

<b>Report to</b>	Licensing sub committee 1 May 2015	<b>Item</b>
<b>Report of</b>	Head of citywide services Licensing Act 2003:	<b>3</b>
<b>Subject</b>	Application for variation of a Premises Licence – Epic 112-114 Magdalen Street Norwich NR3 1JD	

## **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a premises licence in respect of Epic 112-114 Magdalen Street Norwich NR3 1JD following the receipt of relevant representations.

## **Recommendation**

That members determine the application for the variation of a premises licence in respect of Epic 112-114 Magdalen Street Norwich NR3 1JD in accordance with the:

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

## **Corporate and service priorities**

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

## **Financial implications**

None.

**Ward/s:** All wards

**Cabinet member:** Councillor Harris – customer services

## **Contact officers**

Ian Streeter, licensing manager

01603 212761

## **Background documents**

None

# Report

## Variation application

1. The applicant is the Extreme Video Ltd 112-114 Magdalen Street Norwich NR3 1JD. .
2. The application seeks to:
  - extend the retail sale of alcohol until 0300 every day: and
  - amend the licensable area shown on the plan attached to the premises licence.
3. The table below shows the licensable activity which the applicant is seeking to vary; the timings permitted under the existing premises licence; and the proposed amendments to the hours contained in the variation application:

<b>Retail sale of alcohol</b>	<b>Hours permitted under existing premises licence</b>	<b>Hours proposed in variation application</b>
Monday	10:00 – 00:00	10:00 – 03:00
Tuesday	10:00 – 00:00	10:00 – 03:00
Wednesday	10:00 – 00:00	10:00 – 03:00
Thursday	10:00 – 00:00	10:00 – 03:00
Friday	10:00 – 00:00	10:00 – 03:00
Saturday	10:00 – 00:00	10:00 – 03:00
Sunday	10:00 – 00:00	10:00 – 03:00

## Operating schedule

4. A copy of the existing licence and operating schedule is attached at appendix A to the report. The additional steps put forward by the applicant to promote the licensing objectives as a result of the proposed variation and a copy of a plan showing the proposed revised licensed area is attached at appendix B to the report.

## Conditions agreed with police

5. Following discussions with the police, the applicant has agreed to add the following additional conditions to their operating schedule as a result of the proposed variation:
  - All alcohol sales will cease at midnight with the exception of fully seated audience events and in addition there will be 15 separate occasions per calendar year.
  - Police licensing will be notified in writing at least 10 days prior to when the 15 extensions of alcohol after midnight take place. This notification will include details on the number of security employed during the event.

- There will be no entry or re-entry to the premises after 2300 hrs (with the exception of those using the curtilage of the premises to smoke)
  - A written dispersal plan will be in place to assist with ensuring patrons leave the premises without causing a significant impact to the local residents. This plan will be kept at the premises and available to Police or Licensing Authority on request.
  - There shall be a member of staff conversant with accessing and downloading the CCTV at all times the premises is open for licensable activity.
  - A minimum of 1 SIA door security will be employed until close for all public events where alcohol is offered.
  - Security staff will use a signing in book to sign on and off. This book will include full name, badge number and tour of duty for the security staff members and will be kept at the premises and available to Police or Licensing Authority on request.
  - An incident book will be kept at the premises to record all incidents of crime and disorder at the venue. This log will be available to Police or Licensing Authority on request.
  - There will be no members of the public or customers under 18 on the premises after midnight.
6. The applicant also agreed with the police to amend the proposed condition relating mixed age groups to read:
- During events when mixed age group of under and over 18s are present, the licensed area for the sale of alcohol will be separated and kept away from the under 18s and managed.

### **Condition agreed with environmental protection**

7. Following discussions with the council's environmental protection department, the applicant has agreed to add the following additional conditions to their operating schedule as a result of the proposed variation:
- (1) The operator of the premises shall engage an acoustic consultant to ascertain the maximum octave band noise levels allowable inside the premises to achieve the following criteria:-  
  
The level of noise emanating from the premises shall not exceed 45dB at 63Hz C.B.F., 40dB at 125Hz C.B.F. and NR 30 over the frequency range from 250Hz to 8KHz as measured at a position 1 metre outside any noise sensitive premises and shall not exceed 37dB at 63Hz C.B.F., 30dB at 125Hz C.B.F. and NR 20 over the frequency range from 250Hz to 8KHz as measured inside any adjoining noise sensitive premises.
  - (2) The premises operator shall submit the details of the acoustic consultant's findings as required in condition 1, to the Environmental Protection Department at Norwich City Council.

