

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee
21 January 2010

Report of Head of Legal, Regulatory & Democratic Services

Subject Licensing Act 2003:
Application to vary a Premises Licence -
Comfortably Numb 13 St Benedicts Street
Norwich NR2 4PE

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application to vary a Premises Licence in respect of Comfortably Numb 13 St Benedicts Street Norwich NR2 4PE following the receipt of Interested Party representations.

Recommendation

That Members determine the application to vary a Premises Licence in respect of Comfortably Numb 13 St Benedicts Street Norwich NR2 4PE 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 applicants are Margaret and Kelvin Martin of 54 Womersley Road Norwich NR2 4PE.
- 1.2 The premises currently hold a premises licence, the summary of which is attached to the report as Appendix A.
- 1.3 The conditions attached to the current premises licence are attached as Appendix B.
- 1.4 This variation application seeks to remove the following conditions:-

Annex 1 – Mandatory conditions

3. The following are not prohibited:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- c) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) The sale of alcohol to a trader or club for the purposes of the trade or club;
- e) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) The taking of alcohol from the premises by a person residing there; or
- g) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Annex 2 – Conditions consistent with the Operating Schedule

19 Fire fighting equipment must be provided in the licensed premises in accordance with the fire officers requirements with staff suitably trained as necessary.

20 Hangings, curtains and temporary decorations must be maintained in a flame retardant condition.

21 Upholstered seating must meet on a continual basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990 or equivalent standard.

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

23 The responsible person where there is an outbreak of fire, however slight, must raise the alarm, evacuate the building, and call the fire brigade. Any remedial work necessary to restore fire precautions to their original standard must be completed with systems fully functional prior to re-admittance of the public.

25 Fire safety signs must be adequately illuminated.

26 Emergency lighting must be provided in accordance with BS5266 (current edition) or an equivalent standard approved by the Licensing Authority.

28 The L2 alarm system at the premises will be serviced regularly.

29 The fire safety measures with which the premises are provided will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment. A safe occupancy level will also be maintained.

(Annex 2 conditions above superseded by the Regulatory Reform (Fire Safety Order) 2005)

33 Any amplified music will be from a unit 40 watts per channel max.

44 Children under the age of 14 will not be permitted on the premises.

1.5 The variation application also seeks to amend the following conditions:

Annex 2 – Conditions consistent with the Operating Schedule

Current condition:

3 The last admission to the premises shall be 00:00.

Proposed condition:

3 No new customers will be admitted to the premises after 00:00.

Current condition:

32 All amplified live music will cease at 23:00.

Proposed condition:

32 All amplified live music will cease at 23:30.

- 1.6 The applicants have proposed to include an additional condition within their operating schedule:

"All live and recorded amplified music will be controlled by a sound limiter set by Norwich City Council's Environmental Health and will not be altered without consultation with Environmental Health".

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 Representations have been received from Interested Parties objecting to the application and these are attached as Appendix C to the report. The objections relate mainly to the licensing objective of the prevention of public nuisance.

- 2.3 A site map of the area identifying the application premises is attached as Appendix D. A more detailed map of the area detailing the location of the Interested Parties will be available at your meeting.

3.0 Norwich City Council Statement of Licensing Policy

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

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

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

5.0 Summary

- 5.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 5.2 In making its decision, the Sub-Committee is also obliged to have regard to guidance issued under Section 182 of the Licensing Act 2003 (National Guidance) and the Council's own local licensing policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.
- 5.3 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- Grant the application as asked;
 - Modify the conditions of the licence, by altering or omitting or adding to them; or
 - Reject the whole or part of the application.
- 5.4 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.
- 5.5 The representations received from the Interested Parties appear to relate to issues that fall under the licensing objective of the prevention of public nuisance. The Sub-Committee is directed to paragraph 25 of the local licensing policy at Appendix E which contains examples of factors that impact on the licensing objective of 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

LL



NORWICH
City Council

Premises Licence Summary

Premises Licence Number

09/02111/PREMTR

Premises Details

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

Comfortably Numb
13 St Benedicts Street
Norwich
Norfolk
NR2 4PE

Telephone number 01603 768100

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Other Entertainment falling within Act
Late Night Refreshment
Live Music
Provision of Dance Facilities
Sale by Retail of Alcohol
Recorded Music

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

The times the licence authorises the carrying out of licensable activities

Other Entertainment falling within Act

Every Day 10:00 - 01:00

Late Night Refreshment

Every Day 23:00 - 01:30

Non Standard Timings

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Live Music

Every Day 10:00 - 01:00

Provision of Dance Facilities

Every Day 10:00 - 01:00

Sale by Retail of Alcohol

Every Day 10:00 - 01:00

Non Standard Timings

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Recorded Music

Every Day 10:00 - 01:00

Non Standard Timings

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

The opening hours of the premises

| | |
|-----------|---------------|
| Monday | 10:00 - 01:30 |
| Tuesday | 10:00 - 01:30 |
| Wednesday | 10:00 - 01:30 |
| Thursday | 10:00 - 01:30 |
| Friday | 10:00 - 01:30 |
| Saturday | 10:00 - 01:30 |
| Sunday | 10:00 - 01:30 |

Non Standard Timings

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

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

Alcohol is supplied for consumption on the Premise

Name, (registered) address of holder of premises licence

Mr Kelvin Martin
Comfortably Numb
13 St Benedicts Street
Norwich
NR2 4PE

Mrs Margaret Anne Martin
Comfortably Numb
13 St Benedicts Street
Norwich
NR2 4PE

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

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

Mr Kevin John Wines

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

In the event that anything of an adult nature was provided, children would be excluded from the premises.
Children under the age of 14 are not permitted on the premises.

APPENDIX B

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 The following are not prohibited:
 - a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - b) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - c) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - d) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - e) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - f) The taking of alcohol from the premises by a person residing there; or
 - g) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - h) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Annex 2 – Conditions consistent with the Operating Schedule

1 **The Prevention of Crime and Disorder**

- 2 There shall be no off sales from the premises.
- 3 The last admission to the premises shall be 00:00
- 4 The Licensee 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.
- 5 No persons carrying open or sealed glass bottles shall be admitted to the premises at any time that the premises are open for any licensable activity.
- 6 No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty of containing any beverage.
- 7 All members of staff at the premises, including any Door Supervisors, shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Portman Proof of Age card, Citizen Card, Connexions Card or PASS scheme card.
- 8 A suitably worded sign of sufficient size and clarity shall 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.
- 9 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.
- 10 The licensee shall not sell or supply alcoholic drinks in such a way which will enable, or which is intended to enable, persons to consume unlimited quantities of alcoholic drinks on payment of a single payment or a payment arrangement which is not related to the quantity or volume of alcoholic drinks supplied.
- 11 A conspicuous notice must be displayed on or immediately outside the premises adjacent to the entrance of the premises which gives details of the times when the premises are permitted to be open for any licensable activity.
- 12 Suitably phrases, clear and conspicuous notices, shall be displayed near the entrance to the premises and in other appropriate locations, such as sanitary conveniences, advising patrons :

- i) of any risk of theft or possibility of other criminal activity
- ii) to exercise care with their personal possessions to prevent theft
- iii) how to report any incidents of theft or other criminal activity.

- 13 All signs required under these conditions shall comply with those conditions, shall be placed in accordance with those conditions, and be illuminated or positioned in well-lit locations.
- 14 **Public Safety**
- 15 When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre-arranged plan.
- 16 All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
- 17 All exit doors whenever the premises are occupied, must be able to be easily opened in the case of an emergency, without the use of a key, card, code, or similiar means.
- 18 All exit doors must be regularly checked to ensure that they function satisfactorily.
- 19 Fire fighting equipment must be provided in the licensed premises in accordance with the fire officers requirements with staff suitably trained as necessary.
- 20 Hangings, curtains and temporary decorations must be maintained in a flame retardant condition.
- 21 Upholstered seating must meet on a continual basis the pass criteria for smoulding ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990 or equivalent standard.
- 22 Curtains, hangings and temporary decorations must be arranged so as not to obstruct exits, fire safety signs or fire fighting equipment.
- 23 The responsible person where there is an outbreak of fire, however slight, must raise the alarm, evacuate the building, and call the fire brigade. Any remedial work necessary to restore fire precautions to their original standard must be completed with systems fully functional prior to re-admittance of the public.

- 24 Adequate and appropriate equipment and materials must be provided for enabling first aid to be rendered to members of the public if they injured or become ill whilst at the licensed premises.
- 25 Fire safety signs must be adequately illuminated.
- 26 Emergency lighting must be provided in accordance with BS5266 (current edition) or an equivalent standard approved by the Licensing Authority.
- 27 Emergency lighting must not be altered without prior consent of the Licensing Authority.
- 28 The L2 alarm system at the premises will be serviced regularly.
- 29 The fire safety measures with which the premises are provided will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment. A safe occupancy level will also be maintained.

30 **The Prevention of Public Nuisance**

- 31 All windows and doors to the premises will remain closed after 22:00.
- 32 All amplified live music will cease at 23:00
- 33 Any amplified music will be from a unit 40 watts per channel max.
- 34 Live music will be limited to 48 performances a year.
- 35 Internal and external lighting provided for the purposes of customer and staff safety and for the security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining properties.
- 36 Lighting associated with the activities of entertainment must be positioned so as not to cause nuisance to neighbouring or adjoining properties.
- 37 Lighting provided externally to promote advertising of the premises or activities associated with the premises must be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.
- 38 Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.
- 39 The premises must remove their waste and refuse in a timely manner to a licensed waste disposal facility.
- 40 Empty bottles must be stored in a skip within the curtilage of the premises prior to collection. Operationally bottles must be removed from the public area on a frequent basis and transferred to the skip.
- 41 Clear and legible notices will be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting and slamming car doors. The sounding of car horns must also be discouraged.
- 42 The premises licence holder, designated premises supervisor and any door supervisors must monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

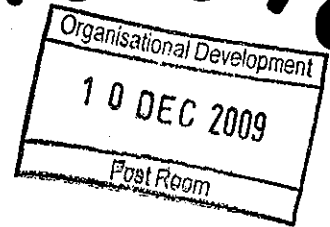
43 **The Protection of Children From Harm**

- 44 Children under the age of 14 will not be permitted on the premises.

APPENDIX C

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) | Ben Marshall, Resident. (Shared wall with Comfortably Numb) |
| Postal address | 4 James Frost House 21 Westrick St, Norwich, NR2 4TT |
| Email address | |
| Contact telephone number | |

| | |
|---|---|
| Name of the premises you wish to support or object to | Comfortably Numb, 13 St. Benedicks St. |
| Address of the premises you wish to support or object to. | 13 St. Benedicks Street, Norwich NR2 4PE |

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 | No Comment. |
| Public safety | No Comment. |
| To prevent public nuisance | See Attached. |
| To protect children from harm | No Comment. |

| | |
|--|---------------------|
| Please suggest any conditions which would alleviate your concerns. | See Attached sheet. |
|--|---------------------|

Signed:

Date: 09/12/2009

Please see notes on reverse

To prevent crime and disorder

No comment

Public safety

No comment

To prevent public nuisance

On the whole I believe Comfortably Numb is run very well. The previous documented noise issues have been much improved but still can be prevalent on a Friday and Saturday evening/night through the shared wall of our buildings.

My concern is regarding the music levels both live and amplified that is clearly heard in my property and if the changes proposed are aimed at further controlling or relaxing the levels currently experienced. The council and I have worked hard over previous months to get to the position we're in now. I'm keen for us not to take a backward step.

I question if live music should be kept in the license at all, with amplified music being stringently controlled. Unfortunately the fabric of the building (built 1898) isn't conducive to loud music as it transmits directly through the shared wall into our homes (James Frost House) – please see previous correspondence between all residents and the council.

To protect children from harm

No comment

Suggestions

The licensee needs to remain aware and vigilant to the problem. The premises are marketed as a sports and music bar but loud music isn't suitable for the building. If the manager/owner can continue to operate or slightly improve current noise levels the situation is tolerable.

