR3 3AP
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Junkyard market/junkyard market dojo

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	
Public safety	
To prevent public nuisance	Every Friday and Saturday night we hear a large amount of noise made from the people leaving junkyard market. We usually hear abusive things being shouted and bottles being smashed. Sometimes we look out the window and we have seen people walking into the middle of the road while cars are driving past and urination. We have also seen the people shouting at passers by. The morning after these nights there are always bottles left on window sills and bottles that have been left on the entrance of our driveway, we have to pick these up in the morning to ensure that our car does not take any damage. Furthermore, as a parent this isn't a suitable environment for a child and for us to have to be in fear of our child picking up these pieces of glass.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns	<p>Either junkyard market is closed down or one night during the summer we saw that street marshals who kept people moving and prevented people from loitering and causing bottles to be smashed etc.</p> <p>I feel that having marshals there every night that junkyard market is open until late will help to alleviate our distress greatly.</p>		
Full name:	James Magalhaes	Date:	20/02/2022

LICENSING

From: Sally Clarke <[REDACTED]>
Sent: 22 February 2022 13:35
To: LICENSING
Cc: Cllr Osborn, Jamie
Subject: JunkYard Market Dojo - Licensing Application

**CAUTION! – This email originates from outside Norwich City Council.
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please just delete the email.**

Dear Sir or Madam

I am writing to object to the licensing application for the JunkYard Market Dojo.

I see that this will be 7 days a week, finishing at 23:00 hrs. This is way past the time a lot of residents retire for the evening and do not wish to be disturbed by anti-social behaviour. The screaming is particularly bad at the moment, along with cars blowing their horns for long periods of time, presumably at people walking in the road. I am frequently woken up by noise from the street and feel that the outfall of attendees from the JunkYard Market already causes a public nuisance, and further licensing applications will just enhance an already inflamed situation. I do work, and need to get up by 6.45 am each day, so being disturbed at 23:00 hrs or later each evening will have serious consequences for my well-being and mental health.

I have also witnessed people using our Archers Yard, as an area for taking drugs. This may or may not be related to the JunkYard Market, but I can honestly say I had not experienced anything like that prior to the JunkYard Market opening. There are children living here and a school close by. The increase in pedestrians through Archers Yard, as a cut through has also increased. This is a private road and is also experiencing a problem with fly-tipping and litter.

The following was recorded from the last time we were invited to get together as a residents group, regarding the JunkYard Market and these continue to be concerns.

Intoxication

- Several residents raised the issue of people leaving the Junkyard very intoxicated, which leads to the antisocial behaviour that many of you have complained about.
- It was mentioned that some people arrive at the Junkyard already with drinks or intoxicated.
- It was mentioned that some customers leave the Junkyard with drinks; although staff at the Junkyard have a presence at the exit to prevent people leaving with drinks in open containers it is not always possible to prevent everyone leaving with drinks.
- It was asked whether the Junkyard could prevent people booking double slots so that they wouldn't stay so long and become very drunk. The experience from the Junkyard staff suggested that this is quite rare but it will be looked at. The option of reducing the amount of time that people could stay was discounted as it would mean more disturbance from people coming and going.
- The action is that the Junkyard team will consider options for how they can address the issue of drunkenness and will come back to us on this.

Music

- Some residents complained about the noise from music and from the DJ speaking over the music.
- Some residents said this was especially the case on Sundays and at special events eg: football.

- **Action: the Junkyard will seek to reduce noise from music and the DJ.**

Marshalling

- Residents asked whether marshalling could be increased, especially down Oak Street and on special events such as football or other big nights.
- Residents asked whether the marshals were trained. The Junkyard does train the marshals although with the proviso that marshals do not have any legal powers to enforce.
- It was asked whether the Junkyard could ensure that if there are trouble-makers then they should be prevented from coming back to the venue.
- **Action: the Junkyard will speak to Health & Safety about the possibility of extending marshalling.**

Police presence

- Residents said that there was not enough police presence, both to enforce against any antisocial behaviour from people leaving the Junkyard and in general.
- **Action: ward councillors (Jamie, Martin and Sandra) to speak to the police about increasing presence. We will also seek to organise a police walkabout that residents can attend later on in the year.**

Litter

- The issue of litter was raised: this includes litter from the Junkyard and also the bins that are already overflowing.
- **Action: Junkyard are already carrying out litter picks and will speak to health and safety about extending these.**
- **Action: Junkyard will share their litter clean-up plan so that if there are other areas that residents think should be covered these can potentially be added.**
- **Action: ward councillors (Jamie, Martin and Sandra) to speak to the council about increasing bin provision, including potentially some bins sponsored by the Junkyard. (This has already been done – watch this space!)**

Provision of taxis

- It was raised that there is a particular problem when customers are waiting in a group for a taxi to pick them up.
- **Action: Junkyard to reach out to taxi companies to see if there can be a taxi provision in the car park so that the time people spend waiting outside is reduced.**

Talking with other residents it feels like we are continually ignored, and it shows a very real disregard for the neighbourhood. Neighbours have frequently said perhaps such decisions are financially motivated.

