

# **NORWICH CITY COUNCIL**

## **Report for Resolution**

**Report To** Licensing Sub-Committee  
11 January 2010

**Report of** Head of Legal, Regulatory & Democratic Services

**Subject** Licensing Act 2003:  
Application for the Grant of a Premises Licence -  
Noir 1 Queen Street Norwich NR2 4SG

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### **Purpose**

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

### **Recommendation**

That Members determine the application to grant a Premises Licence in respect of Noir 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 the Noir Company Limited 15 Upper King Street Norwich NR3 1RB.

1.2 The premises consists of bar areas with two bar serveries on the ground floor, a basement vault and function room with a further bar servery on the first floor.

1.3 This grant application seeks to allow the provision of regulated entertainment, entertainment facilities, late night refreshment and the sale by retail of alcohol at the premises.

1.4 The details of the Operating Schedule are as follows:

1.4.1 The Licensable Activities are:

- Plays (Indoors only)
- Films (Indoors only)
- Live Music (Indoors only)
- Recorded Music (Indoors only)
- Performances of Dance (Indoors only)
- Anything of a similar description to live music, recorded music and performances of dance
- Provision of Facilities for Making Music (Indoors only)
- Provision of Facilities for Dancing (Indoors only)
- Provision of facilities for entertainment of a similar description to making music and dancing (Indoors only)
- Late Night Refreshment (Indoors only)
- Sale by Retail of Alcohol (for consumption on and off the premises)

1.4.2 The proposed standard days and hours for the licensable activities are:

• Plays	10:00 – 02:00	Sun – Thur
	10:00 – 03:00	Fri & Sat
• Films	10:00 – 02:00	Sun – Thur
	10:00 – 03:00	Fri & Sat
• Live Music	10:00 – 02:00	Sun – Thur
	10:00 – 03:00	Fri & Sat
• Recorded Music	10:00 – 02:00	Sun – Thur
	10:00 – 03:00	Fri & Sat
• Performances of Dance	10:00 – 02:00	Sun – Thur
	10:00 – 03:00	Fri & Sat
• Anything of a similar description	10:00 – 02:00	Sun – Thur
	10:00 – 03:00	Fri & Sat
• Provision of Music Facilities	10:00 – 02:00	Sun – Thur
	10:00 – 03:00	Fri & Sat
• Provision of Dance Facilities	10:00 – 02:00	Sun – Thur
	10:00 – 03:00	Fri & Sat
• Facilities of a similar description	10:00 – 02:00	Sun – Thur

	10:00 – 03:00	Fri & Sat
• Late Night Refreshment	23:00 – 02:30	Sun – Thur
	23:00 – 03:30	Fri & Sat
• Sale by Retail of Alcohol	08:00 – 02:00	Sun - Thur
	08:00 – 03:00	Fri & Sat

1.4.3 The non standard timings for all licensable activities applied for are an additional hour on public holidays and other celebration days listed on the schedule attached at Appendix A to the report; and New Years Eve hours from the end of permitted hours on 31 December until the start of permitted hours on 1 January.

1.4.4 The opening hours requested are:

08:00 – 02:30	Sun – Thur
08:00 – 03:30	Fri & Sat

The non-standard opening hours are identical to those set out in paragraph 1.4.3 above.

1.4.5 The steps proposed by the applicant to support the Licensing Objectives are attached to the report as Appendix B.

## **2. Relevant Representations**

2.1 The responses from the Responsible Authorities are as follows:

Police – No representations.  
 Environmental Services – No representations.  
 Fire Officer – No representations.  
 Planning Officer – No representations.  
 Area Child Protection Committee – No representations.  
 Trading Standards – No representations.

2.2 One representation objecting to the application has been received from an Interested Party with concerns relating mainly to the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. A copy of this representation is attached to the report at Appendix C. One representation supporting the application has also been received and this is attached to the report at Appendix D.

2.3 A site map of the area identifying the application premises is attached as Appendix E. A more detailed map of the area detailing the Interested Party address will be available at the meeting.

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

3.1 Attached at Appendix F 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 G 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 Responsible Authority and 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 21 and 25 of the local licensing policy at Appendix E which contain examples of factors that impact on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance 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 Insofar as the issue of licensing hours is concerned, the Sub-Committee is directed to paragraph 13.41 of the national guidance, which states that licensing hours should not inhibit the development of evening and night-time

local economies, and that providing consumers with a greater choice and flexibility is an important consideration. However, this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet. The Sub-Committee is also directed to paragraph 31.7 a) of the local licensing policy, authorising the restriction of licensing hours, where the licensing authority believes, on the basis of representations, that to not do so would exacerbate public nuisance.

The Committee must decide whether there is a strong enough case for the restriction of licensing hours, based on the representations made, to promote the licensing objectives.

- 5.7 The Sub-Committee is also reminded of the contents of appendices 2 and 4 of the local licensing policy (not re-produced in this report) that contain pools of model conditions relating to the prevention of crime and disorder and the prevention of public nuisance.

# APPENDIX A

## CELEBRATION DAYS

New Year's Day	-	1 January
Burns Night	-	No set date
St Valentine's Day	-	14 February
St David's Day	-	1 March
St Patrick's Day	-	17 March
Maundy Thursday	-	No set date
Good Friday	-	No set date
Easter Saturday	-	No set date
Easter Sunday	-	No set date
Easter Monday	-	No set date
St George's Day	-	23 April
May Bank Holiday	-	No set date (Friday to Monday inclusive)
Spring Bank Holiday	-	No set date "
Late Summer Bank Holiday	-	No set date "
St Andrew's Day	-	30 November
Every Friday and Saturday in December to cater for office parties and other Christmas functions	-	No set dates
Christmas Eve	-	24 December
Christmas Day	-	25 December
Boxing Day	-	26 December
Untitled	-	27 December
Untitled	-	28 December

Any other designated Public Holiday (if at a weekend, Friday – Monday inclusive) that may be introduced by H M Government following the date of the grant of this licence.

# APPENDIX B

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

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

- 1 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.
- 2 There will be a 30 minute "chill out" period after all licensed activities cease (except late night refreshment) before the premises are closed.

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

- 1 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.
- 2 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.
- 3 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.
- 4 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.
- 5 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.
- 6 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.
- 7 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
- 8 Door supervisors will be employed during the evening and early hours proportionate to the perceived risk
- 9 An incident book will be provided and available for inspection by the police and responsible authorised authorities
- 10 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.

**c) Public safety**

1 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

**d) The prevention of public nuisance**

1 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.

2 Premises must removed their waste and refuse in a timely manner to a licensed waste disposal facility.

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

4 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

5 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.

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

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

2 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.

3 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.

**Please tick yes**

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

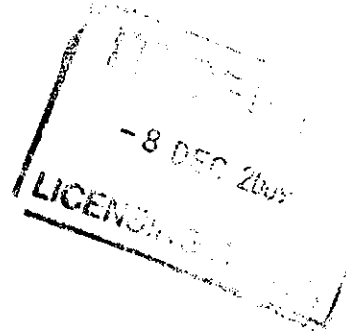


# APPENDIX C

3 Princes Street,  
Norwich, NR3 1AZ.

6th December, 2009.

Mr. I. Streeter,  
Licensing Manager,  
Legal and Democratic Services,  
Norwich City Council,  
City Hall,  
Norwich, NR2 1NH.



Dear Mr. Streeter,

Re: Noir, 1 Queen Street Norwich NR2 4SG  
New Premises Licence

I wish to object to this application for a premises licence under the Licensing Objectives covering crime and disorder, public safety, and public nuisance.

## **To prevent crime and disorder**

Over the past two or three years, this neighbourhood has suffered a substantial increase in the disorder which accompanies large numbers of late night drinkers trekking through our streets to and from the drinking establishments which have acquired late night licenses close to our residential area. This has brought criminal damage to property, including broken windows and graffiti, and fighting on the street. The sort of trouble which I believe the police try to contain on Prince of Wales Road has migrated to become a feature in this area with the growth of bars and clubs along Queen Street, London Street, and Bedford Street, adding to the list of bars and pubs along St. Georges Street and Wensum Street/ Fye Bridge Street.

One member of my family has been attacked at night by people outside our house. Other local residents have also been attacked by alcohol-fuelled louts close to their homes.

Norwich City Council's Late Night Policy, which aims to contain the development of late night drink premises, and thereby limit the problems associated with this industry, including crime and disorder, includes Prince of Wales Road but excludes Queen Street. I would refer the Licensing Committee to the Council's Policy AEC1 and the attached Local Plan showing the premises in relation to the Late Night Activity Zone.

**"Control will be exercised on hours of opening" outside the Late Night Activity Zone.**

## **Public Safety**

Residents, many of whom have lived here for decades, are more fearful these days of being outside their homes during the evenings. Groups congregating outside drinking venues can be extremely intimidating. Groups often gather across streets and very close to junctions, making driving past or through them very frightening and dangerous both to the driver and to the individuals who gather there. This has been a feature of Prince of Wales Road and it has certainly become a feature in this area in the last two or three years.

### **Public Nuisance**

This licence application is for very long, and late hours - open up to 4.30am on very many early mornings - up to about 30 extra throughout the year on so called 'celebration' days (including Maundy Thursday).

Basically every weekend, Friday and Saturday until 3.30am and 2.30 on Sundays, but on many weekends an extra hour until 4.30am. And every weekend in December. And the whole weekend of the May Bank Holiday for instance taking the extra hour right through the weekend including Sunday.

These hours are wholly unreasonable given the effect the customers of these late night sessions have on the surrounding area. Until 2006 the overwhelming majority of drinkers had dispersed by around midnight. Since late licensing permissions have been granted, residents in the neighbourhood have suffered with an increasing degree of noise nuisance and anti-social behaviour throughout the night and at hours from midnight through to 6 or 7am.

Raucous groups move throughout the evening from one drinks outlet to another - they often shout obscenities, sometimes into mobile phones, sometimes at each other, scream with laughter or at other groups, sing or chant loudly - with no regard at all for anyone else and certainly not for residents. These groups of men and women seem to see the streets outside licensed premises and beyond as extensions of the noisy party inside those premises. The noise they make reverberates around the buildings and along the streets - especially in the quiet of the evenings and early morning.

Since there is no parking directly outside Noir in Queen Street, there is extra pressure on street parking close by. On Princes Street and Redwell Street, cars are arriving and departing - often with music at volume and doors slamming - from around 11pm and midnight and later. A later licence at Noir will only add to this nightly disturbance outside our home.

The lavatory facilities inside licensed premises in this area are obviously inadequate for their customers because of the evidence of urination and worse left overnight in our doorways, entrances and alleyways, and in local churchyards, not to mention cigarette ends and broken glass and other rubbish littering the streets. Graffiti is also a late night problem as well as general vandalism, throughout the early hours.

On one occasion this summer, my family were disturbed in our home at 2am by very loud music from these premises at 1 Queen Street which is about 90 metres from our property. The noise could be heard in St. Andrews Street and in Princes Street, Redwell Street and the top of Elm Hill. When my son went out at about 2.30am to ask that the music be turned down and the windows and doors shut, he was told "but this isn't a residential area". The windows were closed and the noise muted after he reminded them that there were other residents also close by in St. Michael at Plea.

### **The detrimental effect on the city centre of late licenses**

The consequences for the residents in St. Michael at Plea, Mandells Court, Princes Street, the Elm Hill area, and along St. Georges Street and Friars Quay of the increase in late licenses granted in the area, are too often dreadfully underestimated, and residents' concerns for the area and contribution to it, undervalued.

**There are literally hundreds of residents living very close to Queen Street or affected by the late licensing in the area**, whose quality of life and therefore commitment to the city centre depends on the Council defending the character of this valuable yet vulnerable part of the city. The settled nature of this residential area is of major importance in providing the backdrop for the important pattern of cultural institutions, professional offices, churches and small shops in this quarter. If long term residents are driven away by the pressure of late night noise nuisance and anti-social behaviour, and their homes are replaced by short-term rentals, there would be an inevitable decline in the quality of the domestic housing stock. Then what would this precious area of the city be left with - what would it become?

We refer to Norwich City Council's Licensing Policy which we believe emphasises the balance between the rights of all stakeholders in the neighbourhood.

Particularly at 2.3

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for the Council to act in a way that is incompatible with a Convention Right. Particular regard will be given to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:

- Article 8 that everyone has the right to **respect for their home** and private life; and
- Article 1 of the First Protocol that every person is entitled to the **peaceful enjoyment** of their possessions...

Also at 8 - 'The impact of licensed premises'

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 provision of toilet facilities
- the frequency of the licensable activity.

Also at 9 dealing with cumulative impact of a concentration of licensed premises

There are areas of the city where the significant number of licensed premises are concentrated which can result in unacceptable levels of crime and disorder or public nuisance. The council will be prepared to consider the adoption of a "Cumulative Impact Special Policy" for areas of the city, provided there is evidential basis that such a policy is necessary in those areas.

In such areas, applications for new premises licences or club premises certificates or material variations to existing premises licences in those areas will be refused if relevant representations are received.

Also at 25 dealing with stricter conditions and hours

25.1 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 can provide.

25.2 "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.

25.3 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.

25.4 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.

25.5 **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".

25.6 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.

25.7 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

## Also at 30.2 and 30.3 Cumulative impact

30.2 The council may adopt a "Special Policy" in relation to "Cumulative Impact" if the number, type and density of premises selling alcohol for consumption on the premises may be such that **serious problems of nuisance and disorder are arising or are beginning to arise outside, or in the vicinity, or some distance from, but still attributable to, these licensed premises.**

30.3. The council will need to be satisfied that in these areas, and the immediate surrounding areas, the impact caused by the behaviour of the customers of all premises taken together is greater than the impact of customers of individual premises.

No.1 Queen Street was a traditional pub for a long time, but its recent re-incarnation with a late licence and this application for even later hours more suitable for a night club, mean its impact on the neighbourhood is much more pronounced.

I, and my family, ask that the Licensing Committee take our description of the effect of late hours licensing in our neighbourhood, and our objection to this application into account, and, if a licence is granted to the premises, apply conditions to mitigate the inevitable effects on the area:-

- **A noise limiter to make sure noise does not escape from the premises.**
- **The condition that all doors and windows should be kept closed for the same reason, at all times.**
- **An efficient system of control on customers both inside and outside the premises in place, ensuring that noisy groups are quietened down before they leave the immediate vicinity.**
- **The hours of trading are set to what the area has been awarded since the Licensing Act came into force - namely, a late night limit of 2am, with no further extensions into the small hours of the night.**

Yours faithfully,

Carol Hardman

☒ Arts, Entertainment and Community

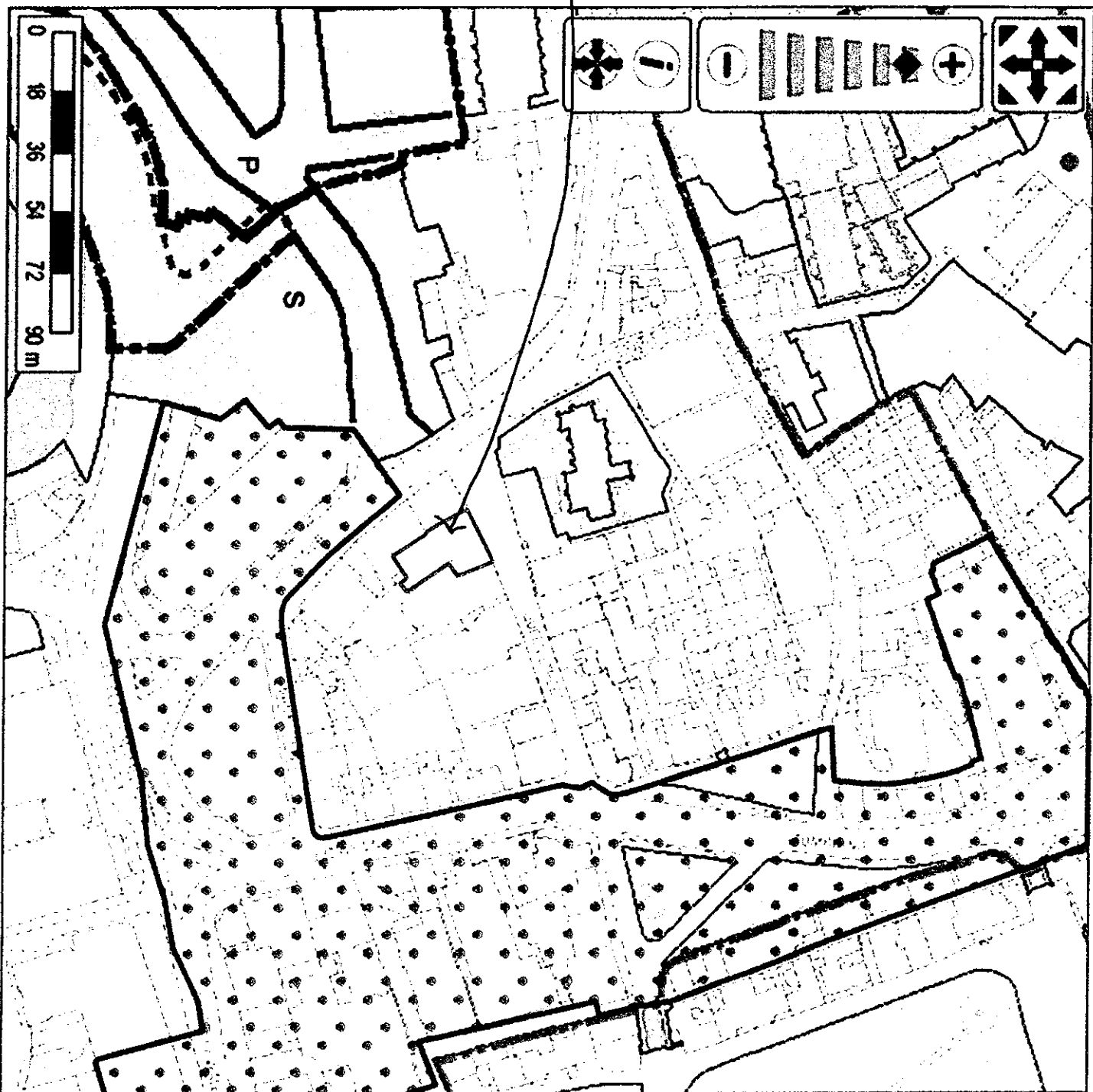
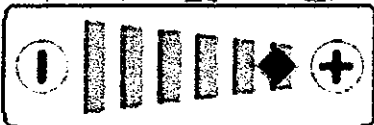
☐ City Centre Leisure Area (Policy AEC1)

☒ Late Night Activity Zone (Policy AEC1)

☒ Site for Health Care Facility (Policy AEC4.5)

☒ Site for Education Facility (Policy AEC6)

OUTSIDE LATE NIGHT  
Activity Zone

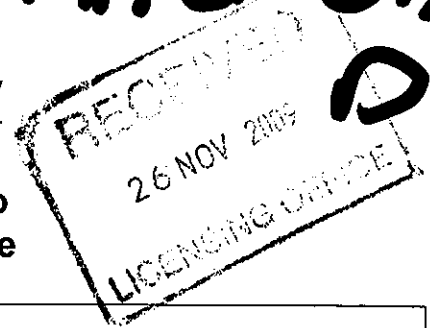


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# APPENDIX

Organisational Development
26 NOV 2009
Post Room

Norwich City Council Licensing Authority  
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	FOOLPROOF
Postal address	2-4 Queen Street Deeborn House NR2 4SA Norwich
Email address	Sofia.hjelm@foolproof.co.uk
Contact telephone number	01603 230 800

Name of the premises you wish to support or object to	NOIR
Address of the premises you wish to support or object to.	1 Queen Street, NR2 4G

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Support
Public safety	Support
To prevent public nuisance	Support
To protect children from harm	Support.

Please suggest any conditions which would alleviate your concerns.	We fully support the opening of Noir and have no concerns.
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Signed:

Date: 25/11/2009

Please see notes on reverse

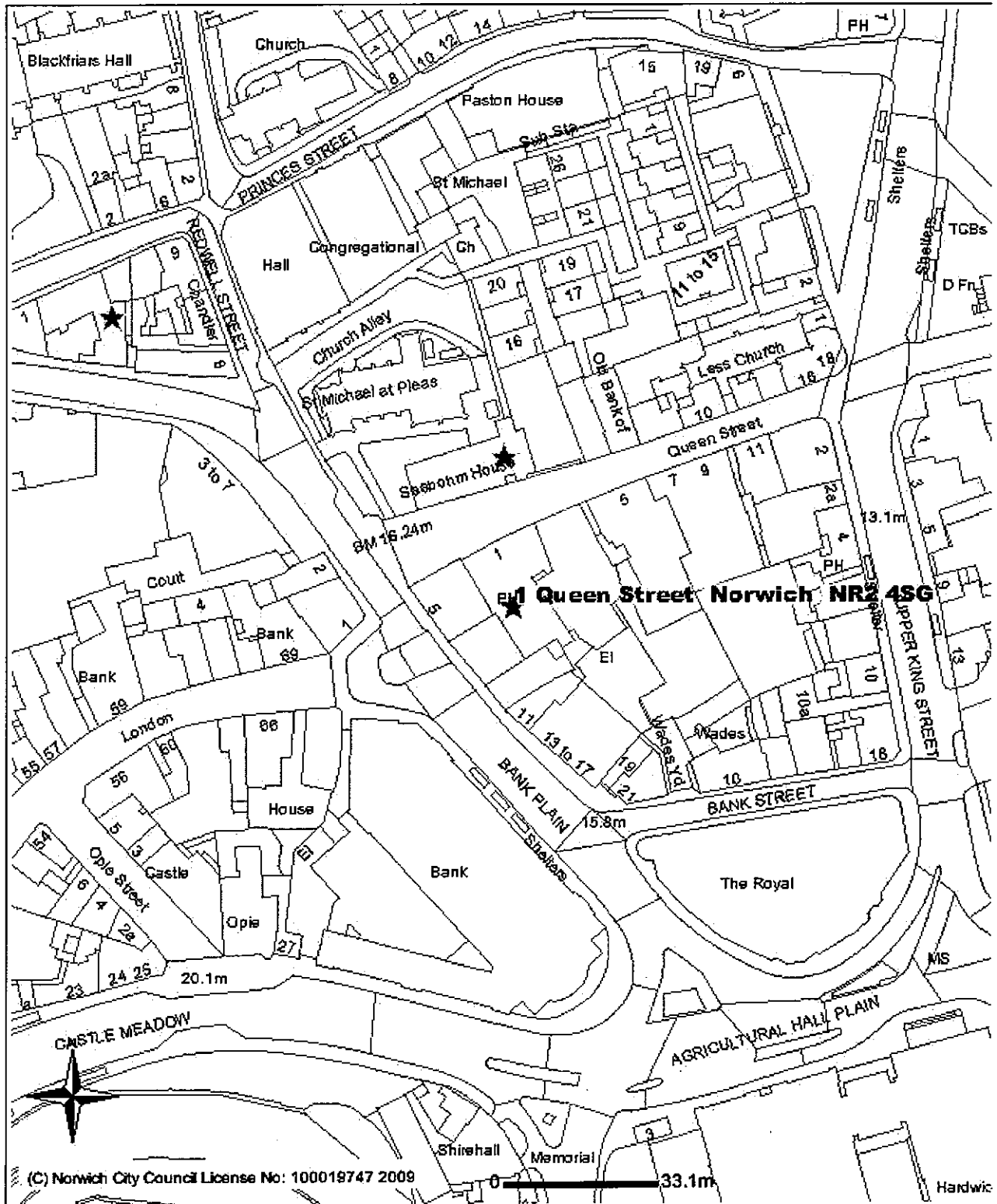


**NORWICH**  
City Council

Norwich City Council  
City Hall Norwich  
NR2 1NH

Tel: 01603 212212  
info@norwich.gov.uk

Noir 1 Queen Street





# APPENDIX F

## Local Policy considerations

### 1.0 Introduction

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

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

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

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

2.7 So far as possible, the Council will avoid duplication with other regulatory regimes, and will not to use its powers under the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation and other enforcement agencies.

### 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" 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.

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', in that it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, which 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 level of likely car parking demand on principal roads and surrounding residential streets and its effect on local residents, in comparison with the existing situation, and the effect on residential parking and emergency access;
- 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 A Premises Supervisor must be specified in the Operating Schedule for a premises, in which alcohol will be sold ('Designated Premises Supervisor' DPS). The DPS will have responsibility for running the premises on a daily basis. They should normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, they should either undergo additional training, or to be able to demonstrate they have the experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

**13.2 There must be proper management arrangements in place in all licensed premises, whether or not alcohol is sold or not, which will ensure there is an appropriate number of responsible, trained/instructed persons at the premises to provide the proper management of the premises, the activities taking place and compliance with all statutory responsibilities and the terms and conditions of the premises licence.**

## LICENSING OBJECTIVES

### 21.0 Objective - Prevention of Crime and Disorder

21.1 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.

21.2 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.**

- 21.3 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.

- 21.4 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

## 25.0 Objective - Prevention of Public Nuisance

- 25.3 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.
- 25.7 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 23.00 and 07.00
  - 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

25.8 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, e.g. 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 (e.g. garden areas) of premises, including such matters as deliveries i.e not too early in the morning
- Adoption of best practice guidance (e.g. 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 2-3 hours before licensable activities finish.
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

## SECTION E - Hours of Trading

31.7 The policy options which will be applied to applications for premises licences where the sale or supply of alcohol for consumption on the premises is proposed, are as follows:

- a) **The Council will consider restricting the hours if it believes, on the basis of representations made, that not doing so would lead to or exacerbate problems of crime, disorder or public nuisance.**
- b) Where no relevant representations are received from either a responsible body or an interested party, the application will be granted in accordance with the terms of the operating schedule.
- c) Where relevant representations are received from either a responsible body or an interested party, and those representations relate to the hours of trading then subject to (a) above, the Council will consider restricting the hours in relation to any of the licensable activities for which a licence is being sought, provided it is considered necessary to do so in order to promote one or more of the licensing objectives which may not be achieved without such restrictions. The Council may impose different restrictions on hours for different licensable activities and for different days of the week.

# APPENDIX G

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

### 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."

### The Scope of the Licensing Act 2003

- 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."

### Licensing Law and the Control of Anti-Social Behaviour

- 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."

### Licensing Hours

#### Extended Opening Hours

- 13.40 "...flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance."
- 13.41 "...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies."

### Consideration for Residents

- 13.41 "...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."



- 9.4 "...it is for the licensing authority to decide in the first instance whether or not representations are relevant. This may involve determining whether they have been made by an interested party and whether or not, for example, an individual making a representation resides or is involved in business "in the vicinity" of the premises concerned."
- 9.5 "...licensing authorities should consider whether the individual's residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises."