

<b>Report to</b>	Licensing sub committee 4 December 2012	<b>Item</b>
<b>Report of</b>	Head of citywide services Licensing Act 2003:	<b>3</b>
<b>Subject</b>	Application for variation of a Premises Licence – St Andrew's and Blackfriars' Halls, St Andrew's Plain, Norwich NR3 1AU	

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## **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a Premises Licence in respect of St Andrew's and Blackfriars' Halls St Andrew's Plain Norwich NR3 1AU following the receipt of a relevant representation.

## **Recommendation**

That members determine the application for the variation of a Premises Licence in respect of St Andrew's and Blackfriars' Halls St Andrew's Plain Norwich NR3 1AU in accordance with the:

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

## **Corporate and service priorities**

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

## **Financial implications**

None.

Ward/s: All wards

Cabinet member: Councillor Driver – Environment and neighbourhoods

## **Contact officers**

Ian Streeter, licensing manager

01603 212439

## **Background documents**

None

# Report

## The application

1. The applicant is Norwich city council.
2. The premises licence held in respect of St Andrew's and Blackfriars' Halls St Andrew's Plain Norwich NR3 1AU currently authorises the following licensable activities on the days and hours shown in the tables below:

Exhibition of films – (activity takes place indoors):

Monday	0900 – 0200
Tuesday	0900 – 0200
Wednesday	0900 – 0200
Thursday	0900 – 0200
Friday	0900 – 0200
Saturday	0900 – 0200
Sunday	0900 – 0200

Indoor sporting events – (activity takes place indoors):

Monday	0900 – 0200
Tuesday	0900 – 0200
Wednesday	0900 – 0200
Thursday	0900 – 0200
Friday	0900 – 0200
Saturday	0900 – 0200
Sunday	0900 – 0200

Late night refreshment – (activity takes place indoors):

Monday	0900 – 0200
Tuesday	0900 – 0200

Wednesday	0900 – 0200
Thursday	0900 – 0200
Friday	0900 – 0200
Saturday	0900 – 0200
Sunday	0900 – 0200

Live music – (activity takes place indoors):

Monday	0900 – 0200
Tuesday	0900 – 0200
Wednesday	0900 – 0200
Thursday	0900 – 0200
Friday	0900 – 0200
Saturday	0900 – 0200
Sunday	0900 – 0200

Performances of dance – (activity takes place indoors):

Monday	0900 – 0200
Tuesday	0900 – 0200
Wednesday	0900 – 0200
Thursday	0900 – 0200
Friday	0900 – 0200
Saturday	0900 – 0200
Sunday	0900 – 0200

Plays – (activity takes place indoors):

Monday	0900 – 0200
Tuesday	0900 – 0200

Wednesday	0900 – 0200
Thursday	0900 – 0200
Friday	0900 – 0200
Saturday	0900 – 0200
Sunday	0900 – 0200

Provision of dance facilities – (activity takes place indoors):

Monday	0900 – 0200
Tuesday	0900 – 0200
Wednesday	0900 – 0200
Thursday	0900 – 0200
Friday	0900 – 0200
Saturday	0900 – 0200
Sunday	0900 – 0200

Provision of music facilities – (activity takes place indoors):

Monday	0900 – 0200
Tuesday	0900 – 0200
Wednesday	0900 – 0200
Thursday	0900 – 0200
Friday	0900 – 0200
Saturday	0900 – 0200
Sunday	0900 – 0200

Recorded music – (activity takes place indoors):

Monday	0900 – 0200
Tuesday	0900 – 0200

Wednesday	0900 – 0200
Thursday	0900 – 0200
Friday	0900 – 0200
Saturday	0900 – 0200
Sunday	0900 – 0200

Sale by retail of alcohol – (for consumption both on the premises):

Monday	0900 – 0200
Tuesday	0900 – 0200
Wednesday	0900 – 0200
Thursday	0900 – 0200
Friday	0900 – 0200
Saturday	0900 – 0200
Sunday	0900 – 0200

3. The opening hours of the premises are:

Monday	0900 – 0200
Tuesday	0900 – 0200
Wednesday	0900 – 0200
Thursday	0900 – 0200
Friday	0900 – 0200
Saturday	0900 – 0200
Sunday	0900 – 0200

4. A copy of the current premises licence, including a plan of the premise, is attached to the report at appendix A.

5. Condition 6 of annex 3 to the licence currently reads:

*“Amplified music shall cease by 22:30 Monday to Saturday and by 22:00 on Sundays”.*

The applicant is seeking to amend this condition so that it will read:

*“Amplified music shall cease by 23:30 Monday to Saturday and by 22:30 on Sundays”.*

6. The condition which the applicant is seeking to vary was attached to the licence by the Norwich Magistrates Court following an appeal by an interested party against the decision of the council to vary the premises licence following a previous application.
7. Attached at appendix B to the report are the additional steps proposed by the licence holder to promote the licensing objectives as a result of the proposed variation.