Ben Marshall
4 James Frost House
21 Westwick Street

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) | A S CORDEN |
| Postal address | 14 ANCHOR QUAY NORWICH NR3 3PR |
| Email address | |
| Contact telephone number | |

| | |
|---|--------------------------------|
| Name of the premises you wish to support or object to | COMFORTABLY NUMB |
| Address of the premises you wish to support or object to. | 13 ST BENEDICTS STREET NR2 4PE |

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 | } See attached Statement of Objections |
| Public safety | |
| To prevent public nuisance | |
| To protect children from harm | |

| | |
|--|------|
| Please suggest any conditions which would alleviate your concerns. | NONE |
|--|------|

Signed:

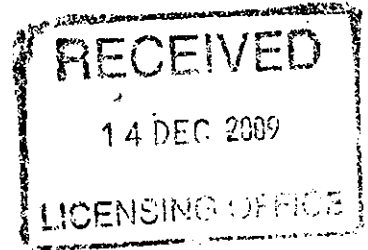
Date:

13th December, 2009

Please see notes on reverse

STATEMENT OF OBJECTIONS

Comfortably Numb Sport/Music Bar



Fronting St Benedict Street this establishment is sandwiched between two restaurants. Basically it consists of one ground floor room containing a corner bar, a satellite TV screen and minimal furniture. At the Westwick Street end it overlooks the lower ground of the Anchor Quay totally residential complex.

By day it offers low priced alcohol (eg 4 pint jugs of beer for £10) to mostly young men intent on drinking and watching afternoon/evening sport on the big screen. This is no different from many other Public Houses in Norwich. Some rowdiness but no serious public nuisance problems.

At night, however, the scene changes. The emphasis is on hi-energy, high volume music with "party nights" and visiting "live" acts. The latter can and do operate at very high amplified volumes in a restricted space and are a disturbing public nuisance to the whole area and especially the nearby residents of Anchor Quay. Despite having installed secondary glazing to my bedrooms I am frequently awakened late at night by the relentless pounding of bass guitars.

Added to this the comings and goings of alcohol fuelled smokers at the entrance to Comfortably Numb and their gatherings outside hinder and can intimidate passers by.

My objections to the application may be summarized as follows :

1. Extended opening and admission times could increase the risk of crime and disorder
2. The premises are inadequate for operating as a mini nightclub. There would be more public safety issues caused by later arriving customers. These include congestion inside and obstruction outside.
3. The excessive noise caused by amplified "live" music is currently a public nuisance and should be restricted NOT allowed further into the night.
4. Unlike neighbouring restaurants Comfortably Numb is not a "family friendly" environment. It is not appropriate for youngsters under 14.

A S Corden



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) | K K CHIDLEY |
| Postal address | 21 ANCHOR HOUSE ANCHOR QUAY NR3 3XP |
| Email address | |
| Contact telephone number | |

| | |
|---|---|
| Name of the premises you wish to support or object to | COMFORTABLY NUMB |
| Address of the premises you wish to support or object to. | 13 ST BENEDICTS STREET NORWICH NR2 4PE |

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

| Licensing Objective | Please set out your support or objections below. Please use separate sheets if necessary |
|--|--|
| To prevent crime and disorder | |
| Public safety | |
| To prevent public nuisance | I OBJECT TO THE INCREASE IN THE MAX WATTAGE OUTPUT OF AMPLIFIED MUSIC. THE CURRENT OUTPUT AT 40 WATTS ALREADY CAUSES CONSIDERABLE DISTURBANCE TO LOCAL RESIDENTS. |
| To protect children from harm | IN ADDITION A CONDITION SHOULD BE INCLUDED THAT WINDOWS MUST BE CLOSED WHEN THERE IS LIVE MUSIC. |

| | |
|--|--|
| Please suggest any conditions which would alleviate your concerns. | |
|--|--|

Signed:

Date: 13/12/09.

Please see notes on reverse

Fuller, Maxine

From: Helen Ball-King
Sent: 16 December 2009 19:53
To: Licensing
Subject: Comfortably Numb, 13 St Benedict's Street, NR2 4PE

Dear Sir/Madam,

We wish to object to the extension of licensing hours to 'Comfortably Numb' at the above address. St Benedict's Street is on the side of the river valley and, as such, backs on to all the residential housing of Anchor Quay and beyond. This increases the amplication of sound----we can all hear the sounds of dishes being 'washed' from the backs of the restaurants when their windows are open in the summer. Amplified music, therefore, are heard over a wide area.

We also believe this type of licensed premises are more suited to the 'Clubbing' areas of Prince of Wales Road and Riverside rather than the more 'Family' oriented St Benedicts.

Yours sincerely,

David and Helen Ball (3Anchor Quay)

Add other email accounts to Hotmail in 3 easy steps. [Find out how.](#)

17/12/2009

Norwich City Council Licensing Authority
Licensing Act 2003

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

21 DEC 2009
LICENSING

21 DEC 2009

| | |
|---|---|
| Your name/organisation name/name of body you represent (see note 1) | JENNIFER REYNOLDS |
| Postal address | 1 JAMES FROST HOUSE 21 WESTWICK ST. NORWICH. |
| Email address | NR24TT |
| Contact telephone number | |

| | |
|---|--|
| Name of the premises you wish to support or object to | COMFORTABLY NUMB |
| Address of the premises you wish to support or object to. | 13 ST. BENEDICTS STREET NORWICH. NR24PG |

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 | * please see separate sheet |
| Public safety | * please see separate sheet |
| To prevent public nuisance | * please see separate sheet. 33 - LOUD music |
| To protect children from harm | * please see separate sheet. 33 - Grandsons aged 2 + 8 |

| | |
|--|------------------------------|
| Please suggest any conditions which would alleviate your concerns. | * please see separate sheet. |
|--|------------------------------|

Signed:

Date:

16/12/09.

Please see notes on reverse

these are my objections to an application
for a Premises licence for Comfortably Numb.

138. Benedict Street.

Novice NR 2 & PE.

- I have lived in a flat at James Frost House
for the past 10 years and have enjoyed living here ^{until recently}
Since the licence was granted to these premises
to play music my life has been effected in a
very negative way. My bedroom wall is on the
other side of the room in which music is played at
comfortably loud. I am ∴ unable to go to
bed until the party / session is over. I totally
accept that living in the centre of Norwich a level
of noise can be expected but This is unbearable.
I ∴ beg you not to remove

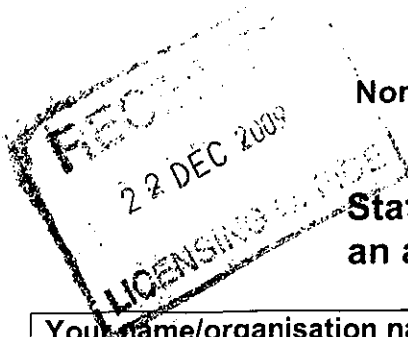
33 Any unhelpful nurse will be from a unit 40

watts per channel max. $\frac{1}{2}$ I be

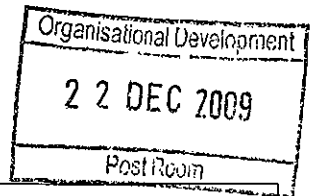
with per channel max.
Please reduce this I beg of you.
My grandsons are aged 2 + 8 + after like to
Come + stay with me. This loud music is also
harmful to them.

* (32) All amplified music will cease at 11.30.
The club currently does not abide by this
+ music can be heard in the early hours of the morning.
Please insist that 11.30 is adhered to + please
do not extend the hours of noise.
It nearly into

do not exceed the
I do not know
any of your licensing
of them.



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) | COMFORTABLY NUMB EMMA OWEN-JACKSON |
| Postal address | ST BENEDICT'S STREET FLAT 2, 21 WESTWICK ST, NORWICH |
| Email address | |
| Contact telephone number | |

| | |
|---|-----------------------|
| Name of the premises you wish to support or object to | COMFORTABLY NUMB |
| Address of the premises you wish to support or object to. | ST BENEDICT'S STREET. |

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 | Disorderly behaviour occurs on the street below - shouting and swearing until late at night and early hours. |
| Public safety | |
| To prevent public nuisance | As above, but also that I can hear the music + people in my flat, even when I have earplugs in. Causing lack of sleep. |
| To protect children from harm | |

| | |
|--|---|
| Please suggest any conditions which would alleviate your concerns. | No karaoke on Sunday nights - to finish business by 11 o'clock Encourage people smoking outside to be quieter. |
|--|---|

Signed:

Date: 17/12/09

Please see notes on reverse

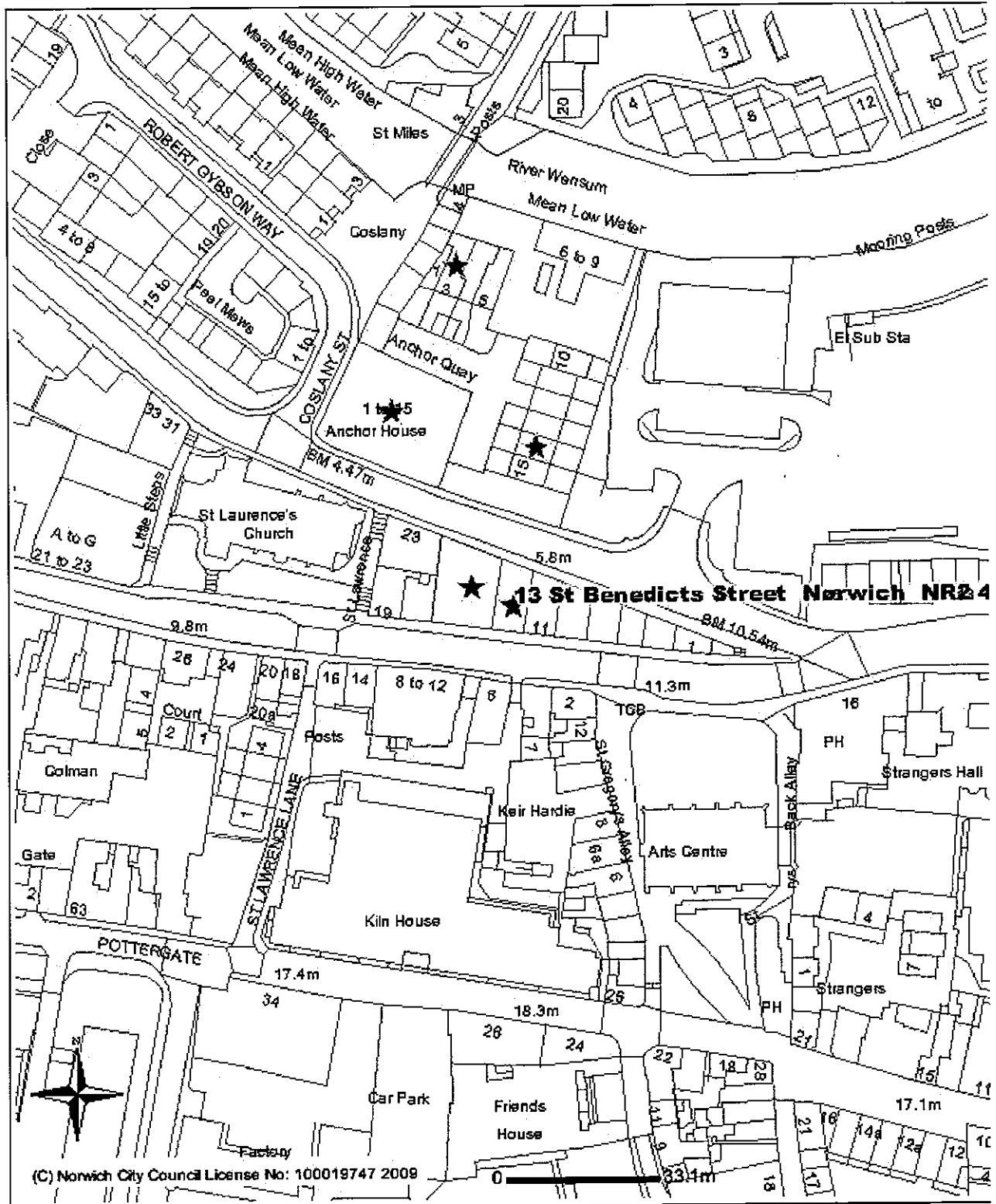


NORWICH
City Council

Norwich City Council
City Hall Norwich
NR2 1NH

Tel: 01603 212212
info@norwich.gov.uk

Comfortably Numb 13 St Benedicts Street



Scale: 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of H
majesty's Stationary Office (c) Crown Copyright. Unauthorised reproduction infringes Crow
Copyright and may lead to prosecution or civil proceedings. Norwich City Council. License
100019747 2007.

APPENDIX E

Local Policy considerations

1.0 Introduction

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

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

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

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

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

3.0 Applications for Licences

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

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

3.5 **The Council will not accept any application that is incomplete or fails to satisfy the requirements of the Act or the regulations. Incomplete applications will be returned with an explanation of why it is incomplete.**

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.

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.

31.7 SECTION E - Hours of Trading

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 F

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."