

# **NORWICH CITY COUNCIL**

## **Report for Resolution**

**Report To** Licensing Sub-Committee

2 September 2009

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

**Subject** Licensing Act 2003:  
Application for Review of a Premises Licence -  
The Maid Marian PH 59 Ipswich Road Norwich

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### **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider an Interested Party application to review the Premises Licence in respect of The Maid Marian PH 59 Ipswich Road Norwich.

### **Recommendation**

That Members determine the review application respect of The Maid Marian PH 59 Ipswich Road Norwich 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 Officers**

**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 Licensing Act 2003 (The Act): Review Applications**

1.1 The Act provides a mechanism by which, following the grant of a Premises Licence, a Responsible Authority (e.g. Police or Fire Authority) or Interested Party (e.g. a resident living in the vicinity of the premises) may ask the Licensing Authority to 'review' the licence because of a matter(s) arising at the premises in connection with any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm).

1.2 The Licensing Authority must advertise the review by displaying a notice at, on or near the site of the premises to which the application relates and at the main offices of the Licensing Authority. Notification of an application is also sent to properties within the vicinity of the application premises, in accordance with the policy previously agreed by the City Council's Licensing Committee.

1.3 The Act provides the Licensing Authority with a range of powers that it may exercise on determining a review, where it considers them necessary for the promotion of the licensing objectives. However, the Licensing Authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.

1.4 Where a Licensing Authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- To modify the conditions of the Premises Licence (which includes adding new conditions or any alteration or omission of an existing condition);
- To exclude a licensable activity from the scope of the licence;
- To remove the Designated Premises Supervisor (for example, because they consider that the problems are the result of poor management);
- To suspend the licence for a period not exceeding three months; and
- To revoke the licence.

1.5 It should be noted that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

1.6 Section 177 of The Act allows, in certain circumstances, for the suspension of any conditions relating to the provision of music entertainment imposed by a Licensing Authority, meaning for example that a condition as to the closure of doors and windows or provision of a noise limiter may not be enforceable. However, Section 177 can be disapplied if, following a review of the licence, it is amended to say that this exemption does not apply. This matter is addressed in paragraphs 5.4 – 5.7 of The Guidance issued by the Secretary of State under Section 182 of The Act reproduced in Appendix H to the report.

1.7 The following parties have a right of appeal to the Magistrates Court if they are aggrieved by the licensing authorities decision:

- The applicant for the review;
- The holder of the Premises Licence; and

- Any other person who made relevant representations in relation to the application.

## 2.0 Application for Review

2.1 An application to review the Premises Licence in respect of the The Maid Marian PH 59 Ipswich Road Norwich has been received from Tony Shearman Enforcement Officer Pollution Control Norwich City Council. A copy of the application is attached at Appendix A to the report.

2.2 The grounds for review fall under the licensing objective of the prevention of public nuisance. No previous application for review has been received in respect of these premises.

2.3 The current premises licence in place allows for the following licensable activities:

• Late Night Refreshment	23:00 - 00:00	Every Day
• Live Music	10:00 - 00:00	Monday - Saturday
• Provision of Music Facilities	10:00 - 00:00	Monday - Saturday
• Sale by Retail of Alcohol	10:00 - 00:00	Every Day
• Recorded Music	00:00 - 00:00	Every Day

### Non standard / seasonal timings:

For all licensable activities (with the exception of recorded music) - on the Friday, Saturday and Sundays of Bank Holiday weekends the terminal hour may be extended until 01:00.

For late night refreshment and sale by retail of alcohol only – on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

2.4 The opening hours of the premises are:

Monday	08:00 - 01:30
Tuesday	08:00 - 01:30
Wednesday	08:00 - 01:30
Thursday	08:00 - 01:30
Friday	08:00 - 01:30
Saturday	08:00 - 01:30
Sunday	08:00 - 01:30

### Non standard / seasonal 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.

2.5 The current Premises Licence holder is Enterprise Inns PLC 3 Monkspath Hall Road Shirley Solihull B90 4SJ.

2.6 The current Designated Premises Supervisor is Nicola Dawn Siggery

2.7 The conditions attached to the Premises Licence for The Maid Marian PH are attached at Appendix B to the report.

### **3. Relevant Representations**

3.1 The responses from the Responsible Authorities are as follows:

- Police – No representations.
- Environmental Services – Applicant for the review (attached at Appendix A).
- Fire Officer – No representations.
- Planning Officer – No representations.
- Area Child Protection Committee – No representations.
- Trading Standards – No representations.

3.2 There have been nine Interested Party representations supporting the review application. These are attached to the report at Appendix C.

3.3 A site map of the area identifying the premises to which the application relates is attached as Appendix D. A more detailed map of the area detailing the Interested Parties' residences will be available at your meeting.

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

4.1 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:

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

5.1 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 If, after considering the application and relevant evidence, action is considered necessary, the Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- To modify the conditions of the Premises Licence (which includes adding new conditions or any alteration or omission of an existing condition);
- To exclude a licensable activity from the scope of the licence;
- To remove the Designated Premises Supervisor (for example, because they consider that the problems are the result of poor management);
- To suspend the licence for a period not exceeding three months; and
- To revoke the licence.

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 application for review, and the representations in support of the review relate to issues that fall under the licensing objective of the prevention of public nuisance. The Sub-Committee is directed to paragraphs 25.1 – 25.8 of the local licensing policy at Appendix G that contains examples of factors which can impact on the licensing objective of the prevention of public nuisance. These paragraphs also contain examples of control measures that may be taken into account having regard to the type of premises and/or the licensable activities.

# APPENDIX A

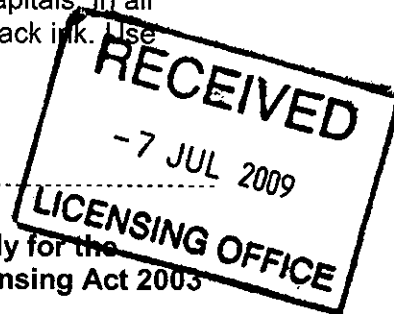
## Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I Tony Shearman  
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)



### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Maid Marian Public House 59 Ipswich Road	
<b>Post town</b> Norwich	<b>Post code (if known)</b> NR4 6LA
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Enterprise Inns PLC	
<b>Number of premises licence or club premises certificate (if known)</b> 08/01677/PREMTR	

### Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below)





**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Pollution Control Norwich City Council St. Peters Street Norwich NR2 1NH
Telephone number (if any) 01603 212278
E-mail address (optional) anthony.shearman@norwich.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

**Please state the ground(s) for review** (please read guidance note 1)  
See attached sheets



**Please provide as much information as possible to support the application**  
(please read guidance note 2)

Please see attached sheets

**Please tick yes**

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to this premises please state what they were and when you made them**

Previous representation made on the grounds of public nuisance in relation to the premises licence variation application made by the premises licence holder and considered by the licensing sub-committee in October 2008.

Please tick yes

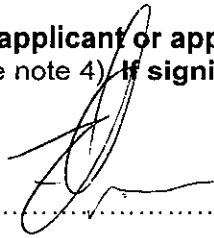
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4) **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 6<sup>th</sup> July 2009

Capacity Enforcement Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



## **Maid Marian Review Application**

On the 9<sup>th</sup> October 2008 a variation to the premises licence was granted to extend hours for sale of alcohol, addition of live music and changes to existing conditions.

At the hearing on the above date the applicant offered a condition that 'Music and other amplified sound, e.g. voice, shall be inaudible at the perimeter of the property'

As the premises is a detached property then this condition, if complied with, should adequately protect the local residents as the music should then be inaudible within their gardens and houses.

Several complaints have been received from local residents regarding the music levels from the pub since the date of the hearing as detailed below.

- 10/10/08 - Music louder than usual, TV could not be heard
- 17/10/08 - Music heard, 2130 song 'Dancing in the Moonlight'  
2240 song 'I hear you knocking'. (Resident out of house  
between these times)
- 18/10/08 - Karaoke from 2100-2300.
- 24/10/08 - 2210 – 2245 music from premises witnessed by officer, vocals  
from the following tracks identified:-

Eight Days a Week  
I'll Be Your Baby Tonight  
Pretty Woman  
This Old Heart of Mine

- 27/10/08 - Warning letter sent to premises licence holder regarding the  
breach of premises licence condition.
- 1/11/08 - Amplified guitar and drums heard over vocals until 2300.
- 21/11/08 - Amplified 'pop music' until 2330.
- 22/11/08 - Amplified 'pop music' until 2330, the only song recognised was  
'Rising Sun'.
- 28/11/08 - Music beat heard from 2230-0015.
- 13/12/08 - Music noise until 2300
- 28/3/09 - Loud Music 2100-23:45

24/4/09 - Loud music, the following tracks identified:-

I Am Sailing  
When it Comes To Being Lucky  
The Stripper  
I Just Want To Make Eyes at You

25/4/09 - Loud music, in particular amplified drumming.

1/5/09 - Live music.

2/5/09 - Loud music

23/5/09 - Resident out until 2300, upon return could hear drum and guitar music until 0000 hours.

29/5/09 - Music noise and customers shouting in car park until 2300.

5/6/09 - Music noise 2100-2345, unable to sleep, following tracks identified:-

Blondie 'Denis, Denis' and 'Atomic'  
Boney M 'Sugar In A Plum'  
'River Deep Mountain High'  
Meatloaf 'Bat out of Hell'

6/6/09 - Music noise 2100-2240

27/6/09 - 2100 hours, 2 separate complaints of music and singing from a residential area on the opposite side of Ipswich Road. This was witnessed by an officer who could identify the Blur song 'Song 2' from where they parked in Harry Perry Close at least 100 metres away. No further music was heard because at this point the band took a break. On this occasion it was noted that the front doors to the premises were open.

The noise levels from the premises were monitored by Norwich City Council's Pollution Control section with the use of electronic monitoring equipment over the 5<sup>th</sup> and 6<sup>th</sup> June 2009. The music was clearly audible on the recordings made, and the identified tracks on the 5<sup>th</sup> June have been identified from these recordings.

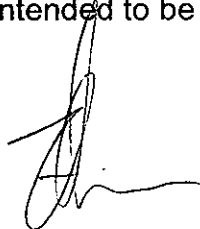
From the assessment of the noise levels it is felt that although the music from the premises is audible, it is not sufficiently above the background noise levels to enable statutory nuisance action to be taken under the Environmental Protection Act 1990.

It is however clearly in breach of the condition relating to inaudibility, and therefore could be considered an offence under s.136 of the Licensing Act 2003, which makes it an offence to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation.

At present the Home Office are encouraging authorities to deal with such problems by way of a review of the premises licence, where appropriate, with a view to consideration of imposition of further conditions or other relevant controls. Such conditions could include the following.

- i. All windows and doors, including internal lobby doors, to the licensed premises shall be kept closed, except for access and egress, whenever music or other amplified sound, eg. amplified voice is taking place.
- ii. The doors between the current conservatory and public house shall be closed whenever music or other amplified sound, eg. amplified voice is taking place.
- iii. With the exception of emergency situations, entry and exit to the premises shall be via the main doors on the western façade of the building whenever music or other amplified sound, eg. amplified voice is taking place and/or when performers are entering or leaving the premises.
- iv. The volume of any amplified sound shall be controlled by a noise limiting device set at a level determined by the local authority Environmental Health Service, such level being confirmed in writing to the Licensee. Noise limiting devices, once set, shall not be reset or adjusted without consultation with the local authority Environmental Health Service.

The current premises licence already contains some conditions similar to those above but relate to live music only and do not take into consideration recorded music and karaoke. The above conditions are suggestions and not intended to be absolute or exhaustive.



Tony Shearman  
Enforcement Officer  
Pollution Control

# 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.

4 Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals in the premises

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

1 Music and other amplified sound, e.g. voice, shall be inaudible at the perimeter of the property.

2 Notices requesting that customers leave quietly will be displayed at the premises and in the car park.

3 All doors and windows shall be closed save for access and egress at all times that live music is being provided.

### **4 The Prevention of Public Nuisance**

5 With the exception of emergency situations, entry and exit to the premises shall be via the main doors on the western facade of the building whenever live music is being performed and/or when performers are entering or leaving the premises.



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

1 Between 23:00 and 07:00 hours the outside area available to customers shall be restricted to the area on the western side of the premises running between the exterior of the building and the Ipswich Road frontage and extending for the length of the canopy being an area approximately 6 x 13 metres as is more clearly shown on the plan produced at Committee on 9th October 2008 and attached to the Premises Licence.

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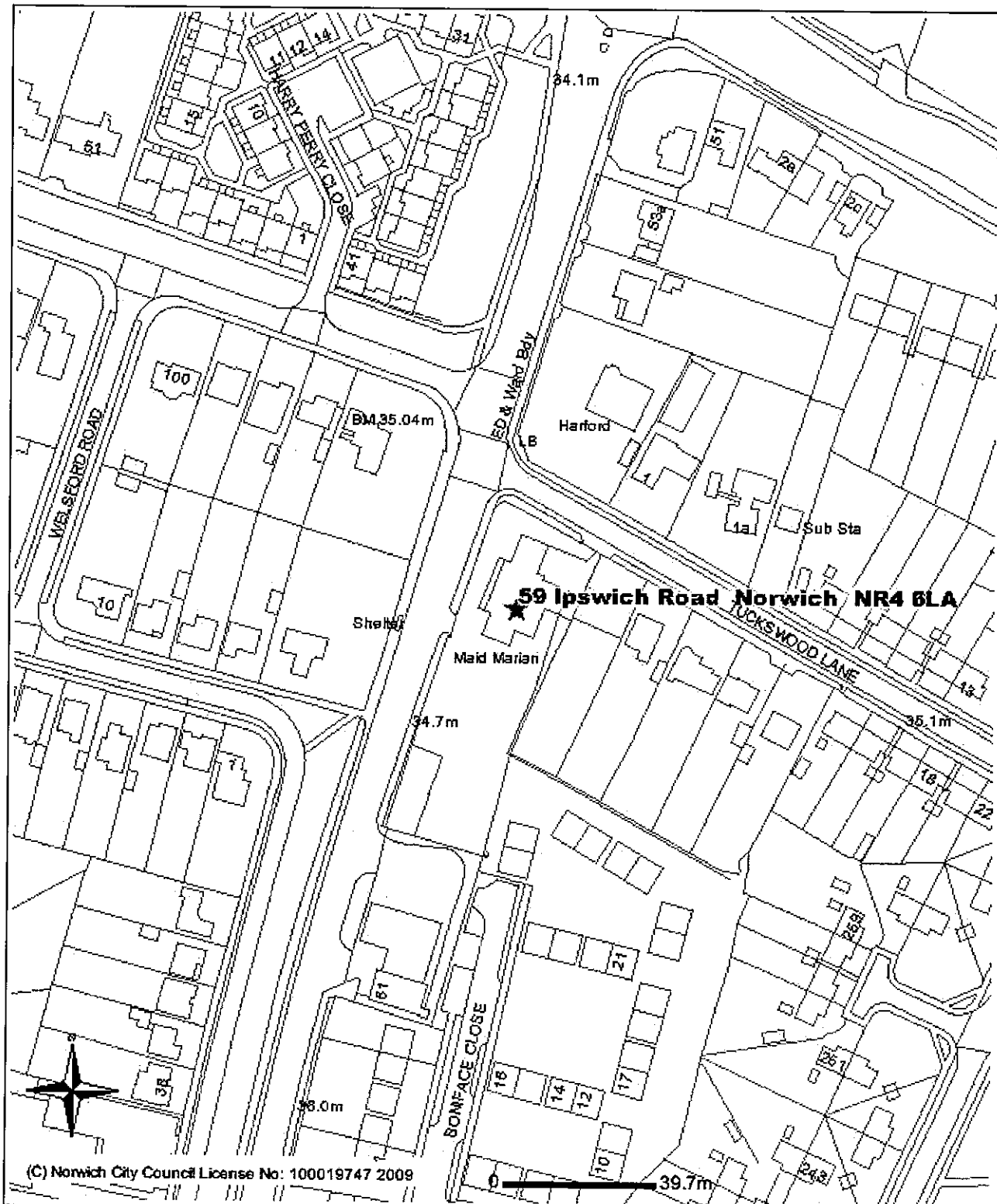


**NORWICH**  
City Council

Norwich City Council  
City Hall Norwich  
NR2 1NH

Tel: 01603 212212  
info@norwich.gov.uk

## The Maid Marion PH 59 Ipswich Road



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Scale: 1:1500

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# 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.

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. Representation's, 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.

#### 11.0 Reviews of Licences and Certificates

- 11.1 A Licence or Certificate will be reviewed if, valid representations are received by the Council. Where practicable, the Council will mediate between applicants, relevant statutory agencies and occupiers of nearby premises, local residents groups, community or interested groups where significant issues have arisen relating to a premises licence. Where possible, the Council will mediate by:

- Identifying potential issues for other relevant statutory agencies particularly regarding the safety and amenity of local residents.
- Negotiating, if possible, potential conditions to reflect resolutions of this mediation.

This process will not override the right of any interested party to ask that the Council consider their valid objections, or for any licence holder to decline to participate in a mediation meeting.

Where mediation is not practicable or fails, the Council will advise the parties of the provisions of the Act concerning a formal review of the licence.

- 11.2 Should Responsible Authorities and Interested Parties give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement, requests for a review of any licence will only be sought if such notice has failed to resolve the matter or problem.
- 11.3 The Council expects that any Responsible Authority or Interested Party will provide an evidentiary basis to support their application for a review of a premises licence.

#### 25.0 Objective - Prevention of Public Nuisance

- 25.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 25.2 "Public Nuisance" will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour,

where these matters impact on those living, working or otherwise engaged in normal activity in an area.

- 25.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.
- 25.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales takes place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises and relevant representations have been made.
- 25.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on "hours of trading", (Section E) and in doing so, has given full consideration to the Secretary of State's Guidance on "Hours of Trading".
- 25.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and character of their premises and events.
- 25.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
  - the hours of opening, particularly between 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.

## Section E - Hours of trading

31.1 This section primarily relates to premises where alcohol is sold/supplied, with or without any other licensable activity (e.g. provision of regulated entertainment). That is not to say that hours of trading at other types of licensed premises is of lesser importance, and all applicants for all types of licensed premises should consider "hours of trading", as an important issue, when preparing their operating schedules.

31.2 In determining its policy on the hours of trading, the council has given full consideration to those parts of the Secretary of State's Guidance to the Act which relate to hours of trading.

(i) "With regard to licensing hours, consideration which will be given to the individual merits of an application. The Government recommends that statements of policy should recognise that, in some circumstances, 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 (para 13.40)".

(ii) "Terminal hours dictated by the Licensing Act 1964 were abolished to avoid the serious problems that arise when customers exit licensed premises simultaneously. Attempting to fix a terminal hour in any area would therefore directly undermine a key purpose of the 2003 Act (para 13.37)".

(iii) "Concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises (para 10.19)".

(iv) "There is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested. (para 10.20)".

(v) "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours (para 10.21)".

(vi) "The Government strongly believes that, prior to the introduction of the Licensing Act 2003, fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times; and one of the causes of disorder and disturbance when large numbers of customers were required to leave the premises simultaneously (para 1.17)".

(vii) "The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided (para 1.18)".

31.3 While consideration will be given to the individual merits of each application in respect of hours of trading it may be necessary to consider limiting hours of trading where it would assist in promoting the objectives of the Licensing Act.

31.4 Applicants should give particular consideration to the hours when it is proposed to provide licensable activities, especially the provision of entertainment and the sale

and supply of alcohol, in the preparation of their operating schedules. Applicants will also be expected to address and give due consideration to the impact their patrons may have after leaving their premises, in conjunction with patrons likely to be leaving other licensed premises in the vicinity.

31.5 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.

31.6 Applicants should consider having "winding down" periods at the end of the night. By gradually "winding down" entertainment such as loud music before ending the sale of alcohol and the end of trading hours, and then allowing patrons to leave of their own volition, those patrons may behave less boisterously after they have left licensed premises.

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



# APPENDIX F

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

### **Small venues providing dancing and amplified or unamplified music**

5.4 In addition, subsections (1) and (2) of section 177 of the 2003 Act provide that where

- a premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provision of "music entertainment" (live music or dancing or facilities enabling people to take part in those activities),
- the relevant premises are used primarily for the supply of alcohol for consumption on the premises, and
- the premises have a permitted capacity limit of not more than 200 persons any conditions relating to the provision of the music entertainment imposed on the premises licence or club premises certificate by the licensing authority, other than those set out by the licence or certificate which are consistent with the operating schedule, will be suspended except where they were imposed as being necessary for public safety or the prevention of crime and disorder or both.

5.5 In addition, subsection (4) of section 177 provides that where

- a premises licence or club premises certificate authorises the provision of music entertainment (live music and dancing), and
- the premises have a capacity limit of not more than 200 persons

then, during the hours of 8am and midnight, if the premises are being used for the provision of unamplified live music or the facilities enabling people to take part in such entertainment, but no other description of regulated entertainment, any conditions imposed on the licence by the licensing authority, again other than those which are consistent with the operating schedule, which relate to the provision of that music entertainment will be suspended.

5.6 Section 177 can be disapplied in relation to any condition of a premises licence or club premises certificate following a review of the licence or certificate. This means that conditions attached to the existing premises licence relating to the provision of music entertainment can be given effect at the relevant times or that new conditions may also be imposed as an outcome of the review process.

5.7 Accordingly, those seeking to take advantage of the exemption relating to both amplified and unamplified music entertainment need to be aware that they must hold a premises licence or club premises certificate covering the supply of alcohol for consumption on the premises and the type of regulated music entertainment involved. Examples of premises used "primarily" for the supply of alcohol for consumption on the premises would include public houses and some qualifying club premises, but would not normally include, for example, a restaurant. For the "unamplified" music exemption, any premises appropriately licensed are included,

including restaurants. The area to which the 200 "capacity limit" applies concerns the area covered by the premises licence or club premises certificate and not just to part of those premises unless separately licensed.

### **Relevant, vexatious and frivolous representations**

5.73 A representation would only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not "relevant" for the purposes of the 2003 Act. It is not intended, for example, that the consideration of the application should be a re-run of the planning application which would have considered a wider range of matters. Premises licences authorise the activities within the scope of the 2003 Act that it is proposed should take place on the premises. For example, a representation from a local businessman which argued that his business would be commercially damaged by the new business for which an application is being made under Part 3 of the 2003 Act would not be relevant. On the other hand, a representation to the effect that nuisance caused by the new business would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance are inadequate would amount to relevant representations and must be considered provided the other conditions necessary to be a relevant representation were fulfilled. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises.

5.74 After a premises licence has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre would generally not be regarded as relevant if it cannot be positively tied or linked by a causal connection to particular premises which would allow for a proper review of its licence. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house. In this context, it should be noted that the "cumulative impact" on the licensing objectives of a concentration of multiple licensed premises may only give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered: it cannot give rise to a relevant representation after a licence has been granted or varied when a review of a licence may be sought. A review must relate specifically to a particular premises licence relating to an individual premises, and by its nature "cumulative impact" relates to the indirect effect of a concentration of many premises. Identifying one for a review by reason of cumulative impact on the licensing objectives would inevitably be arbitrary.

5.75 It is for the licensing authority to determine on its merits whether any representation by an interested party is frivolous or vexatious. The interested party making representations may not consider the matter to be frivolous or vexatious, but the test is whether the licensing authority is of the opinion they are frivolous or vexatious. The licensing authority must determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent in order to be relevant. An

interested party aggrieved by a rejection of his representations on these grounds may challenge the authority's decision by way of judicial review.

5.76 Decisions as to whether representations are relevant should not be made on the basis of any political judgement which would undermine a natural approach to the issue. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing; i.e. the decision would be that the representations are relevant. Any ward councillor who considers that his own interests are such that he is unable to consider the matter independently should disqualify himself.

5.77 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application for the grant or variation of a premises licence.

## **Reviews**

5.99 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. It is the existence of these procedures which should, in general, allow licensing authorities to apply a light touch bureaucracy to the grant and variation of premises licences by providing a review mechanism when concerns relating to the licensing objectives arise later in respect of individual premises.

5.100 At any stage, following the grant of a premises licence, a responsible authority, such as the police or the fire authority, or an interested party, such as a resident living in the vicinity of the premises, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority. Licensing authorities may not initiate their own reviews of premises licences. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives.

5.101 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.

5.102 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. Representations must be in writing and may be amplified at the

subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

5.103 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of cooperation. It would therefore be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.

5.104 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is not relevant, vexatious, frivolous or repetitious. Relevance, vexation and frivolousness were dealt with in paragraphs 5.73 – 5.77 above. A repetitious representation is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in respect of the same premises licence which has already been determined; or
- representations considered by the licensing authority when the premises licence was first granted;
- or representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
- in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

5.105 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order. The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within the 12 month period or other reasonable interval agreed by the licensing authority.

5.106 Following receipt of a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, the licensing authority must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully

aware of the representations made in respect of the premises, any evidence supporting the representations and that he or his legal representatives has therefore been able to prepare a response.

### **Powers of a licensing authority on the determination of a review**

5.107 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

5.108 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

5.109 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

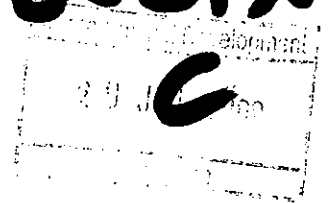
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

5.110 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response. For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company

practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

5.111 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Accordingly temporary changes or suspension of the licence for up to three months may be imposed. This could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. Accordingly, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for a review.

# APPENDIX



2 Tuckswood Lane  
Norwich  
NR4 6BD

17<sup>th</sup> July 2009

Maid Marion PH 59 Ipswich Road Norwich NR4 6LA  
Licensing Act 2003: Premises Licence - Application for Review

Dear Mr Streeter

Thank you for your letter dated the 8<sup>th</sup> July and enclosed form.  
I return the statement alongside a supplementary statement  
dated the 17<sup>th</sup> July 2009.

Please let me know the date for the review.

Yours sincerely

Karen Jones

**Norwich City Council Licensing Authority  
Licensing Act 2003**

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

Your name/organisation name/name of body you represent (see note 1)	Karen Jones
Postal address	2 Tuckswood Lane NR4 6BD
Email address	
Contact telephone number	

Name of the premises	'Maid Marian' PA,
Address of the premises	59 Ipswich Rd NR4 6LA

**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	<div style="text-align: center; transform: rotate(-30deg);"> <p>Please see statement dated 17/7/09 attached</p> </div>
Public safety	
To prevent public nuisance	
To protect children from harm	

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

Signed: .....

Date:

17/7/09

**Please see notes on reverse**



Statement of support or objection to an application for Review of  
a premises licence (17th July 2009)

To prevent crime and disorder

This was a quiet neighbourhood prior to Mr Marsh taking on the 'Maid Marion' licence and introducing live music at weekends. I go away fairly frequently at weekends and the following reflects my own experiences when I am at home.

Food was thrown against my windows at both the back and front of the house last summer, disused lighters and bottles/cans continue to be thrown over the back garden wall. In the front garden flowers were broken and trampled in the spring.

On the 25<sup>th</sup> May a group of customers sat outside the conservatory of the PH with the doors of a car open and a radio on so loud it could be heard in the front of my house. On 30<sup>th</sup> May a serious fight broke out at the front of the pub in the early hours and was broken up by the police half an hour later. In the early hours and on the 27<sup>th</sup> June a group of young people played music with a 'booster' in a car in the car park behind the pub, and were shouting and screaming. They dispersed when the police were called at 1.15am.

Public Safety

Elderly neighbours and families with young children have spoken to me about their fears of 'retaliation' if they complained about noise and disturbance.

### To prevent public nuisance

A record of the noise nuisance was collected by an EH Inspector on the 8<sup>th</sup> June. (Second complaint reference (EH09/15323).

The noise from the live music events increased significantly again in March 2009. On the 29<sup>th</sup> I hand delivered a letter to Mr Marsh and he apologised the following day. It was peaceful for a few weeks but on the 24<sup>th</sup> April I phoned the pub and asked them to turn the music down. No action was taken. The sound was so loud the following evening that I needed to repeat my request for the music to be turned down 4 times. The disturbance ceased immediately.

On the 1<sup>st</sup> May I phoned the EH emergency number and again on the 2<sup>nd</sup> May. The Inspector sat in my lounge recording the titles of songs.

On the 23<sup>rd</sup> May the repetitive drumming and strumming of a guitar was particularly stressful.

The weekend of the 26/7 June was very noisy. I had received a lift from a friend who stopped her car in Ipswich Road at 10.30pm. The sound was far worse at the front of the PH than in my house where it was also excessively loud.

### To Protect children from harm

There is less evidence of children at the PH at any time of the day than last year.

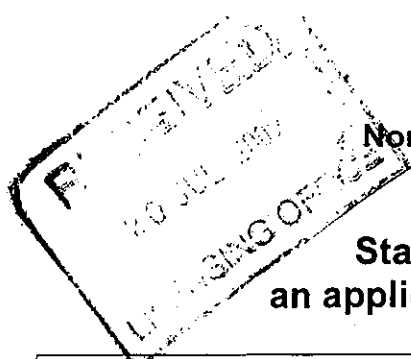
Please suggest any conditions which would alleviate your concern

I suspect that the degree of disturbance depends on who is managing the bar and their sensitivity towards the neighbourhood. The voluntary condition of the licence for the noise to be contained within the PH has not worked.

There has been no live music on Friday/Saturday nights since the end of June. If the PH intends to reinstate the events I would like to see the licence made conditional on the PH being upgraded; air conditioned and completely sound proofed.

Alternatively, the music cease no later than 11pm so I may at least sleep in peace.

I assume musicians are not licensed and no steps can be taken to restrict the amplification?



Norwich City Council Licensing Authority  
Licensing Act 2003

20 JUL 2007  
LICENSING OFFICE

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

Your name/organisation name/name of body you represent (see note 1)	KEITA BOOTH
Postal address	8 WELSFORD ROAD NORWICH. NR4 6QF
Email address	
Contact telephone number	

Name of the premises	MARION P.H
Address of the premises	59 IPSWICH RD. NORWICH NR4 6LA

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

Licensing Objective	Please set out your <del>support</del> or objections below. Please use separate sheets if necessary
To prevent crime and disorder	there should be a reduction in exposure to alcohol & its effects to meet rising concerns expressed by public, governmental & medical bodies.
Public safety	is put at risk by increasing traffic on a busy radial route in a area of complex turning & stopping manoeuvres occasioned by bus stops, a petrol filling station & access roads
To prevent public nuisance	hours of operation should be restricted to relieve local residents of unwelcome noise & vibration.
To protect children from harm	operations aimed at attracting young people, particularly from the school on Eaton Road, should not be available during school hours & for 2 hours thereafter.

Please suggest any conditions which would alleviate your concerns.	
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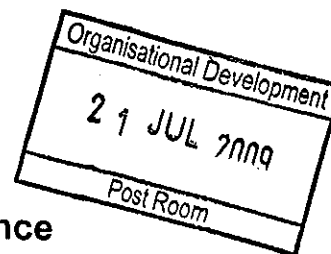
Signed:

Date:

16 July 2007

Please see notes on reverse

Norwich City Council Licensing Authority  
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	B WILSON
Postal address	108 LINTON ROAD NORWICH
Email address	
Contact telephone number	

Name of the premises	MAU MARIAN
Address of the premises	

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	<div style="border: 2px solid black; padding: 5px; text-align: center;"> RECEIVED 21 JUL 2009 LICENSING OFFICE </div>
Public safety	
To prevent public nuisance	THE AMPLIFIED DRUMMING AND SINGING FROM THE POIS COULD BE HEARD AS I TRY SLEEP. I HAVE RANG THE EMERGENCY ABOUT 10.30 AT THE CITY HALL
To protect children from harm	

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

Signed:

Date: 16 - 7 - 09

Please see notes on reverse

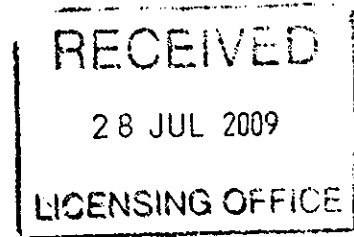
102 Eaton Road

Norwich NR4 6PS

The Licensing Team  
Norwich City Council  
City Hall  
St Peter's Street  
Norwich NR2 1NH

27<sup>th</sup> July 2009

Dear Sir,



**Review of Premises Licence Certificate  
Under the Licensing Act, 203  
Maid Marion Public House, 59 Ipswich Road, Norwich**

You will see from our address that we live close to Maid Marion Public House, at what should be an inaudible distance from their music and other noises. Because we are not beyond the reach of their noise, particularly on some Friday and Saturday nights, we wish to make representations regarding the above.

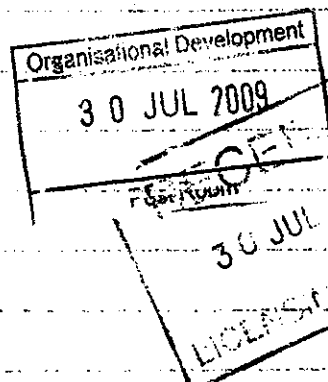
Over the past few months, loud music and other noise has been experienced on a number of occasions until late at night. This we reported to the Environmental Out of Hours Office on 27<sup>th</sup> June and an officer was sent to the premises concerned. We believe that he found our complaint justified. Since then the noise has not been audible and we have not seen outside the premises any adverts about live music. This seems likely to be because of the notice attached to the lamppost outside the pub and to which we are responding.

We were against the licensing applied for last year and I represented my neighbour from 108 Eaton Road at a meeting in City Hall (we had been away when relevant notices were given last year, so were unable to object personally). The licence was granted, with strict conditions, which clearly have not been complied with. We were told that it would be impossible for us to be inconvenienced by noise: so much for the experts.

We appreciate that people have to make a living, but clearly it has been found impossible for the owners of The Maid Marion to comply with the conditions of their licence (at least in the warmer months). We therefore request that the premises licence not be renewed, or be made subject to more stringent conditions, such as the installation of air-conditioning and sound-proofing, so that windows do not have to be opened. As things are at the moment, we have little doubt that the noise will recommence if the licence is renewed without further restrictions.

Yours sincerely,

D S and M Hansell



MR MRS SEXTON

37 HARRY PERRY CLOSE

EATON ROAD

NORWICH

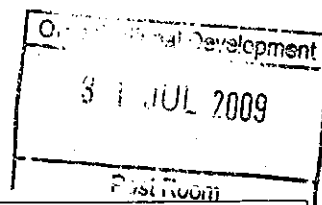
NR4 6PU

TO THE LICENSING TEAM.

WE ARE WRITING TO  
COMPLAIN ABOUT THE LOUD MUSIC  
THAT IS COMING FROM THE MAID  
MARION PUBLIC HOUSE ON  
IPSWICH ROAD BETWEEN THE HOURS OF  
21.00 AND 23.30. ON MOSTLY  
FRIDAY AND SATURDAY EVENINGS  
WE OBJECT TO HIS REVIEW  
APPLICATION TO THE PREMISES FOR  
EXTENDED HOURS FOR THE SALE OF  
ALCOHOL AND ADDITION OF LIVE MUSIC

**Norwich City Council Licensing Authority  
Licensing Act 2003**

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



Your name/organisation name/name of body you represent (see note 1)	MADELINE & TIM GREEN
Postal address	8 TUCKSWOOD LANE, NORWICH, NR4 6BD
Email address	
Contact telephone number	

Name of the premises	
Address of the premises	

**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	<div style="border: 2px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>  31 JUL 2009  <b>LICENSING OFFICE</b> </div>
Public safety	
To prevent public nuisance	EXCESSIVE NOISE IN A RESIDENTIAL AREA - REQUEST LIVE MUSIC TO BE ONLY UNTIL 10:30 ON MON - THURSDAY OR NOT AT ALL.
To protect children from harm	

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

Signed:

Date: 21/7/09

**Please see notes on reverse**



Norwich City Council Licensing Authority  
Licensing Act 2003

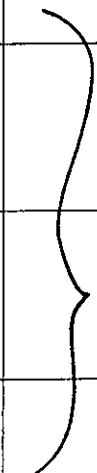
Statement of support or objection to  
an application for Review of a premises licence

RECEIVED  
LICENSING  
2009

Your name/organisation name/name of body you represent (see note 1)	Mr. & Mrs. Lash-Atkinson.
Postal address	Asgard, 5, Welsford Road, Eaton Rise, Norwich. NR4 6QA
Email address	
Contact telephone number	

Name of the premises	
Address of the premises	

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	 <p>Objections detailed in attached letter</p>
Public safety	
To prevent public nuisance	
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Licensed as a normal Public House with consideration for neighbours as accepted in a long established residential area.
--	---

Signed:

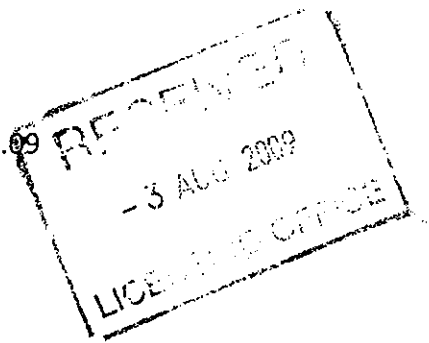
Date: 30/7/09

Please see reverse

RB Lash-Atkinson

Asgard, 5 Welsford Road, Eaton Rise, Norwich, NR4 6QA

31.7.09



Ian Streeter, City Hall

Licensing Manager,

Norwich City Council,

Dear Sir,

Thank you for advising us of the licensing application by the Maid Marion public house.

We object to the overly loud music with thudding beat intrusively permeating our residential area and preventing the enjoyment of quiet pastimes in our gardens to which we are entitled; indeed, back indoors the rhythm sometimes still echoes through the foundations.

We object to the inconsiderate disturbance from people gathering in groups outside the building and in the car park exchanging shouted comments to each other well into the night or early morning sometimes accompanied by tyre squealing departures.

Of course, it would not be possible to prove that in every instance these problems could be caused by the customers of The Maid Marion, we recognise that, but we regard ourselves as reasonable people making valid objections to a grossly unreasonable imposition on our lives.

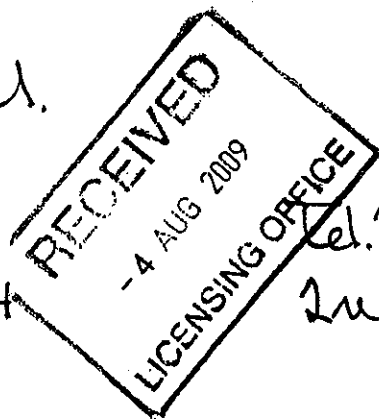
There is proper provision for people who wish to enjoy behaving in this way around the Norwich nightlife areas of Prince of Wales Road and Riverside. The Maid Marion was a local public house and restaurant fitting in with the atmosphere of a well established residential area, therefore, in no way should it become a nightclub.

We trust that you will consider our heartfelt objections when you make a decision. Also that you will understand that there are residents who are greatly upset by the growing situation but are nervous of complaining.

Yours sincerely,

*RB Losh-Atkinson*

The Licensing Team.  
Norwich City Council.  
City Hall.  
St Peters Street  
Norwich NR2 1NH



100, Eaton Road  
Norwich  
NR4 6PS

Tel. No.

2nd August 2009

Dear Sirs,

Application for Review ("the 2009 Review")  
Notice of application for Review Premises Licence  
Certificate under the Licensing Act 2003  
Premises - Maid Marian Public House  
No 57, 1 Norwich Road  
Norwich NR4 6HA

Grounds:-

Licensing Objection: The Prevention of Public  
Nuisance - Noise Disturbance from Amplified  
Music and Singing

We live at the above address identified by the  
green edging on the enclosed plan, and the Premises  
is identified by the red edging on the plan.

We wish to raise objection in connection with  
the above Application.

We refer to:-

- (a) The 2009 Review applied for by the Council's  
Enforcement Officers dated 6th July and to the  
complaints listed in it ("the 2009 Complaints")
- (b) The Notice of Determination dated 9th October  
2008 ("the 2008 Notice") and to the objections  
referred to in the Minutes of the Committee  
leading to that Determination ("the 2008

2.

Objections") and to the Enforcement Officer concerns expressed in his Report to that meeting dated 21st August 2008 ("the 2008 Concerns")

Our Objections:

1. Had we been aware of the meeting leading to the 2008 Notice, we would have lodged objection on similar grounds to a number of the 2008 Objections. These objections on the grounds of noise and nuisance came from property occupiers in Eaton Road, Welford Road, Tuckwood Lane and Banface Close, all well beyond the perimeter of the premises; in many instances with the width of Ilkechurch Road adding to the distance the noise travelled.

The 2008 Concerns of the Enforcement Officer made certain suggestions and comments which he hoped might cut down noise levels and disturbance in the later hours of business requested

Our house is some 200 <sup>on more</sup> yards from the perimeter of the premises.

2. We can confirm many of the 2009 Complaints listed in the 2009 Review did effect us at our property.

We note that within 19 days of the 2008 Determination the Enforcement Officer had to write a warning letter to the licence holder, on the 27th October 2008 for breach of condition! Further despite such warning

the breach of condition and the complaints continued until June 2009.

The noise was particularly bad in April, May and June this year.

In addition to the complaint referred in the 2009 Complaints of Saturday 27th June, we can confirm that on Friday 26th June we, and our daughter's family on a visit to us including a young child, were kept awake by the noise which could be heard in every bedroom in the house.

3. The licence holders have clearly been in breach of condition 3 of the 2008 notice on a regular if not persistent basis, and possibly in breach of other conditions which have added to the escape of noise and nuisance.

4. The Committee are asked to amend the licence conditions to include the Enforcement Officer's recommendation for additional conditions set out in the last page of his 2009 Review Application AND any further necessary guidance.

5. It appears the Enforcement Officer's 2008 Concerns have unfortunately been largely realised.

Please let us know when the Review is to be held and acknowledge.

Yours faithfully

CAE. K. SWORD

(M.I. SWORD)

Plan

34



DANIELS ROAD

IPSWICH ROAD

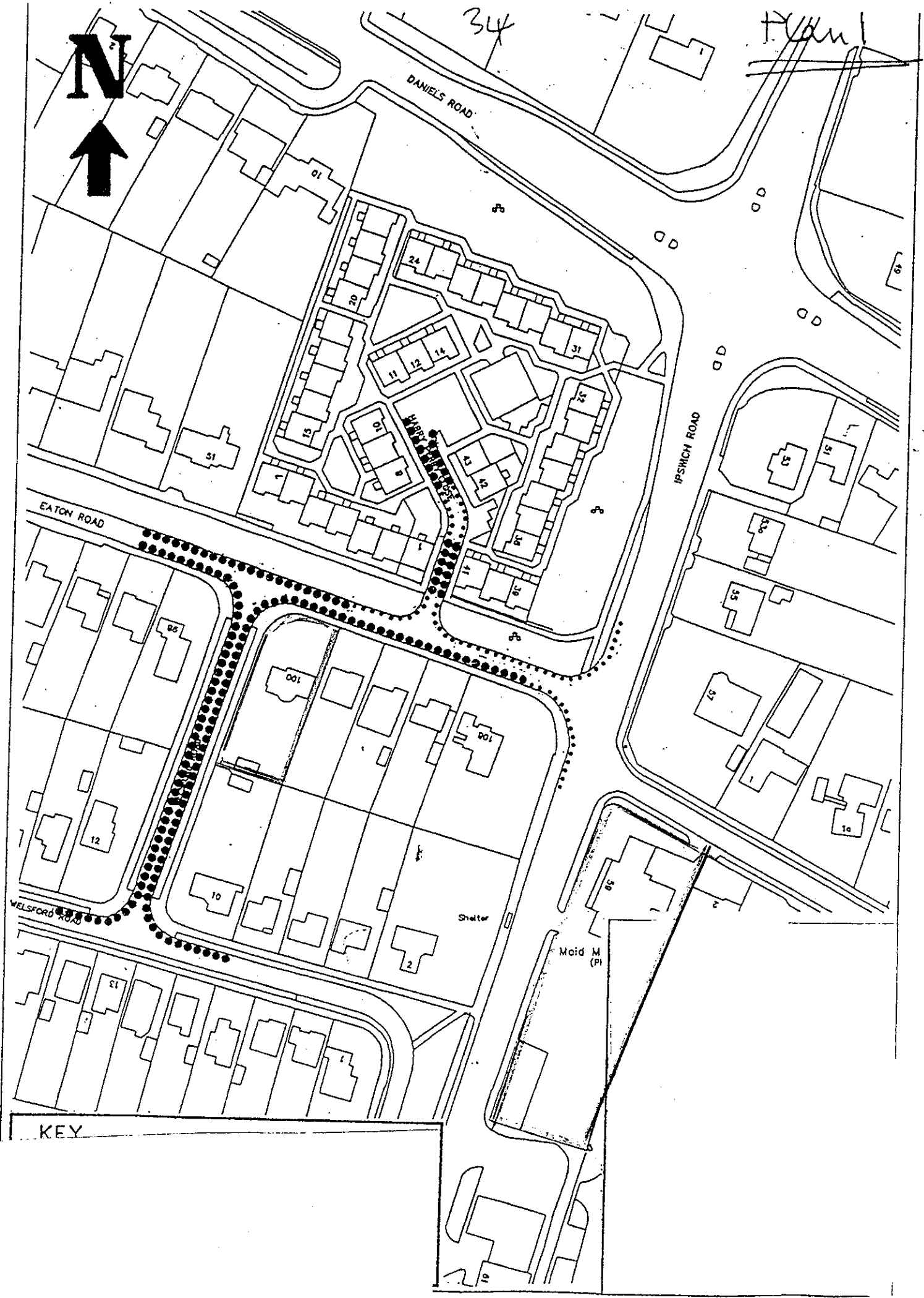
EATON ROAD

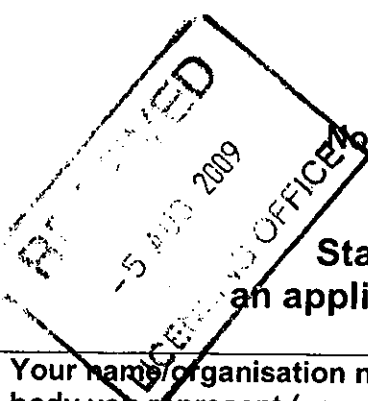
WELSFORD ROAD

Shelter

Maid M (PI)

KEY





Norwich City Council Licensing Authority  
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	Anne & Mark Templeman
Postal address	3 Welsford Road, Eaton Rise, Norwich
Email address	
Contact telephone number	

Name of the premises	MAID MARIAN
Address of the premises	

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	Fighting has broken out late at night, which was frightening. The same time a car pulled up outside our house & 3 youths got out carrying torches - what was all that about?
Public safety	See above - could the torches have been used to check doors/windows with a view to breaking in?
To prevent public nuisance	loud music, singing & shouting late at night. People congregate outside shouting and swearing. It isn't the kind of environment I want to live in.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Stop the licence to have loud music, which encourages the type of people who give no thought to others. Openings should be curtailed.
--	---

Signed:

Date: 3.8.09.

Please see notes on reverse