### **Relevant representations**

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

Police – no representations.

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

9. A relevant representation has been received in respect of the application with concerns appearing to relate primarily to the licensing objective of the prevention of public nuisance. A copy of the representation is attached at appendix C to the report.
10. Members will note that the representation initially refers to “administrative issues”, the details of which are then outlined in the first two paragraphs. The issues raised in respect of advertising have been addressed by the applicant who re-advertised their application in accordance with the regulations. Regarding the matters raised under the heading “repetitious”, the objector has been advised that the Licensing Act 2003 does not place a restriction on the number, type or content of applications that a premises licence holder can make.
11. A site map of the area identifying the application premises in relation to the relevant representation party address will be available at the meeting.

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

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

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

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

## Summary

14. In determining the application with a view to promoting the licensing objectives the Sub-Committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
  - the representations (including supporting information) presented by all the parties;
  - the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and
  - the Council's own statement of licensing policy.
15. 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
16. 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.
17. The representation received appears to relate to issues that fall under the licensing objective of the prevention of public nuisance. The Sub-Committee is directed to paragraph 24 of the local licensing policy at Appendix D which contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
18. The Sub-Committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.



NORWICH  
City Council

APPENDIX  
A

### Premises Licence Summary

**Premises Licence Number**

06/01683/PREM

#### Premises Details

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

St Andrews Hall  
St Andrews And Blackfriars Hall  
St Andrews Hall Plain  
Norwich  
Norfolk  
NR3 1AU

**Telephone number** 01603 628477

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

Not applicable

**Licensable activities authorised by the licence.**

Films - Activity takes place indoors  
Indoor Sporting Events - Activity takes place indoors  
Late Night Refreshment - Activity takes place indoors  
Live Music - Activity takes place indoors  
Performances of Dance - Activity takes place indoors  
Plays - Activity takes place indoors  
Provision of Dance Facilities - Activity takes place indoors  
Provision of Music Facilities - Activity takes place indoors  
Sale by Retail of Alcohol - Activity takes place indoors  
Recorded Music - Activity takes place indoors

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

Films	Every Day	09:00 - 02:00
Indoor Sporting Events	Every Day	09:00 - 02:00
Late Night Refreshment	Every Day	09:00 - 02:00
Live Music	Every Day	09:00 - 02:00
Performances of Dance	Every Day	09:00 - 02:00
Plays	Every Day	09:00 - 02:00
Provision of Dance Facilities	Every Day	09:00 - 02:00
Provision of Music Facilities	Every Day	09:00 - 02:00
Sale by Retail of Alcohol	Every Day	09:00 - 02:00
Recorded Music	Every Day	09:00 - 02:00

**The opening hours of the premises**

Monday 09:00 - 02:00



Tuesday	09:00 - 02:00
Wednesday	09:00 - 02:00
Thursday	09:00 - 02:00
Friday	09:00 - 02:00
Saturday	09:00 - 02:00
Sunday	09:00 - 02:00

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

Alcohol is supplied for consumption on the Premise

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

Norwich City Council  
City Hall  
St Peters Street  
Norwich  
NR2 1NH

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

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

Glynn Wallace

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

## Annex 1 – Mandatory conditions

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

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

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

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

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

1     **General - all four licensing objectives**

2     Bars at the premises will be open for functions only and will not be available for passing trade.

3     **The Prevention of Crime and Disorder**

4     Bar staff will check ID of any customers who appear to be underage and will not serve those who already appear drunk.