I thank you for taking the time to read this objection.

S. Clarke

LICENSING

From: PLANNING
Sent: 23 February 2022 10:31
To: WATSON FLORENCE
Cc: LICENSING
Subject: RE: comment on a planning application

Dear Florence

Thank you for your email.

If you are wishing to comment on a licensing application you will not be able to do this via planning public access.

I have copied the licensing team into this email so they are aware of your comments.

Kind Regards

Planning Technical Team
Development and City Services
Norwich City Council



From: WATSON FLORENCE <[redacted]>
Sent: 22 February 2022 22:40
To: PLANNING <planning@norwich.gov.uk>
Subject: comment on a planning application

Dear Planning Dept:

I have tried commenting on the application on your website; however, unfortunately when I try to use your form it asks me to search for the application and - despite finding the application online - the comment form then does not recognise either the name of the business or their registration number (taken from the on-line application form) which means I could not use your comment form and am emailing you instead.

The application I am commenting on is for:

JunkYard Market Dojo Premises Licence

Registration No: 111881533

I am completely opposed to this application. The current Junkyard business has caused disruption through noise, anti-social behaviour, and litter in the local area since it began. Their relationship with neighbours immediately affected by the Junkyard business is extremely poor - they simply dismiss problems and blame neighbours instead of accepting any responsibility for their role in creating the environment where problems flourish. To approve this application would simply extend the problems further.

Florence Watson

49 St Martin's Lane

Norwich NR3 3AG

LICENSING

From: noreply_xforms@norwich.gov.uk
Sent: 23 February 2022 17:03
To: LICENSING
Subject: Licensing - Representation Form - DONE (RB)

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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	Nick Broughton
Postal address	Pykerells House, St Marys Plain, Norwich, NR3 3AF
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Junkyard Market Dojo

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	This application is, in effect, for a pub attached to an existing restaurant. The long opening hours proposed will create noise and disturbance by day and night. It is presumably being made with the potential customer base from the large new student accommodation on Duke Street.
Public safety	
To prevent public nuisance	There are houses on 3 sides of the venue (Duke St, Oak St., St. Mary's Plain). Because the venue is on the first floor noise will be less adequately contained.
To protect children from harm	
Please suggest any conditions which would alleviate your concerns	Ground floor only. Sound proofing to be installed. No music licence.

Full name:	Nicholas William BROUGHTON	Date:	23/02/2022
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LICENSING

From: noreply_xforms@norwich.gov.uk
Sent: 22 February 2022 22:22
To: LICENSING
Subject: Licensing - Representation Form

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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	Alex Russell-Davis
Postal address	31 Muspole Street, Norwich, NR3 1DJ
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	23B St Marys Works

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	I am extremely concerned that the Junkyard Market Dojo is an attempt to work around the current restrictions imposed by the council on the Junkyard Markets opening hours with particular regard to the sale of alcohol. The application to open the Dojo until 11pm 7 days a week will allow patrons of the Junkyard Market to continue purchasing alcohol after the Market site closes at 10pm which will result in further drunk and disorderly behaviour and noise disruption late into the evening. In the past public urination, vomiting and noise have all consistently occurred since the opening of the Junkyard Market and since the council judged it appropriate to restrict the Markets hours down to 10pm I cannot see any justification for this not to be imposed on this sister site.
Public safety	At closing time very large crowds exit the site and regularly walk into the road. It is routine for residents to have to listen to motorists blaring car horns at Junkyard Market patrons that have spilled out onto Duke Street.
To prevent public nuisance	Continuous incidents of littering from Junkyard Market patrons outside residents homes will most likely increase if a second site is permitted.

To protect children from harm			
Please suggest any conditions which would alleviate your concerns	<p>Given the level of disruption the original site has created I do not wish to see a secondary site permitted and I do not see the justification for a supposed family games venue to be serving alcohol until 11pm 7 nights a week.</p> <p>Restriction of proposed opening hours including new years eve and new years day.</p>		
Full name:	Alex Russell-Davis	Date:	22/02/2022

LICENSING

From: noreply_xforms@norwich.gov.uk
Sent: 22 February 2022 22:49
To: LICENSING
Subject: Licensing - Representation Form

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Norwich City Council

Licensing Authority

Licensing Act 2003

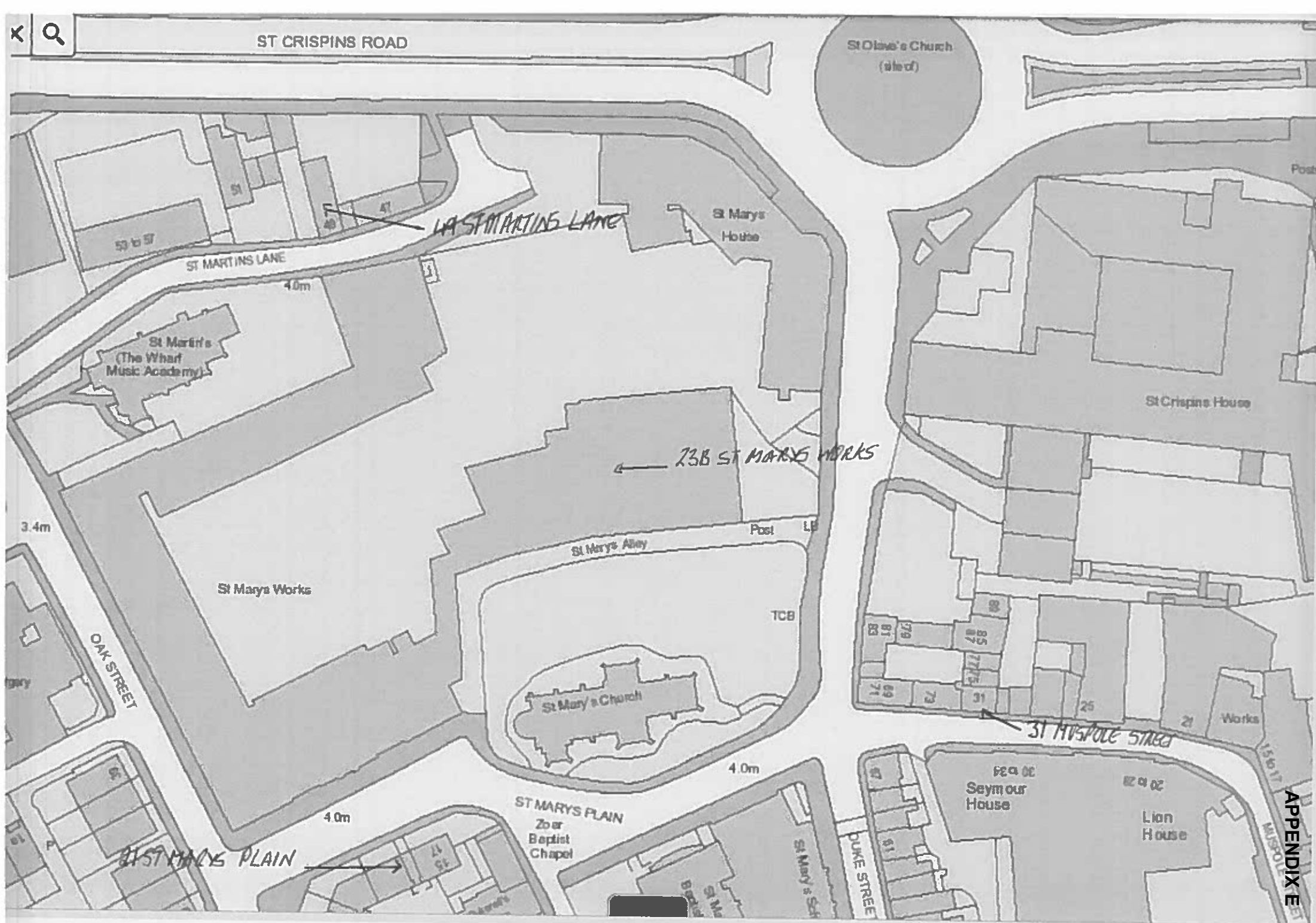
Statement of support or objection to an application for a premises licence

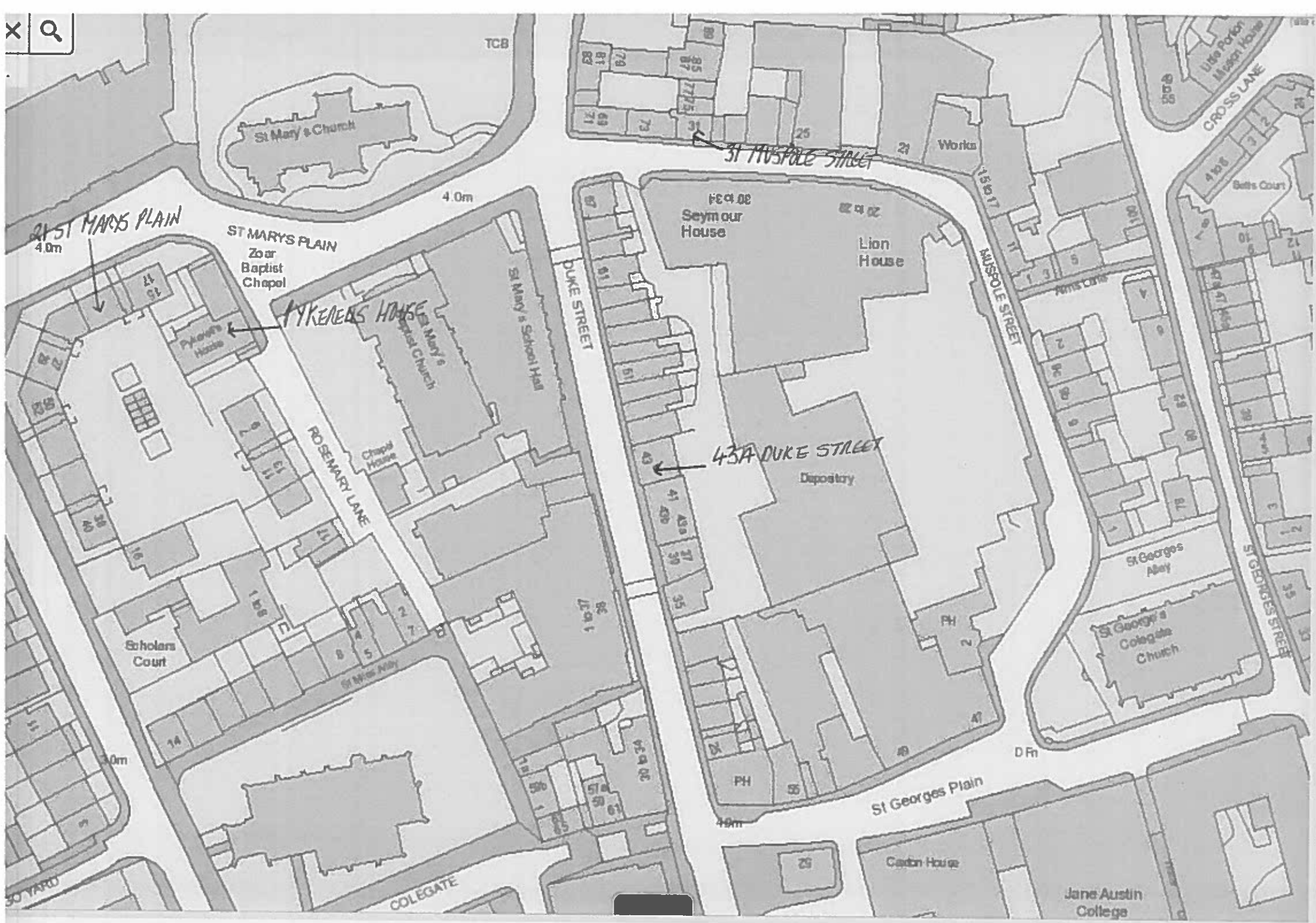
Your name/organisation name/name of body you represent	Cassie Secker
Postal address	31 Muspole Street, Norwich, NR3 1DJ
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Junkyard Market Dojo, 23b St Mary's Works

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	I have personally witnessed many incidents of drunk and disorderly behaviour since the market opened and have great concerns that this secondary site will lead to more disruption due to the longer opening hours. I have had to assist members of the public that I have found unconscious on Duke Street and do not think this new site will result on anything but an increase in these types of incidents
Public safety	Cars and customers leaving the site intoxicated frequently come to near collisions and hazards are. Common noise at closing time. If the new site is permitted this will only worsen the situation
To prevent public nuisance	Littering has been occurring regularly since the site opened and a second site will undoubtedly contribute to this
To protect children from harm	
Please suggest any conditions which	As it is residential area I would like to see the application to open to 11 restricted to at least 10pm as it is a residential area.

would alleviate your concerns			
Full name:	Cassie Secker	Date:	22/02/2022





x Q

21 ST MARYS PLAIN
4.0m

ST MARYS PLAIN
Zoar Baptist Chapel

TYKENS HOUSE

ST MUSPOLE STREET

Seymour House

Lion House

43A DUKE STREET

Depotary

St George's Abbey

St George's College Church

St George's Plain

Carton House

Jane Austin College

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.