- (3) The premises operator shall submit to the Environmental Protection Department at Norwich City Council a noise management plan for the operation of the premises detailing all aspects of noise control at the premises, and in particular methods employed to monitor and comply with the maximum noise levels as defined in condition 1 and methods of control employed to minimise noise levels from customers leaving the premises.
- (4) No live or recorded music entertainment events shall be undertaken at the premises between 2300-0900 hours on any day until details required by conditions 2 and 3 have been submitted and agreed by the Environmental Protection Department at Norwich City Council. If there are proposed revisions to the details provided, these must also be submitted and agreed before commencement.

### **Relevant representations**

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

Police – no relevant representations received.

Environmental Protection – no relevant representations received.

Fire Officer – no relevant representations received.

Planning Officer – no relevant representations received.

Area Child Protection Committee – no relevant representations received.

Trading Standards – no relevant representations received.

Primary Care Trust – no relevant representations received.

9. Relevant representations have been received in respect of the application with concerns which appear primarily to relate to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Copies of the representations received are attached at appendix C to the report.
10. A site plan showing the location of the application premise and those local residents who have made representations will be available at your meeting.

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

11. Attached at appendix D are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

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

12. Attached at appendix E are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

### **Summary**

13. In determining the application with a view to promoting the licensing objectives the sub-committee must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
- the representations (including supporting information) presented by all the parties;
- the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and
- the council's own statement of licensing policy.

14. The sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as asked;
- Modify the conditions of the licence by altering or omitting or adding to them;
- Reject the whole or part of the application

15. The sub-committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

16. The representations received appear primarily to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The sub-committee is directed to paragraphs 20 and 24 of the local licensing policy at appendix D that contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.

17. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.



**NORWICH**  
City Council

**Premises Licence Summary**

**Premises Licence Number**

**12/00969/PREM**

**Premises Details**

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

EPIC (East Of England Production Innovation Centre)  
112 - 114 Magdalen Street  
Norwich  
Norfolk  
NR3 1JD

**Telephone number** 01603 727727

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

Not applicable

**Licensable activities authorised by the licence.**

Boxing or Wrestling - Activity takes place indoors  
Ent like live/recorded music/dance - Activity takes place indoors  
Films - Activity takes place indoors  
Indoor Sporting Events - Activity takes place indoors  
Late Night Refreshment - Activity takes place indoors  
Live Music - Activity takes place indoors  
Performances of Dance - Activity takes place indoors  
Plays - Activity takes place indoors  
Sale by Retail of Alcohol - Activity takes place indoors  
Recorded Music - Activity takes place indoors

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

Boxing or Wrestling	Every Day	07:00 - 03:00
Ent like live/recorded music/dance	Every Day	07:00 - 03:00
Films	Every Day	07:00 - 03:00
Indoor Sporting Events	Every Day	07:00 - 03:00
Late Night Refreshment	Every Day	23:00 - 03:00
Live Music	Every Day	07:00 - 03:00

Performances of Dance	Every Day	07:00 - 03:00
Plays	Every Day	07:00 - 03:00
Sale by Retail of Alcohol	Every Day	10:00 - 00:00
Recorded Music	Every Day	07:00 - 03:00

**The opening hours of the premises**

Monday	07:00 - 03:00
Tuesday	07:00 - 03:00
Wednesday	07:00 - 03:00
Thursday	07:00 - 03:00
Friday	07:00 - 03:00
Saturday	07:00 - 03:00
Sunday	07:00 - 03:00

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

Alcohol is supplied for consumption both on and off the Premise

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

Extreme Video Limited  
Alexander House  
7 - 13 Rose Lane  
Norwich  
NR1 1PL

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

Registered Business Number      3677539

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

Adam Davies

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

Performances - dramatic, dance or otherwise - may include activities regarded as of an adult nature. At such times, children will be denied access to the relevant areas.



Premises Licence

Premises Licence Number

12/00969/PREM

Part 1 – Premises Details

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

EPIC (East Of England Production Innovation Centre)  
112 - 114 Magdalen Street  
Norwich  
Norfolk  
NR3 1JD

**Telephone number** 01603 727727

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

Not applicable

**Licensable activities authorised by the licence.**

Boxing or Wrestling - Activity takes place Indoors  
Ent like live/recorded music/dance - Activity takes place Indoors  
Films - Activity takes place Indoors  
Indoor Sporting Events - Activity takes place Indoors  
Late Night Refreshment - Activity takes place Indoors  
Live Music - Activity takes place Indoors  
Performances of Dance - Activity takes place Indoors  
Plays - Activity takes place Indoors  
Sale by Retail of Alcohol - Activity takes place Indoors  
Recorded Music - Activity takes place Indoors

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

Boxing or Wrestling	Every Day	07:00 - 03:00
Ent like live/recorded music/dance	Every Day	07:00 - 03:00
Films	Every Day	07:00 - 03:00
Indoor Sporting Events	Every Day	07:00 - 03:00



Late Night Refreshment	Every Day	23:00 - 03:00
Live Music	Every Day	07:00 - 03:00
Performances of Dance	Every Day	07:00 - 03:00
Plays	Every Day	07:00 - 03:00
Sale by Retail of Alcohol	Every Day	10:00 - 00:00
Recorded Music	Every Day	07:00 - 03:00

#### **The opening hours of the premises**

Monday	07:00 - 03:00
Tuesday	07:00 - 03:00
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Thursday	07:00 - 03:00
Friday	07:00 - 03:00
Saturday	07:00 - 03:00
Sunday	07:00 - 03:00

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

Alcohol is supplied for consumption both on and off the Premise

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

Performances - dramatic, dance or otherwise - may include activities regarded as of an adult nature. At such times, children will be denied access to the relevant areas.

## Part 2

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

Extreme Video Limited  
Alexander House  
7 - 13 Rose Lane  
Norwich  
NR1 1PL

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

Registered Business Number      3677539

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

Adam Davies  
3 Church Farm Close  
Weybourne  
Norfolk  
NR25 7HP

### **Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference: LN000007967

Licensing Authority: North Norfolk District Council

## Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 No moving picture shall be exhibited unless: -
  - (i) it has received a "U", "PG", "12A", "15" or "18" certificate of the British Board of Film Classification; or
  - (ii) it is a current newsreel which has not been submitted to the British Board of Film Classification; or
  - (iii) the permission of the Licensing Authority is first obtained and any conditions of such permission are complied with.
- 4 No person under the age of 18 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received an "18" certificate from the British Board of Film Classification.
- 5 No person under the age of 15 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "15" certificate from the British Board of Film Classification.
- 6 No person under the age of 12 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "12A" certificate from the British Board of Film Classification.
- 7 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

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

- 8 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 9 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 10 (with effect from 1 October 2010)  
(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 11 (with effect from 1 October 2010)  
The responsible person shall ensure that -  
(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -  
(i) beer or cider: half pint;  
(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and  
(iii) still wine in a glass: 125 ml; and  
(b) customers are made aware of the availability of these measures.

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

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

2 The company operating the catering outlet will be required to provide proof of adequate training (such as a personal licence) for all bar or serving staff working in positions of authority.

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

4 Night security will be provided either by way of CCTV and/or security personnel. A secure perimeter will be maintained around the centre.

5 The service and public entrances in use will be monitored by reception or security staff when the building is open. The student entrance will be controlled by a computerised swipe card system which will admit only authorised personnel.

6 The CCTV system will monitor points both in and around the building (including exterior approaches to entrances). Images are to be recorded to hard disk and will be retained for at least one month.

7 No glasses are to be removed from the premises and glasses will be cleared away once used.

### **8 Public Safety**

9 All technical areas will be maintained to broadcast industry standards.

10 Applicable health and safety legislation will be complied with.

11 Evacuation plans will be maintained and escape routes will be signed and lit to current legislation.

12 Staff will be trained in emergency procedures and first aid.

13 Risk assessments will be undertaken as appropriate and will include, where necessary, audience handling and other items of public safety.

14 The Norfolk County Council Health and Safety policy will apply.

15 An appropriately qualified medical practitioner will be present throughout sports entertainment including boxing and wrestling.

### **16 The Prevention of Public Nuisance**

17 The studio walls will be acoustically treated.

18 Drunkenness, aggressive or confrontational and other anti-social forms of behaviour will not be tolerated at the Centre. A set of centre rules, establishing the expected levels of behaviour, will be circulated to all companies occupying areas of the building.

19 Notices will be displayed asking patrons to be quiet when leaving the premises and to respect local residents.

### **20 The Protection of Children From Harm**

21 Performances - dramatic, dance or otherwise - may include activities regarded as of an adult nature. At such times, children will be denied access to the relevant areas.

22 Children may participate in activities - including drama, sports and dance - where it would be suitable for them to do so. In such instances (such as for the recording of TV programmes) the industry licensing procedures will be followed.

23 Children will not be permitted to be present during the screening of films, videos or material considered to be of an adult nature.

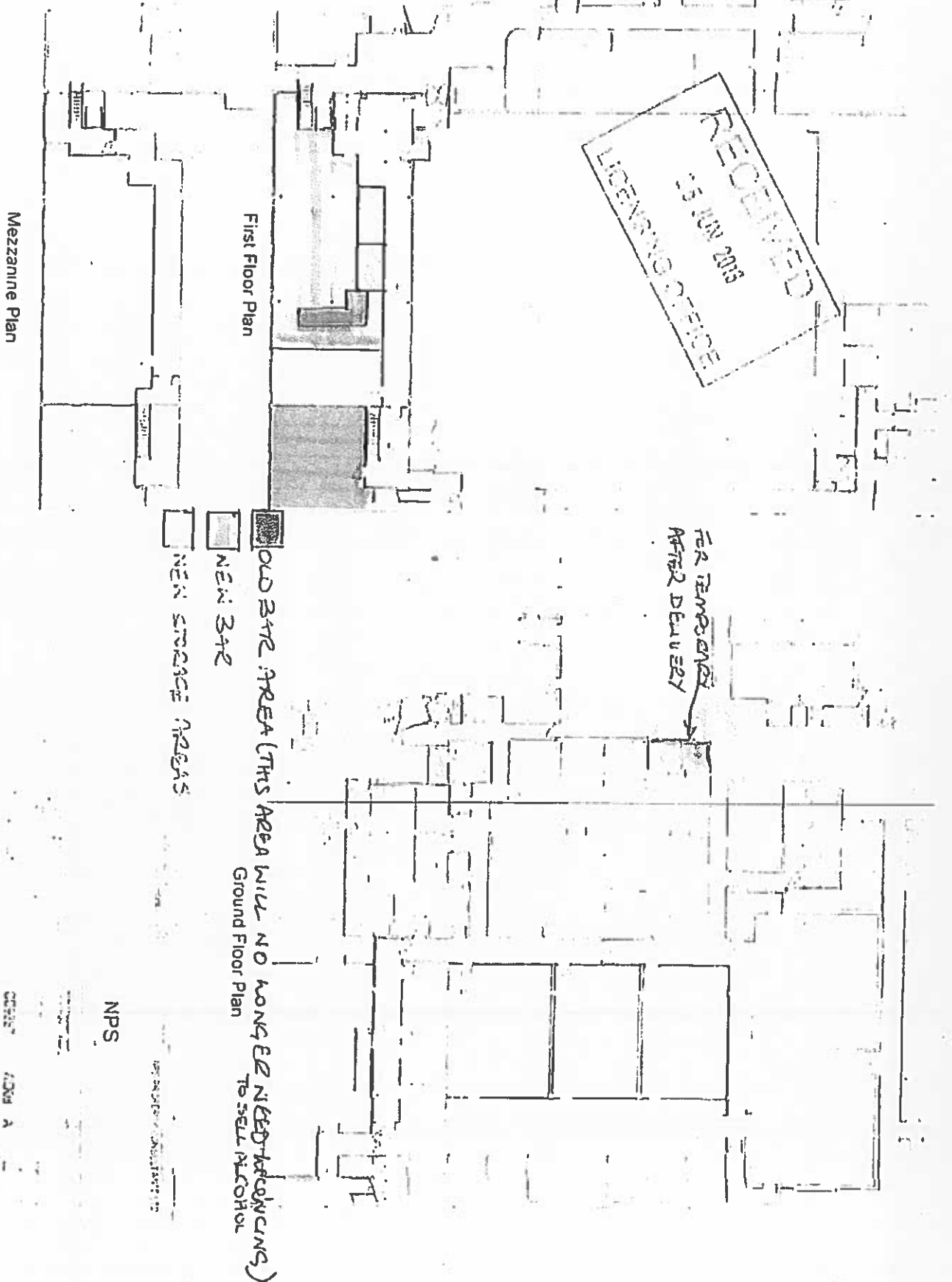
24 Bar staff will be appropriately trained and will be authorised to require proof of age (such as photographic ID) from individuals appearing to be under 21.

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



# Appendix 1

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**Section 16 of 17****LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

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

Adequate Training will be provided to all staff working in positions of authority.

Queen's Printer and Controller of HMSO 2009

*Continued from previous page...*

b) The prevention of crime and disorder

SIA security operatives will operate the premise and maintain security  
See Annex 2 of the Premise Licence

c) Public safety

See Annex 2 of the Premise Licence  
CCTV has been upgraded and 16 further cams have been added to our system Currently we can provide over 28 Days

d) The prevention of public nuisance

See Annex 2 of the Premise Licence  
We have sought out Professional sound consultation for the prevention of noise pollution

e) The protection of children from harm

See Annex 2 of the Premise Licence  
Events will be Classed as either over 18's, Under 18's, For Mixed age groups the licensed area will be managed and kept separate from the main Area  
Duty of care and a Safe Zone will be provided for all persons Under 18  
we will operate a challenge 25 Scheme

**Section 17 of 17**



**Fuller, Maxine**

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**From:** [REDACTED]  
**Sent:** 02 April 2015 16:44  
**To:** Fuller, Maxine  
**Cc:** Lennox Moire; Bushell Tony; Mackie Alistair  
**Subject:** EPIC Magdalen Street Norwich

Dear Maxine,

I am writing to object to the proposed extension of licensing hours for the sale of alcohol to 03.00 am every day at EPIC 112 – 114 Magdalen Street, Norwich.

Residents in this area of Norwich are currently subjected to excessive noise and disturbance caused primarily by those who have been drinking alcohol in the pubs and night clubs in the City resulting in disturbed sleep in the early hours of the morning, especially at the weekends after midnight on Fridays and Saturdays. This is particularly distressing to all who live here but even more so for those with young families.

Those who live in this mainly residential area believe that an extension until 03.00 am at EPIC will result in more people traversing Wensum Street, Fye Bridge Street and Magdalen Street bringing with it excessive noise and disturbance to residents well into the early hours of the morning especially Saturdays and Sundays.

Kind regards,

William Myall  
Assam House  
19 Quayside, Norwich.

Organisational Development

19 FEB 2015

Post Room

Norwich City Council Licensing Authority  
Licensing Act 2003

RECEIVED

19 FEB 2015

LICENSING OFFICE

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

Your name/organisation name/name of body you represent (see note 1)	Michelle Melton
Postal address	27 Little Bull Close Norwich NR3 1FD
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	EPIC
Address of the premises you wish to support or object to.	112-114 Magdalen Street, Norwich, NR3 1JD

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	EPIC is already a noise nuisance with very loud music being played, and people outside causing noise. Longer drinking hours is only going to make this worse.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.

I have reported noise nuisance to the council twice before in the last year. I live near EPIC, and it is very loud.

Signed:

Date:

17/02/15

Please see notes on reverse

**Fuller, Maxine**

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**From:** [REDACTED]  
**Sent:** 05 March 2015 11:54  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** EPIC Premises Licence Variation

Dear Licensing Manager, I have already sent a letter to you objecting to the variation of the premises licence for EPIC East of England Production Innovation Centre at 112-114 Magdalen Street Norwich Norfolk NR3 1JD.

My objection is based on the fact that if the variation of the premises licence allows EPIC to sell alcohol until 03:00 a.m. it will increase noise in the street, already customers of EPIC congregate outside the premises until quite late smoking and being very noisy, so to increase this disturbance until 3 in the morning is unfair to the many residents that live directly on Magdalen street. I am also concerned that there will be an increase in crime in the area, they is already an often occurrence of people after leaving a show at EPIC urinating in Throckmorton Yard and the other alleys off Magdalen street.

I do of course appreciate that this area has both businesses and homes and that both benefit for each other but to allow EPIC to sell alcohol until 3:00 a.m. would be unfair to the residents who live in the area. Although Magdalen street is a mixture of both businesses and homes I believe it is a very different area to other areas in Norwich that do allow late alcohol sale such as premises around Tomb land or the Prince of Wales road I also feel that it may open the way to more venues moving to the area to sell alcohol. I do please hope that you will not grant the Licence variation.

Yours sincerely

Edward Wallis

3 Throckmorton Yard

Norwich

NR3 1PJ

Sent from Windows Mail



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)	EDWARD WALLIS
Postal address	3 THROCKMORTON YARD NORWICH NR3 1PJ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	ERIC (East of England Production Innovation Centre)
Address of the premises you wish to support or object to.	112-114 Magdalen St Norwich Norfolk NR3 1JD

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	I object to the variation because the sale of Alcohol until 03:00 am will increase crime & disorder
Public safety	This venue is very near to a number of residential properties that require unimpeded access along the pavement this will be affected
To prevent public nuisance	There is already a noise issue from Eric & to extend this until 03:00 is an object. People already gather outside to smoke & walk home in a
To protect children from harm	very noisy way to extend this until 03:00 is unfair to all the other people that live on Magdalen Street To allow them to offer & take away alcohol license will increase noise/crime & disorder
Please suggest any conditions which would alleviate your concerns.	Please do not change their licensing hours

Signed:

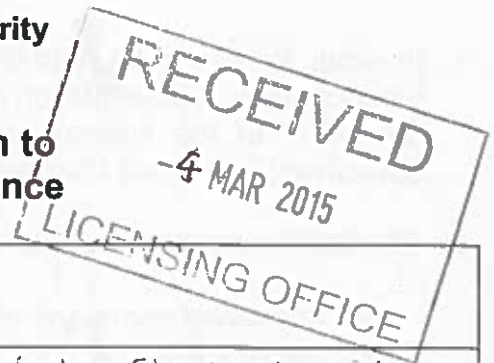
Date:

18<sup>th</sup> Feb 2015

Please see notes on reverse

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)	Alice Macleod
Postal address	Flat 1, 117 Magdalen Street, Norwich NR3 1LN
Email address	[REDACTED]
Contact telephone number	[REDACTED]
Name of the premises you wish to support or object to	EPIC (East of England Production Innovation Centre)
Address of the premises you wish to support or object to.	112-114 Magdalen Street, Norwich, Norfolk NR3 1JD

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	<ul style="list-style-type: none"> <li>Magdalen Street is already subject to <del>at</del> alcohol related crimes and vandalism.</li> <li>Selling alcohol until 3am will only make this problem worse.</li> </ul>
Public safety	There is no need for alcohol to be sold until 3am, especially as there has recently been a rise in the level of drink/alcohol related crime directed towards the homeless. (PTO)
To prevent public nuisance	(PTO)
To protect children from harm	Families with children will not be able to sleep until 4am if this proposal goes ahead. It will be difficult to protect children from obscene language and shouting.

Please suggest any conditions which would alleviate your concerns.	I am completely opposed to this proposal and I'm afraid the venue hasn't taken residents into any consideration.
--	--

Signed [REDACTED]

Date: 23.2.15

Please see notes on reverse



## Public Safety continued:

Recently in Norwich vulnerable people, the homeless and animals have been at risk from violent behaviour due to the consumption of alcohol. The EPIC building is also very near to the Norfolk and Norwich Association for the Blind centre which could potentially ~~the~~ put vulnerable people at risk unnecessarily. There are also a number of homeless people who sleep in Magdalen Street who could be put at risk.

## To Prevent public Nuisance:

Magdalen Street is already becoming increasingly difficult to live in due to alcohol consumption. People drinking alcohol often use Magdalen Street as a last stop off before going home which creates a number of issues for residents but legalising the sale of alcohol until 3am will make day to day life very difficult. Already we have experienced drunk people: smashing bottles on our drive way, urinating on our house, smashing glass in the street, shouting obscenities etc. The proposal to sell alcohol until 3am is not only completely unnecessary but will make living at our address unbearable as we live directly opposite the EPIC building. It is already increasingly difficult to live near the building just because of the crowds and noise at concerts. The NHS in Norfolk works very hard to discourage excessive alcohol consumption in Norwich and it seems ridiculous to suggest ~~a~~ that it is at all reasonable or necessary to sell alcohol until the morning.

**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)	ALEX SHAW
Postal address	11 CROSSKEYS MERE, 100 MAGDALEN STREET, NORWICH, NORFOLK, NR3 1UR
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	EPIC (East of England Production Innovation Centre)
Address of the premises you wish to support or object to.	112-114 Magdalen Street Norwich, Norfolk, NR3 1JD

**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	IF PEOPLE CAN DRINK UNTIL LATER CONCERN THAT THERE WILL BE AN INCREASE IN DRUNK & DISORDERLY BEHAVIOUR OUTSIDE.
Public safety	
To prevent public nuisance	NOISE CAN ALREADY CONTINUE BEYOND 11PM & CONCERNS THAT THIS MAY GO ON LONGER INTO EVENING IF ALCOHOL LICENCE EXTENDED, ESPECIALLY SINCE YOU CAN FEEL VIBRATIONS IN HOUSE ALSO INCREASE NOISE & IN EARLY HOURS AS PEOPLE LEAVING AND SNEUTING
To protect children from harm	

09 MAR 2015  
Post Room

RECEIVED  
- 9 MAR 2015  
LICENSING OFFICE

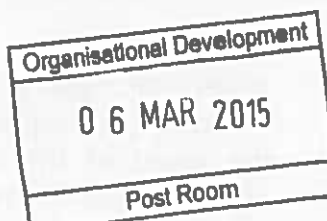
Please suggest any conditions which would alleviate your concerns.	
--	--

Signed:

Date: 27/2/15

Please see notes on reverse

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)	Robert Holmes
Postal address	1 Zipfels court Magdalen Street, NR3 1LN.
Email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you wish to <del>support</del> or object to	EPIC.
Address of the premises you wish to <del>support</del> or object to.	112-114 Magdalen St. NR3 1JD.

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

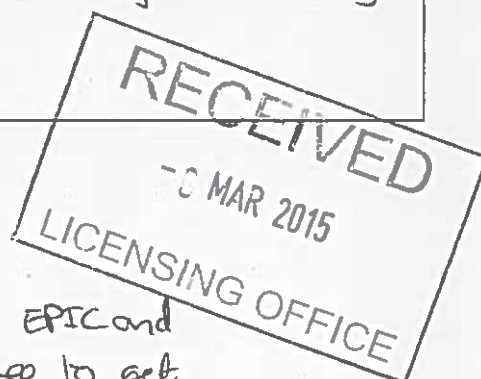
Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	See below.
Public safety	Fights + arguments outside EPIC already an issue with Police called on many occasions. The street is a major thoroughfare for every demographic of the public and later hours stand only to make matters worse.
To prevent public nuisance	<u>Strongly object</u> : My Bedroom directly faces EPIC and the late night noise is already a nuisance at weekends. This level of disruption during the working week would be unbearable. 12am is more than sufficient to derive revenue and the
<u>To protect children from harm</u>	later opening hours have the potential to draw in a more raucous crowd. Drug use and incidents of violence are already an issue and this motion stands only to exacerbate matters further.

Please suggest any conditions which would alleviate your concerns.	Keeping the current licensing hours as they are.
--	--

Signed: [REDACTED]

Date: 14/02/15

Please see notes on reverse



\* - I strongly object to this motion by EPIC and intend to contest it fully. Please feel free to get in touch so I can further outline the impact this would have on me as an immediate neighbour of EPIC.

09 MAR 2015

Post Room

Norwich City Council Licensing Authority  
Licensing Act 2003

RECEIVED

-9 MAR 2015

LICENSING OFFICE

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

Your name/organisation name/name of body you represent (see note 1)	DARREN HOLMES
Postal address	6 CROSS KEYS YARD MAGDALEN STREET NORWICH NORFOLK NR3 1LR
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	EPIC STUDIOS, NORWICH
Address of the premises you wish to support or object to.	

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	Damage to property caused by homeless people buying and consuming alcohol in our area. Police have already been called when a drunk person tried to kick our door in.
To prevent public nuisance	The levels of noise currently experienced from EPIC continue to be disruptive and a nuisance continuing on occasions past midnight despite commitment and confirmation that this is being rectified. We've been informed
To protect children from harm	The action promised hadn't been taken. Granting this license will only endorse and provide opportunity to continue to create a public nuisance and disruption to neighbours.

Please suggest any conditions which would alleviate your concerns.	Undertake noise control and prevention of unruly behaviour which affects neighbours caused by drinking of license alcohol in our courtyard and access areas.
--	--

Signed:

Date:

4/3/15

Please see notes on reverse

# APPENDIX D

## Local Policy considerations

### 1.0 Introduction

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

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

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

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

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

### 3.0 Applications for Licences

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

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

### 4.0 Representations

4.1 "Responsible Authorities" (see Appendix 7) will be asked to consider all applications and to make representations to the council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be

evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.

- 4.2 The council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation will only be accepted by the council if it is ‘relevant’, i.e. it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the council.
- 5.0 Conditions attaching to Licences
  - 5.1 Where relevant representations are made, the council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
  - 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are appropriate for the promotion of the licensing objectives.
- 8.0 The Impact of Licensed Premises
  - 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
    - the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
    - the proposed hours of operation;
    - the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
    - the means of access to the premises including the location of customer entrances and exits;
    - the provision of toilet facilities;
    - the frequency of the licensable activity.



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

### 13.0 Management of Licensed Premises

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

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

## **LICENSING OBJECTIVES**

### 20.0 Objective - Prevention of Crime and Disorder

- 20.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the City Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 20.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of

their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.

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

Underage drinking

Drunkenness on premises

Public drunkenness

Keeping Illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.

Preventing disorderly and potentially violent behaviour on and outside the premises.

Reducing Anti-social behaviour and Disorder inside and outside the premises

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

Guard against glasses and bottles being used as weapons or causing accidents.

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

Effective and responsible management of premises;

Training and supervision of staff;

Employ sufficient numbers of staff to keep numbers down of people awaiting service;

Provide sufficient seating for customers;

Patrols of staff around the premises;

Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity;

Introduce an entry policy – making people aware of it – and apply it consistently and fairly;

Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises;

Implement effective management of entrance queues – incorporating barriers if necessary;



Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;

Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;

Provision of effective CCTV in and around premises;

Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;

Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;

Provision of toughened or plastic drinking vessels and bottles;

Provision of 'bottle bins' inside the premises and near exits;

Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;

Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;

Provision of litterbins and other security measures, such as lighting, outside premises;

Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;

Responsible advertising;

Distribution of promotional leaflets, posters etc;

Drug Seizure Kits (available from Norfolk Police Operation Enterprise);

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

Ban known offenders and share information with other licensed premises in the area;

Implement a dispersal policy;

Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

#### 24.0 Objective - prevention of public nuisance

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

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

24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises

are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

- 24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.
- 24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.
- 24.6 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.**
- 24.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
  - the hours of opening, particularly between 11pm and 7am
  - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
  - the design and layout of premises and in particular the presence of noise limiting features
  - the occupancy capacity of the premises
  - the availability of public transport
  - wind down period between the end of the licensable activities and closure of the premises
  - last admission time
  - preventing litter and refuse becoming an eyesore
  - consideration of local residents that they are not upset by loud or persistent noise or by excessive light
  - preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces
  - avoid early morning or late night refuse collections
  - avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning

- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

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

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

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

## **SECTION E - Hours of Trading**

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

# **APPENDIX E**

## **National Guidance**

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

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

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

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

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

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

## **Crime and disorder**

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

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

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

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

## **Public nuisance**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Conditions attached to premises licence**

### **General**

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

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

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

### **Proposed conditions**

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

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

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

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

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

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

## **Imposed conditions**

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

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

## **Proportionality**

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



## **Hours of trading**

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

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

## **The need for licensed premises**

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