5     There will be no price discounting on alcohol or other incentives to drink to excess.

6     **Public Safety**

7     Stewarding and hall keeping staff will ensure that fire exits remain clear and will assist in evacuation.

8     Fire safety maximum person limits will be adhered to.

9     Electrical equipment will be checked on a regular basis.

10    Risk assessments will be carried out for all events.

11    **The Prevention of Public Nuisance**

12    Sound levels will be monitored inside and outside the premises with a type 2 sound monitor.

13    There will be no amplified music in Blackfriars Hall or the Crypt due to the proximity of residential neighbours.

14    No amplified music will take place in the Garth (old cloisters).

15    Bottles and glasses will not be moved into the outside skip between the hours of 19:00 and 08:00.

16    **The Protection of Children From Harm**

17    No events involving nudity or acts of a sexual nature will be booked at the premises.

18    If an event is of an adult nature the premises will insist that the hirers impose a minimum age limit on the audience.

19    There will be no sales of alcohol to those appearing to be or who are underage.

20    For the purposes of this licence the term "amplified music" referred to in condition 13 of Annex 2 and conditions 6 and 7 of Annex 3 does not include music transmitted solely to personal headphones without use of loudspeakers.

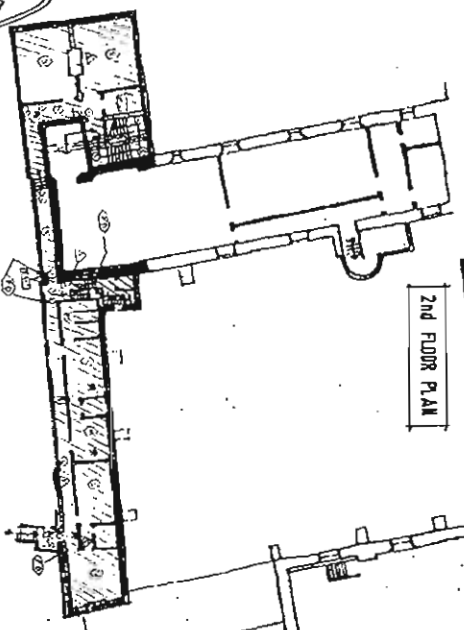
### Annex 3 – Conditions attached after a hearing by the licensing authority

- 1 A Marshall shall be present at the end of events supervising people leaving the premises.
- 2 Signs will be displayed in the premises asking people to leave quietly.
- 3 No glass or trade waste collections from the premises between the hours of 22:00 - 07:00.
- 4 A personal licence holder or the Designated Premises Supervisor will be on the premises between the hours of 19:00 and until the premises close when events are being held.
- 5 **Conditions Imposed by Magistrate's Court following Appeal Hearing**
- 6 Amplified music shall cease by 22:30 Monday to Saturday and by 22:00 on Sundays.
- 7 A noise limiter shall be installed and operated to control noise generated by amplified music whenever it is played between the hours of 20:00 and 22:30, Monday to Saturday and between 20:00 and 22:00 on Sundays. The noise limiter shall be set at a level determined by the local authority environmental health officer, such levels being confirmed in writing to the licensee.
- 8 Noise limiting devices, once set, should not be reset and readjusted without consulting with the local authority environmental health officer and the residents of No. 3 Princes Street, Norwich.
- 9 All doors and windows at the premises must be kept closed whenever amplified music is taking place.
- 10 Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the need of local residents, in particular emphasising the need to refrain from shouting, slamming car doors and sounding car horns.
- 11 Empty bottles must be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally, bottles must be removed from public areas on a frequent basis and transferred to the skip. Transfer to an external skip must not be undertaken after 23:00 (to minimise noise disturbance to local residents).
- 12 The designated premises supervisor, premises licence holder (or if the licence remains in the name of Norwich City Council, the Council's named responsible manager), events supervisor if appointed, and door supervisors shall monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.
- 13 There shall be no glass or trade waste collections from the premises between the hours of 22:00 and 07:00.
- 14 Whenever the premises remain open to the public until 02:00 all licensable activities shall cease by 01:30, and on all other occasions when the Hall closed to the public before 02:00, licensable activities shall cease 30 minutes prior to the planned closing time of the Hall.

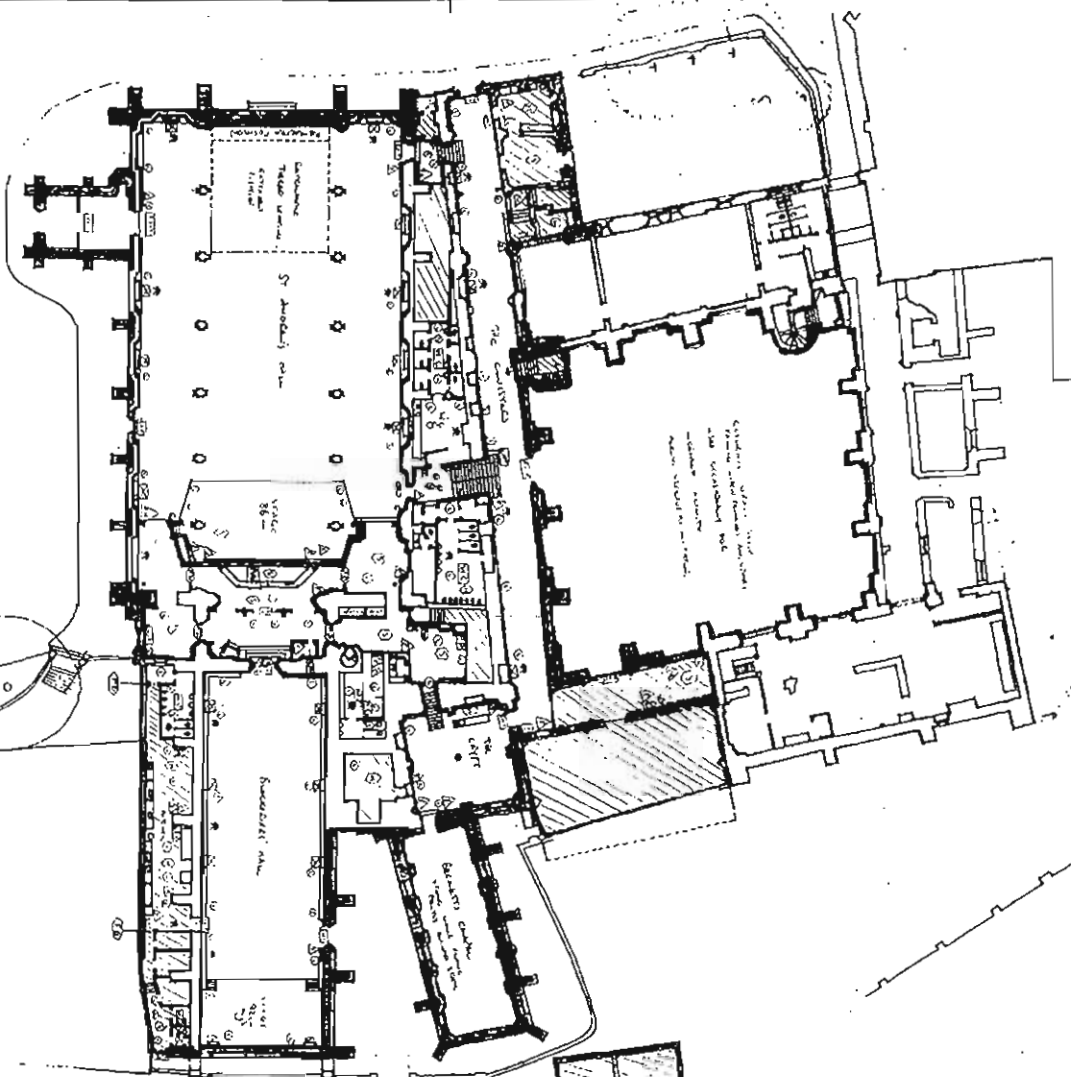
# NOTES



2nd FLOOR PLAN



1st FLOOR PLAN



GROUND FLOOR PLAN

- Legend
- ① Main Entrance
  - ② Stair Down
  - ③ Stair Up
  - ④ Elevator
  - ⑤ Reception
  - ⑥ Office
  - ⑦ Office
  - ⑧ Office
  - ⑨ Office
  - ⑩ Office
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## REVISIONS

Date

No.

CITY OF NORWICH  
ESTATES DIVISION

PROJECT  
ST ANDREWS AND BLACKFRIARS  
HALLS

AS EXISTING

PROJECT CODE	HF 2385
DATE	1/1/70
BY	W. J. G.
CHECKED	W. J. G.
APPROVED	W. J. G.
NOTED	W. J. G.
REVISIONS	QTF

# APPENDIX B

## P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

BAR AT THE VENUE WILL CONTINUE TO BE OPEN FOR GUESTS AT EVENTS ONLY, NOT FOR PASSING TRADE.

b) The prevention of crime and disorder

BAR STAFF WILL CHECK IDENTIFICATION OF ANY CUSTOMERS WHO APPEAR TO BE UNDER 21 AND WILL NOT SERVE THOSE WHO ALREADY APPEAR INTOXICATED.

NO PRICE DISCOUNTING OR OTHER INCENTIVES TO DRINK QUICKLY OR TO EXCESS WILL BE EMPLOYED.

c) Public safety

HALLS STAFF WILL MONITOR FIRE EXITS AND TAKE CHARGE IN AN EVACUATION.

FIRE SAFETY LIMITS WILL BE ADHERED TO.

ELECTRICAL INSTALLATION AND EQUIPMENT CHECKED ON A REGULAR BASIS.

RISK ASSESSMENTS CARRIED OUT FOR PUBLIC EVENTS.

d) The prevention of public nuisance

SOUND LEVELS WILL BE MONITORED OUTSIDE TO PREVENT NUISANCE. NOISE LIMITER SET BY ENVIRONMENTAL HEALTH OFFICERS WILL CONTINUE TO BE USED IN ACCORDANCE WITH CONDITION 7 ANNEX 3. STAFF WILL MARSHALL GUESTS LEAVING FUNCTIONS TO ENSURE SWIFT AND ORDERLY DISPERSAL. ALL OTHER CONDITIONS ALREADY IMPOSED WILL BE ADHERED TO.

e) The protection of children from harm

NO EVENTS INVOLVING NUDITY OR OF A SEXUAL NATURE WILL BE BOOKED.

NO ALCOHOL WILL BE SERVED TO THOSE UNDERAGE.



*John W. Spinks*

37 Friars Quay Norwich Norfolk NR3 1ES

Ian Streeter  
Licensing  
Norwich City Council  
Norwich  
NR2 1NH

26<sup>th</sup> June 2012

Dear Ian,

**Re: The Halls Variation Application  
Objection  
06/01683/PREM**

Firstly administrative issues.

**Advertising**

The advertising has not followed the regulations.

There are three blue A4 signs, one on the cloisters door in St. Georges Street, one on the gates of the main St. Andrew's Hall entrance and one on the noticeboard at the entrance to the bar area from St. Andrew's Plain.

The point being there are none in Elm Hill for the residents there to see.

Also the signs on the doors are not easily visible when the door/gates are open.

As per the plan in the license the licensed area includes the Garth and Blackfriars Hall. At a minimum there should be an advert on Elm Hill and in the Garth.

**Repetitious**

The Magistrates, the ultimate authority in these matters, have decided these conditions at a lengthy and expensive hearing. The applicant states twice in the application that "NO CHANGE TO THE NATURE OF EVENTS." under the license will be envisioned therefore the magistrates will come back with the same conclusion.

The applicant gives the reason for the application as "OTHER NEARBY BUSINESSES ALREADY PROVIDE LIVE AND RECORDED AMPLIFIED MUSIC BEYOND THE HOURS REQUESTED BY THIS APPLICATION".

The council knows that it is the premises that are licensed and not the area. The Magistrates have determined what is suitable for the premises already. The applicant, being the licensing authority in this case should be sensitive to the fact that the overwhelming majority of the residents will not be aware of this and should not impose the burden of an application to vary of this nature.



## Main Objection

I oppose the variation on the grounds of public nuisance, and that it is against the primary aim of:-

- the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment.

I request that The Halls should have a condition similar to the Dog House condition of no audible music in the local residences, from the central government list of standard conditions.

This would be beneficial because:-

It does not need equipment so is easier to check and easier to understand.

The dB Laeq 1-min is an average over one minute the dB LaMax during that minute could still cause a disturbance, such as an isolated slow heavy bass beat.

Refer Guidance Oct 2010

"requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;"

The council will be aware that the statutory quiet time is 23:00-07:00, and that the model dispersal conditions allows for a 30 minute winding down period prior to the end of licensed activities.

Which is why I imagine that the Magistrates set the weekday times at 22:30

Refer Guidance Oct 2010

However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

## Dispersal

I am advised by the one of The Hall's supervisors that the maximum capacity is up to 1,700. I am sure that the Magistrates took this into consideration when assessing the affects of dispersal on the near by residents.

The dispersal routes from The Halls are:

St. Georges Street, Friars Quay, Riverside walk North and South, St. Andrews Street, Princes Street, Monastery Car Park, Wagon and Horses Lane and Elm Hill all of which are residential. Please see marked up map below.

I bring to the committee's attention to the following:-

**unusual acoustics** of the canyon like street, along the river and the park which is a dispersal route (This was originally pointed out to me by Ray Barrett from NCC Environmental Health in 1998)

## Dispersal: The Park and Playground

Previously in my comments about late licenses in St. Georges I have alluded to problems in the park I am now going to express these directly.

When I first moved into my home prior to my complaint about the council's early morning bin collections in 1998 (a problem Laura McGillivray solved a couple of years back) I used a very expensive Sound Level Meter, which I had bought to use in my families noisy engineering business, to measure the noise against the relevant legislation. I had set up the equipment to measure the morning noise the night before and heard some people in the playground, so did what I had to do to the equipment and measured that noise source as well. The playground proved to be a statutory nuisance as well as the bin collections. I measured the nuisance under the old conditions which allowed for the window to be ajar, the level of the nuisance was to such an extent that I would

anticipate it will still be a statutory nuisance with the window closed under the current methods of measurement. At that time I took the position that the problem with the playground/park was acceptable as the lighting was at the lowest level possible and the nuisance frequency low, so only complained about the bin collections. I am no longer of that mind as the park has been over lit (against the council's policy), new benches installed and regrettable licenses have been granted when measured against the council's licensing policy, best practice and the mandatory guidance issued by central government.

The late night dispersal from the The Halls affects me personally by groups leaving via the Monastery car park along the river, using the Monastery car park, particularly when sleeping at the back of my home, and people lingering in the park and playground, particularly when I sleep at the front of my home. So I am literally beggared in either case.

### **Public Interest and Dispersal**

There is unquestionably a significant public interest in maximising the city's utility from the significant cultural assets in this area however this has to be weighed against the damage to the perhaps greater cultural asset of the historic residential city centre ie Elm Hill and surrounding area. Something I feel the council has not done, even though this is recognised in the city plan.

I spent my childhood in North Walsham in the 1970's and saw at first hand the importance of a "community centre" to any community when during a similar time of austerity, following the oil shock, the towns people came together and raised tens of thousands of pounds to help build the North Walsham Community Centre on Hall Road significantly contributing to the town spirit. No small achievement for a small community.

I would enjoy Norwich City council organising something similar to make the most of this wonderful historic community asset, until the funds are available for the larger redevelopment.

I would also encourage the management of The Halls to look at ways they could increase the income during the day time and evening to offset the annual £300,000 deficit in the running costs.

To this end I suggest the following:

Installing decking in the Garth with tables and chairs to serve NUCA students and Halls patrons during the day and pre-event and interval patrons at The Halls in the evening. I would only support this till 21:00 as the potential for nuisance from this will be large. (Brian Ayers former head Norfolk County Archaeology and Friars Quay resident suggests that English Heritage might be convinced this was acceptable).

Marginally pricing the spare capacity of the Halls for community groups/activities, generating a contribution and hopefully profits from selling café and bar items such as a crèche, playgroup, parents group, chess tournament etc.

### **Mandatory Condition:**

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

### **Mandatory Condition:**

2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection

Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.



I think that on reflection the council will come to the conclusion that it is the wrong thing to do to promote late licenses in the historic residential heart of the city.

Yours sincerely,

John Spinks

I refer the council to the Enclosed items I previously sent with the NUCA Variation objection:  
Academic studies relating to noise nuisance and human health  
WHO Report  
Noise Nuisance and Distance Ready Reckoner.  
Typical Reference Examples of Noise Levels

# APPENDIX D

## Local Policy considerations

### 1.0 Introduction

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

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

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

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

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

### 3.0 Applications for Licences

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

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

### 4.0 Representations

4.1 "Responsible Authorities" (see Appendix 7) will be asked to consider all applications and to make representations to the Council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.

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

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

## 13.0 Management of Licensed Premises

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

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

## **LICENSING OBJECTIVES**

### **24.0 Objective - prevention of public nuisance**

- 24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises

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

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



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

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

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

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

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

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



# APPENDIX E

## National Guidance

(issued under section 182 of the Licensing Act 2003)

### PUBLIC NUISANCE

- 2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.20 **Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises.** This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.22 **Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.** For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.
- 2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.24 **Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law.** An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

## **DETERMINING ACTIONS THAT ARE APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES**

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

## **10. CONDITIONS ATTACHED TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

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

### **PROPOSED CONDITIONS**

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

### **CONSISTENCY WITH STEPS DESCRIBED IN OPERATING SCHEDULE**

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

## **IMPOSED CONDITIONS**

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

### **Proportionality**

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

### **Hours of trading**

- 10.11 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.12 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours