

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee
9 December 2010

Report of Head of Citywide Services

3

Subject Licensing Act 2003:
Application for the Grant of a Premises Licence -
Rishi Restaurant 26 Mousehold Lane Norwich NR7 8HE

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application to grant a Premises Licence in respect of the Rishi Restaurant 26 Mousehold Lane Norwich NR7 8HE following the receipt of Interested Party objections.

Recommendation

That Members determine the application to grant a Premises Licence in respect of the Rishi Restaurant 26 Mousehold Lane Norwich NR7 8HE in accordance with the:

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

Financial Consequences

The financial consequences for this report are nil.

Corporate Objective/Service Plan Priority

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

Contact Officer
Ian Streeter

Phone No 212439

Background Documents

The Licensing Act 2003
Guidance issued under Section 182 of the Licensing Act 2003
Norwich City Council Statement of Licensing Policy

1.0 The Application

- 1.1 The applicant is Muminur Rashid of Flat 41 Limescott House Bruce Road London E3 3HR.
- 1.2 The application premises were previously licensed as The Duke of Norfolk PH. The current application seeks to trade the premises as an Indian restaurant.
- 1.3 This grant application seeks to allow the provision of regulated entertainment, entertainment facilities, late night refreshment and the supply of alcohol.
- 1.4 The details of the Operating Schedule contained in the application are as follows:

1.4.1 The Licensable Activities are:

- Films (indoors)
- Live Music (indoors)
- Recorded Music (indoors)
- Performances of Dance (indoors)
- Anything of a similar description to live music, recorded music and performances of dance (indoors)
- Provision of Facilities for Making Music (indoors)
- Provision of Facilities for Dancing (indoors)
- Provision of facilities for entertainment of a similar description to making music and dancing (indoors)
- Late night refreshment (indoors)
- Supply of alcohol (for consumption on and off the premises)

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

- | | | |
|--------------------------|---------------|-------------|
| • Films | 10:00 – 01:00 | Mon – Thurs |
| | 10:00 – 02:00 | Fri – Sat |
| | 10:00 – 01:00 | Sundays |
| • Indoor sporting events | 10:00 – 01:00 | Mon – Thurs |
| | 10:00 – 02:00 | Fri – Sat |
| | 10:00 – 01:00 | Sundays |
| • Live Music | 10:00 – 00:30 | Mon – Thurs |
| | 10:00 – 01:30 | Fri – Sat |
| | 10:00 – 23:30 | Sundays |
| • Recorded Music | 10:00 – 01:00 | Mon – Thurs |
| | 10:00 – 02:00 | Fri – Sat |
| | 10:00 – 00:00 | Sundays |
| • Performances of Dance | 10:00 – 00:30 | Mon – Thurs |
| | 10:00 – 01:30 | Fri – Sat |

	10:00 – 00:00	Sundays
• Anything of a similar description	10:00 – 00:30 10:00 – 01:30 10:00 – 00:00	Mon – Thurs Fri – Sat Sundays
• Provision of Music Facilities	10:00 – 00:30 10:00 – 01:30 10:00 – 00:00	Mon – Thurs Fri – Sat Sundays
• Provision of Dance Facilities	10:00 – 00:30 10:00 – 01:30 10:00 – 00:00	Mon – Thurs Fri – Sat Sundays
• Facilities of a similar description	10:00 – 00:30 10:00 – 01:30 10:00 – 00:00	Mon – Thurs Fri – Sat Sundays
• Late night refreshment	23:00 – 01:30 23:00 – 02:30 23:00 – 00:30	Mon – Thurs Fri – Sat Sundays
• Supply of alcohol	10:00 – 01:30 10:00 – 02:30 10:00 – 00:30	Mon – Thurs Fri – Sat Sundays

1.4.3 The opening hours requested are:

10:00 – 01:30	Mon – Thurs
10:00 – 02:30	Fri – Sat
10:00 – 00:30	Sundays

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

1.5 Following discussions with Norfolk Constabulary and the council's Environmental Protection team, the applicant has proposed to revise the operating schedule as follows:

Additional conditions:

- Staff will be trained in legislation relating to the sale of alcohol. A record of this training will be available to Police or Licensing Officer on request.
- Customers will be discouraged from taking glasses and drinking vessels of the premises.
- All doors and windows must be closed when regulated entertainment is taking place at the premises, except when doors are used for ingress or egress from the premises.

- There will be no consumption of alcohol in any outside area after 22:00.

Removed condition (the prevention of public nuisance No. 6 - Appendix A)

- All live and recorded music outdoors will cease at 22:30 hours.

Revised hours

- Terminal hour for regulated entertainment will be 23:00.
- Terminal hour for late night refreshment and opening will be 01:00 Monday – Thursday and 01:30 on Fridays and Saturdays.
- Terminal hour for supply of alcohol will be 00:30 Monday – Thursday and 01:00 on Fridays and Saturdays.

2. Relevant Representations

2.1 The responses from the Responsible Authorities are as follows:

Police – No representations.

Environmental Services – No representations.

Fire Officer – No representations.

Planning Officer – No representations.

Area Child Protection Committee – No representations.

Trading Standards – No representations.

2.2 Representations objecting to the application have been received from Interested Parties with concerns relating mainly to the licensing objective of the Prevention of Public Nuisance. Copies of these representations are attached to the report at Appendix B.

2.3 A site map of the area identifying the application premises in relation to the Interested Party addresses will be available at the meeting.

3.0 Norwich City Council Statement of Licensing Policy

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

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

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

5.0 Summary

5.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

the prevention of crime and disorder;
public safety;
the prevention of public nuisance;
the protection of children from harm.

- 5.2 In making its decision, the Sub-Committee is also obliged to have regard to guidance issued under Section 182 of the Licensing Act 2003 (National Guidance) and the Council's own local licensing policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.
- 5.3 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- Grant the application as asked;
 - Modify the conditions of the licence by altering or omitting or adding to them;
 - Reject the whole or part of the application
- 5.4 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.
- 5.5 The representations received from the Interested Parties appear to relate to issues that fall under the licensing objective of the prevention of public nuisance. The Sub-Committee is directed to paragraph 25 of the local licensing policy at Appendix C which contain examples of factors that impact on the licensing objective of the prevention of public nuisance that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
- 5.6 Insofar as the issue of licensing hours is concerned, the Sub-Committee is directed to paragraph 13.41 of the national guidance, which states that licensing hours should not inhibit the development of evening and night-time local economies, and that providing consumers with a greater choice and flexibility is an important consideration. However, this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet. The Sub-Committee is also directed to paragraph 31.7 a) of the local licensing policy, authorising the restriction of licensing hours, where the licensing authority believes, on the basis of representations, that to not do so would exacerbate public nuisance.

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

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

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

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

1. A 30 MINUTE WINDING DOWN PERIOD WILL COMMENCE AT THE CONCLUSION OF LICENSED ACTIVITIES PRIOR TO THE CLOSURE OF THE PREMISES.
2. THE LICENSEE WILL ENSURE THAT NO MACHINES, EQUIPMENT OR OTHER IMPEDIMENTS BLOCK ACCESS TO THE FIRE ESCAPE ROUTES.

b) The prevention of crime and disorder

1. A 30 MINUTE WINDING DOWN PERIOD WILL COMMENCE AT THE CONCLUSION OF LICENSED ACTIVITIES PRIOR TO THE CLOSURE OF THE PREMISES.
2. THE EXTERIOR OF THE PREMISES WILL BE APPROPRIATELY ILLUMINATED.
3. A PHOTOGRAPHIC ID SCHEME WILL BE IN FORCE BY LICENSEE AND STAFF IN RESPECT OF PATRONS APPARENTLY UNDER THE AGE OF 18 YEARS OF AGE.
4. GLASSWARE AND BOTTLES WILL BE COLLECTED BY STAFF FROM PUBLIC AREAS ON A FREQUENT BASIS.
5. NOTICE TO BE PROMINENTLY DISPLAYED AT ALL EXITS REQUESTING PATRONS TO LEAVE THE PREMISES IN A QUIET MANNER.
6. TOILETS WILL BE INSPECTED REGULARLY BY STAFF DURING PERIODS OF LICENSED ACTIVITY.
7. A DISPERSAL POLICY WILL BE EFFECTED BY THE LICENSEE TO SUPERVISE PATRONS EXISTING PREMISES AND ENSURING A QUIET ORDERLY DEPARTURE.

c) Public safety

1. A CURRENT EMPLOYERS AND PUBLIC LIABILITY INSURANCE POLICY WILL BE MAINTAINED BY THE LICENSEE.
2. FIRE FIGHTING EQUIPMENT WILL BE PROVIDED ON THE PREMISES AND A MAINTENANCE/SERVICE CONTRACT RELATING TO THE UPKEEP OF SUCH EQUIPMENT WILL BE MAINTAINED BY THE LICENSEE.
3. AIR EXTRACTION FANS WILL BE MAINTAINED ON THE LICENSED PREMISES.
4. THE LICENSEE WILL ENSURE THAT THE INTERIOR AND EXTERIOR OF THE LICENSED PREMISES ARE ADEQUATELY ILLUMINATED.

d) The prevention of public nuisance

1. LIVE MUSIC WILL CEASE 30 MINUTES PRIOR TO THE END OF SALE OF ALCOHOL.
2. THE SOUND LEVEL ON ALL INTERNAL AND EXTERNAL LIVE AND RECORDED MUSIC EVENTS WILL BE EFFECTIVELY MONITORED BY STAFF.
3. PATRONS EXITING FROM THE PREMISES AT THE END OF LICENSED PERIODS OF ALCOHOL SALES WILL BE SUPERVISED BY STAFF IN ORDER TO ENSURE A QUIET DEPARTURE.
4. NOTICES REQUESTING PATRONS LEAVE IN A QUIET MANNER WILL BE DISPLAYED IN A PROMINENT POSITION.
5. A GRADUAL DISPERSAL POLICY WILL BE ENHANCED BY MEANS OF A 30 MINUTE WINDING DOWN PERIOD, USE OF TOILETS AND SALES OF SOFT DRINKS AT THE CONCLUSION OF SALES OF ALCOHOL PERMITTED TIMES.
6. ALL LIVE AND RECORDED MUSIC OUTDOORS WILL CEASE AT 22:30 HOURS.
7. ALL DOORS AND WINDOWS TO THE PREMISES SHALL REMAIN CLOSED WHEN AMPLIFIED MUSIC AND VOICE TAKES PLACE.

e) The protection of children from harm

1. AN EFFECTIVE PHOTOGRAPHIC PROOF OF AGE SCHEME WILL BE ENFORCED BY LICENSEE AND STAFF TO PREVENT DRINKING BY PERSONS UNDER 18 YEARS OF AGE.
2. NO CHILDREN WILL BE ALLOWED IN THE BAR AREAS AFTER 21:00 HOURS

Please tick yes

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

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 4 – Signatures (please read guidance note 10)

RECEIVED

26 OCT 2010

Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development

26 OCT 2010

Post Room

Statement of support or objection to
LICENSING OFFICE application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	MISS H. BOWES-SHORTEN
Postal address	69 TEMPLEMEKE NORWICH NR3 4EQ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Rishi Restaurant
Address of the premises you wish to support or object to.	26 Mousehold Lane NORWICH, NR7 8HE

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	See enclosed letter.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	In view of the surrounding houses, the latest time should be 11 pm, this gives the owner 13 hours of business daily, enough to satisfy anyone.
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Signed:

Date: 24/10/2010

Please see notes on reverse

To prevent public nuisance

My family and i live approx. 15 mtrs from proposed premises. My partner starts work 5am, so the proposed hours would interfere with his sleep pattern. He also works weekends when the proposed hours are untill 2.00 am.

I also have a young family which would also be affected by the noise especially at night when traffic noise is low.

MISS H. BOWES-SHORTEN

RECEIVE

26 OCT 2010

Norwich City Council Licensing Authority
Licensing Act 2003

RECEIVED

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

27 OCT 2010

LICENSING OFFICE

Your name/organisation name/name of body you represent (see note 1)	MR SLATER
Postal address	87 TEMPLEMEERE NORWICH NR3 4EG
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Rishi RESTAURANT
Address of the premises you wish to support or object to.	26 MOUSEHOLD LANE NORWICH NR7 8HE

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	MY HOME BACKS ONTO THE RESTAURANT 20 FEET AWAY AND BEDROOM BACK RIGHT ON TO THE RESTAURANT. AS I HAVE TO GET UP EARLY FOR WORK I WOULD NOT WANT TO LISTEN TO MUSIC TILL 2:30 AM
To protect children from harm	

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

Signed:

Date: 26/10/10

Please see notes on reverse

As my home backs directly onto the proposed Rishi Restaurant I believe this would cause a public nuisance

The proximity of my home is around 20 feet from the restaurant which is where both my bedrooms are based. All my windows which back onto the restaurant are single glazed and would not block any kind of noise proposed.

I would like to Object in the strongest terms believing that this kind of disturbance would cause extreme stresses on both my health and ability to rise in the morning for work.

Kind Regards

Mr Rio Slater

1

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)	MR K W MCALLEY
Postal address	89 TEMPLEMORE SARCUSION.
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	26 MOUSEHOLD LANE / RISHI RESTAURANT
Address of the premises you wish to support or object to.	26 MOUSEHOLD LANE.

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	OBJECTION / LATE NIGHT NOISE THIS IS A QUIET RESIDENTIAL AREA. PEOPLE PARKING / LEAVING LATE AT NIGHT. SMELLS ETC MIGHT BE A PROBLEM AS WELL AS RUBBISH
To protect children from harm	WE HAVE A PAST PROBLEM IN THE AREA AS IT IS.

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

Signed:

Date: 28/10/10.

Please see notes on reverse



WOULD YOU WANT THIS DEVELOPMENT JUST
OVER YOUR GARDEN FENCE.

Organisational Development
02 NOV 2010
Post Room

Norwich City Council Licensing Authority
Licensing Act 2003

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



Your name/organisation name/name of body you represent (see note 1)	KENNETH RICHARDSON
Postal address 68 TEMPLEMERE NORWICH NR3-4EG	
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	REF RISHI RESTAURANT
Address of the premises you wish to support or object to.	REF R 28 MOUSEHOLD LANE NR4 8HE

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	
To protect children from harm	

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

Signed:

Date:

1/11/2010

Please see notes on reverse

From MR & MRS. K. RICHARDSON
60. TEMPERANCE NR 3 LEG
To. WHOM IT MAY CONCERN.
REF RISHI RESTAURANT
20. HOUSEHOLD LANE
NR 7 STE.

We do not object to having a restaurant being opened on our door-step but the opening and closing times are not acceptable when we live in such close proximity. I am 81 & neither of us is in good health. Indecent music on a Sunday is until 11.30 & other nights are

12.30 + 1.30. Our bedroom is
only yards away & this will
mean car doors banging &
in the summer when windows
are open it would be worse
could I ask you to put
yourself in this position &
what would be your feelings?

A Restaurant OK but please
consider the activities that are
planned & be sympathetic to
our reasons. Yours Sincerely.

Norwich City Council Licensing Authority
Licensing Act 2003

RECEIVED

9 NOV 2010

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

LICENSING OFFICE

Your name/organisation name/name of body you represent (see note 1)	TEMPLEMORE RESIDENTS ASSOCIATION LTD. (FREEHOLDERS OF TEMPLEMORE).
Postal address	40 75 TEMPLEMORE. NORWICH NR3 4EG.
Email address	—
Contact telephone number	

Name of the premises you wish to support or object to	RISHI RESTAURANT.
Address of the premises you wish to support or object to.	26 HOUSEHOLD LANE. NR7 8HE

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	OBJECTION: THE WINDOWS OF THE BEDROOMS + LIVING AREAS OF 12 FLATS IN BLOCKS 66-69 + 82-89 TEMPLEMORE ARE WITHIN 11 METRES OF THE PROPOSED CAR PARK + WILL BE DISTURBED BY LATE NIGHT MOVEMENT. GARDENS ARE CLOSER.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	RESTRICTED HOURS OF OPENING AS A GENERAL RULE (WITH EXCEPTIONS FOR HIGH DAYS + HOLIDAYS) THE OWNERS OF RISHI TO PROVIDE A HIGHER/ MORE SOLID BOUNDARY FENCE TO SIDE + REAR.
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Signed:

Date: 8/11/10

Please see notes on reverse

PLEASE FIND ATTACHED COPY OF RECENT LETTER TO PLANNING, DATED 25/5/10, CONTENTS OF WHICH TO BE NOTED.

PLEASE UPDATE ME DIRECTLY OF ANY PROGRESS/OUTCOMES AS I WAS NOT ON YOUR ORIGINAL CIRCULATION.

VAL SHEPHERD. MANAGING AGENT

TEMPLEMERE RESIDENTS' ASSOCIATION LTD.

Registered in England no. 1132774
75, Templemere, Norwich, NR3 4EG
Tel: 01603 407979

COPY FOR LICENSING
8/11/10

Mr G Nelson
Head of Planning & Regeneration Services
Norwich City Council
City Hall
Norwich
NR2 1NH

25th May 2010

Dear Mr Nelson,

Re. Application Number: 10/00746/F

Location: 26 Mousehold Lane, Norwich, NR7 8HE,

Proposal: Erection of kitchen extract duct to rear wall of existing building.

I am writing on behalf of Templemere Residents' Association Ltd., which owns the freehold to the 162 flats and maisonettes of Templemere, adjacent to the site in question. Those particularly affected are the 4 flats (2 of which are owned by Norwich City Council) in block 66 - 69 Templemere and the 8 flats in block 82 - 89 Templemere NR3 4EG. Both these blocks back on to the former pub site.

This application is very light on detail but because the bedrooms of all these flats back on to this site there is concern a) about the possible smells which could emit from the flue and b) about any noise from associated extraction fans. The Association would like assurances from the developers that this will not be a problem e.g. the flue will be sufficiently high, but given that I have been told by more than one source that the pub will be an Indian restaurant this is a serious matter. I am surprised that the developers have not mentioned this in their application and am also concerned that your planners have not made more specific enquiry about the future use of the site.

To be more specific the building line of 66 - 69 Templemere is 11 metres away from the side of the pub building and the building line of 82 - 89 Templemere is just a bit further away from the rear of it. The land drops away into the gardens of 82 - 89 which is why all their bedrooms are likely to be affected, as well as living rooms and gardens. The recently built conservatory of 67 Templemere is closer as it is 2 metres into their garden at the rear - it was the subject of a planning application last year.

Cont.....

Furthermore the Association is concerned about boundary and security issues. In May 2009, criminal damage police reference 24820/09/4, drain rods were thrown from the derelict pub site through the lounge window of 85 Templemere. Thereafter residents have welcomed the fact the debris has been removed from the site but are still concerned that the site is open at the back. The recent addition of 2 new security lights has reduced the fear of repeated criminal activity but it is only the Templemere boundary fence at this point which stops it becoming a thoroughfare.

The other point I would like to make is regarding the construction of the tarmac at the rear of the pub. As can be seen at any reasonable time from the path to the rear of the gardens 82 – 89 Templemere the area is not based on solid foundations and therefore there is an ongoing concern about the use of the space to the rear of the pub.

If this was a more general application I would also be raising issues about drainage because currently all the surface water runs off the front of the pub site into the garden of 68 Templemere. The Association has already been in correspondence with Norwich City Council and with Building Control following the inundation of 68 at the time of the most recent deluge in August 2008.

In general the Association welcomes any development and would be more than happy if the developers would update us directly. We would like assurances to be given as above. Please advise the Association through me of the progress of this application.

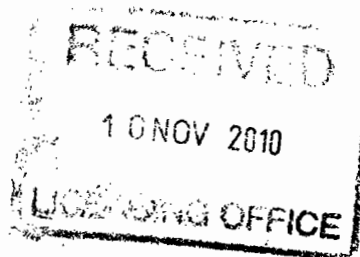
Yours sincerely,

NOTHING FURTHER HEARD.

V Shepherd (Ms)
Managing Agent

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)	JONATHAN SHARMAN
Postal address	92 TEMPLEMERE NORWICH, NR3 4EG.
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	RISHI RESTAURANT
Address of the premises you wish to support or object to.	26 MOUSEHOLD LANE, NORWICH, NR7 8HE

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	* PLEASE SEE ATTACHED SHEET *
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	LICENCE THE RESTAURANT TO STANDARD LICENSING HOURS. (UP TO 11.30PM).. ADEQUATE SOUND- PROOFING TO PREMISES
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Signed:

Date: 07 / 11 / 2010.

Please see notes on reverse



I would like to object to the proposed closing times and proposal of indoor live music to exceed the 11.30pm threshold that the former public house had. These premises are set amongst residential dwellings which might not be too evident from the main Mausehold lane but upon entering templemore it becomes only too apparent just how many dwellings surround the property.

Having lived through the nuisance of live bands, karaoke, and disco nights at the former public house which was bad enough even though the general noise would subside around 11.30pm, let's not forget that people who have been drinking don't tend to wait quietly outside a premises whilst waiting for taxis etc, as this was one of the problems we had with the former pub, which was a nuisance in itself but to allow a premises to serve up until 01.30 on a weeknight to me is outrageous, considering I have to, like many be up for work at 5.00am and with my bedroom window situated so close to the premises feel it would serve to wake me and my partner not to mention my neighbours at unsociable hours on a constant basis.

I can't see how a building of its age can be adequately sound proofed to allow us not to hear the playing of live music and recorded music, when the former premises had such events, I could sit in my living room and hear every note and even the DJ's announcements word for word, to potentially then allow such a nuisance to carry on to 01.00 in the week and 02.00 at weekends in such a heavily populated area would be an imposition on our peace

APPENDIX C

Local Policy considerations

1.0 Introduction

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

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

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

2.0 Consultation and Links to other Policies and Strategies

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

3.0 Applications for Licences

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

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

4.0 Representations

4.1 "Responsible Authorities" will be asked to consider all applications and to make representations to the Council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be

regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered.

4.2 The Council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.

4.3 A representation, will only be accepted by the Council if it is ‘relevant’, in that it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, which are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the Council.

5.0 Conditions attaching to Licences

5.1 Where relevant representations are made, the Council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.

5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are necessary for the promotion of the licensing objectives.

8.0 The Impact of Licensed Premises

8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:

- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
- the proposed hours of operation;
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;

- the means of access to the premises including the location of customer entrances and exits;
- the level of likely car parking demand on principal roads and surrounding residential streets and its effect on local residents, in comparison with the existing situation, and the effect on residential parking and emergency access;
- the frequency of the licensable activity.

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

13.0 Management of Licensed Premises

13.1 A Premises Supervisor must be specified in the Operating Schedule for a premises, in which alcohol will be sold ('Designated Premises Supervisor' DPS). The DPS will have responsibility for running the premises on a daily basis. They should normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, they should either undergo additional training, or to be able to demonstrate they have the experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

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

LICENSING OBJECTIVES

25.0 Objective - Prevention of Public Nuisance

25.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

25.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship

- the hours of opening, particularly between 23.00 and 07.00
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport
- 'wind down period' between the end of the licensable activities and closure of the premises
- last admission time
- Preventing litter and refuse becoming an eyesore
- Consideration of local residents that they are not upset by loud or persistent noise or by excessive light.
- Preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces.
- Avoid early morning or late night refuse collections
- Avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning

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

- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- Fit prominent signs requesting that customers respect local residents and leave quietly
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries i.e not too early in the morning
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of waste, empty bottles etc.
- Effective ventilation systems to prevent the emission of unwanted odours
- Take away packaging to include the name and address of the premises on it.

- Capacity levels for Fast Food Outlets
- Introduce a chill out area with coffee and mellow music where customers can settle before leaving
- Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish.
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

SECTION E - Hours of Trading

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

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

APPENDIX D

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

Standardised Conditions

- 13.20 "...statements of policy should make it clear that a key concept underscoring the 2003 Act is for conditions to be tailored to the specific premises concerned. This effectively rules out standardised conditions...However, it is acceptable for licensing authorities to draw attention in their statements of policy to pools of conditions which applicants and others may draw on as appropriate."

The Scope of the Licensing Act 2003

- 13.16 "...licensing is about regulating licensable activities on licensed premises...and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity."
- 13.17 "...whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case."

Licensing Law and the Control of Anti-Social Behaviour

- 13.18 "...licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises."

Licensing Hours

Extended Opening Hours

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

Consideration for Residents

- 13.41 "...providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet."

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