

Report to	Licensing sub committee 26 June 2013	Item
Report of	Head of citywide services Licensing Act 2003:	3
Subject	Application for variation of a Premises Licence – The Norwich Tap House 8 Redwell Street Norwich NR2 4SN	

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 The Norwich Tap House 8 Redwell Street Norwich NR2 4SN following the receipt of relevant representations.

Recommendation

That members determine the application for the variation of a Premises Licence in respect of The Norwich Tap House 8 Redwell Street Norwich NR2 4SN 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 Stonard – Environment, development and transport

Contact officers

Ian Streeter, licensing manager

01603 212439

Background documents

None

Report

Background

1. The applicant is The Norwich Tap House Limited 8 Redwell Street Norwich NR2 4SN
2. The current premises licence held in respect of The Norwich Tap House 8 Redwell Street NR2 4SN authorises the sale by retail of alcohol and opening hours to the public, as shown in the tables below:

Sale by retail of alcohol

Monday	11:00 – 23:00
Tuesday	11:00 – 23:00
Wednesday	11:00 – 23:00
Thursday	11:00 – 23:00
Friday	11:00 – 23:45
Saturday	11:00 – 23:45
Sunday	11:00 – 23:00

The opening hours of the premises are:

Monday	11:00 – 23:15
Tuesday	11:00 – 23:15
Wednesday	11:00 – 23:15
Thursday	11:00 – 23:15
Friday	11:00 – 00:00
Saturday	11:00 – 00:00
Sunday	10:00 – 23:15

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

Variation application

4. The application is seeking to increase the hours for sale by retail of alcohol to 23:45 Sunday to Thursday inclusive and increase the opening hours of the premises until midnight Sunday to Thursday inclusive. as shown in the tables below:

Proposed increase to hours for sale by retail of alcohol

Sunday	11:00 – 23:45
Monday	11:00 – 23:45
Tuesday	11:00 – 23:45
Wednesday	11:00 – 23:45
Thursday	11:00 – 23:45

The proposed opening hours of the premises are:

Sunday	11:00 – 00:00
Monday	11:00 – 00:00
Tuesday	11:00 – 00:00
Wednesday	11:00 – 00:00
Thursday	11:00 – 00:00

5. The licence holder has not proposed any additional steps to promote the licensing objectives as a result of the proposed variation.

Relevant representations

6. 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

7. Relevant representations have been received in respect of the application with concerns which appear to relate to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Copies of the representations are attached at appendix B to the report.
8. 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

9. 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:

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

10. 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.

Summary

11. 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.
12. The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - Grant the application as asked;
 - Modify the conditions of the licence by altering or omitting or adding to them;
 - Reject the whole or part of the application
13. The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
14. The representations received appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The sub-committee is directed to paragraphs 20 and 24 of the local licensing policy at appendix C 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.

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



NORWICH City Council

Premises Licence Summary

Premises Licence Number

12/01298/PREM

Premises Details

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

8 Redwell Street
Norwich
NR2 4SN

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol	Sunday	11:00 - 23:00
Sale by Retail of Alcohol	Monday to Thursday	11:00 - 23:00
Sale by Retail of Alcohol	Friday and Saturday	11:00 - 23:45

Non Standard/Seasonal Timings

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

The opening hours of the premises

Monday	11:00 - 23:15
Tuesday	11:00 - 23:15
Wednesday	11:00 - 23:15
Thursday	11:00 - 23:15
Friday	11:00 - 00:00
Saturday	11:00 - 00:00
Sunday	11:00 - 23:15

Non Standard/Seasonal Timings

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

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

Alcohol is supplied for consumption both on and off the Premise

Name, (registered) address of holder of premises licence

Norwich Tap House Limited
58 Thorpe Road
Norwich
Norfolk
NR1 1RY

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

Registered Business Number 08075762

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

Patrick Fisher

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



Premises Licence

Premises Licence Number

12/01298/PREM

Part 1 – Premises Details

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

8 Redwell Street
Norwich --
NR2 4SN

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

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Non Standard/Seasonal Timings

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

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

Alcohol is supplied for consumption both on and off the Premise

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

Part 2

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

Norwich Tap House Limited
58 Thorpe Road
Norwich
Norfolk
NR1 1RY

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

Registered Business Number 08075762

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

Patrick Fisher
9 Birchwood
Norwich
Norfolk
NR7 0RL

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

Party Reference: 276708/93809

Licensing Authority: Broadland District Council

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 (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.
- 4 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).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 (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.
- 7 (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 All bar staff will be trained in the basic law relating to the sale/supply of alcohol and a record of who has received this training will be kept at the premises.

3 The Prevention of Crime and Disorder

4 The Licensee that is the person in whose name the premises licence is issued shall ensure that at all times when the premises are open for any licensable activity there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

5 A conspicuous notice must be displayed on or immediately outside the premises or which is immediately adjacent to the premises which gives details of any restrictions relating to the admission of children to the premises.

6 The Licensee will ensure that there are sufficient staff on the premises to monitor the behaviour of customers whilst in the premises and take action to alert the Police and prevent problems escalating. CCTV will be installed covering entrances and bar areas and maintained in good order.

8 The CCTV system will be capable of recording footage for a minimum of 31 days. The footage will be available to Police and Licensing Authority on reasonable request.

9 Door supervisors will be employed during the evening proportionate to the perceived risk.

10 A minimum of 1 SIA door supervisor will be on duty from 22:00 hrs until the premises close on Friday and Saturday evenings.

11 The door supervisor will sign on and off duty in a signing in book and this will be available for inspection by Police or Licensing Authority on request.

12 An incident book will be provided and available for inspection by the Police and responsible authorised authorities.

13 Patrons will be monitored leaving the premises especially during the terminal hour to assist in the quiet and orderly dispersal of patrons.

14 All members of staff, at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 21 years and who is seeking to purchase, or consume alcohol on the premises. Such credible evidence shall include a photo of the customer and will either be a current passport, a current photographic driving licence, Portman proof of age card, Citizen card, Connexions card or PASS card scheme.

15 A suitably worded sign, of sufficient size and clarity, must be displayed at the point of entry and in a suitable location at any points of sale advising customers that they may be asked to produce photographic evidence of their age.

16 The licensee shall not advertise, promote, sell or supply alcoholic drinks in such a way that is intended, or likely, to encourage persons to consume alcohol to an excessive extent.

17 A conspicuous notice must be displayed on or immediately outside the premises, adjacent to the entrance to the premises, which gives details of times when the premises are permitted to be open for any licensable activity.

18 The training record of staff will be available to Police and Licensing Authority on request.

19 A Challenge 21 Policy will be in use.

20 No patrons shall be allowed to leave the premises whilst in possession of any open drinking vessel, whether empty or containing any beverage.

21 Public Safety

22 The provisions of the Regulatory Reform (Fire Safety) Order 2005 apply to these premises and accordingly all fire and health safety risk assessments will be fully implemented.

23 The Prevention of Public Nuisance

24 Deliveries and collections shall be restricted to a period between 9am - 5pm on any day of the week. Clear signage must be erected to ask patrons to leave the events quietly.

26 All doors and windows (except for access and egress) are to be closed whenever necessary to prevent nuisance to neighbouring premises.

27 Internal and external lighting provided for the purpose of customers and staff safety and for the security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining properties.

28 The premises must remove their waste and refuse in a timely fashion to a licensed waste disposal facility.

29 An adequate number of staff must monitor the activity of persons leaving the premises and remind them of their responsibilities where necessary.

30 There must be clear and legible notes displayed at exists and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents.

31 **The Protection of Children From Harm**

32 This issue is covered by the photo ID requirement and proof of age scheme.

33 All members of staff of the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol on the premises.

34 A suitably worded sign of sufficient size and clarity must be displayed at the point of entry and in a suitable location at any points of sale advising customers that they may be asked to produce evidence of their age.

35 No children under the age of 18 years to be allowed access to that part of the premises during any time when any activity or entertainment of a sexual nature is being provided.

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

Fuller, Maxine

From: Ian Thorburn
Sent: 21 May 2013 12:00
To: Licensing
Subject: 8 Redwell Street Norwich - Variation
Attachments: Statement of Objection 8 Redwell St.pdf

Dear Ian

Please find attached my statement of objection in respect of the above application for variation.

Yours sincerely

Ian Thorburn

Ian Thorburn Commercial
4 Princes Street
Norwich
NR3 1AZ
Tel. 01603 254444
Fax. 01603 254445

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21/05/2013

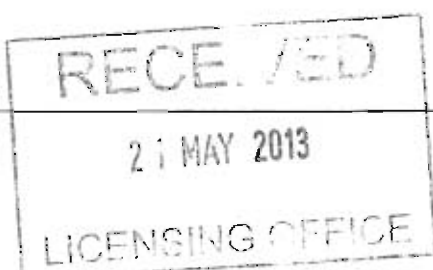
Norwich City Council Licensing Authority
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	IAN THORBURN
Postal address	4 PRINCES ST. NORWICH
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	8 REDWELL ST. NORWICH NR2 4SN.
Address of the premises you wish to support or object to.	

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	
To protect children from harm	<p>Extending the opening hours will lead to an increase in noise late at night. People are often standing in Redwell St/ Elm Hill area drinking outside impacting on residents.</p> <p>N/A.</p>

Please suggest any conditions which would alleviate your concerns.	Maintain the current arrangements without this variation.
--	---

Signed:

Date:

20/5/13

Please see notes on reverse



3 Princes Street,
Norwich, NR3 1AZ

30th May, 2013

Licensing,
Legal and Democratic Services,
Norwich City Council,
City Hall,
Norwich, NR2 1NH
Your Ref: 13/00938/PREM
8 Redwell Street Norwich NR2 4SN
Licensing Act 2003 Premises Licence - Variation



Dear Sirs,

My family have lived in our home, adjacent to 8 Redwell Street, for the last thirteen years. Our objection to this application relates to three of the Licensing Objectives, the prevention of crime and disorder, public safety and public nuisance.

The current trading hours were awarded after well founded evidence from businesses and residents around and adjacent to the premises. Over the last six or seven years our neighbourhood has experienced Norwich's late night drinks culture bringing noise, nuisance, antisocial behaviour and criminal damage to our long established mixed residential and office quarter of the city. This despite it being outside the late night zone.

We are aware that at any time, the nature of this particular drinks business can change. It had been given planning permission for an off licence which, in a very short time, became a pub. We are concerned that applications for incremental development are being made to enlarge the current business model.

There have been many planning applications and licensing applications for these premises; the most recent involved the Council's enforcement officers who were concerned that the premises had opened without adhering to several conditions. We believe these conditions are still outstanding and yet another application to vary the licence to lengthen hours is inappropriate.

Another reason to reject longer hours is that the business in its current form has been in operation for only a few months over this wintertime. It has not yet been tested through the summer months when conditions would encourage customers to gather outside the premises. Many of us residents are very concerned about the noise generated by customers gathered outside on the narrow streets and in our doorways - phone calls, conversations whilst smoking, discussions about whether to go in or on to other bars - which we know from experience of other late night drink businesses in the area affects our homes, particularly late in the evenings and into the early hours.

We also are concerned about reaching our doorways through groups of late night drinkers gathered on pavements and across the streets.

We are told that any problems can be resolved by the review mechanism, but know that it is in practice weighted against the neighbourhood, and that an effective licence is our only real protection.

We would ask therefore that no extension of hours is awarded.

Yours faithfully,

Carol Hardman

RECEIVED

29 MAY 2013

LICENSING OFFICE

Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development

29 MAY 2013

Post Room

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

Your name/organisation name/name of body you represent (see note 1)	UNITED REFORMED CHURCH.
Postal address	NB 1A Z
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	8 REDWELL ST NORWICH NR2 4SN
Address of the premises you wish to support or object to.	

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety - for Vulnerable adults.	At present we have Alcoholics Anonymous using our premises and we believe extended hours would be detrimental to the group.
To prevent public nuisance	
To protect children from harm	

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

Signed:

Date:

28/5/13

Please see notes on reverse

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. 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

20.0 Objective - Prevention of Crime and Disorder

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

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

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

Underage drinking

Drunkenness on premises

Public drunkenness

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

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

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

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

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

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

Effective and responsible management of premises;

Training and supervision of staff;

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

Provide sufficient seating for customers;

Patrols of staff around the premises;

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

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

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

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

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

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

Provision of effective CCTV in and around premises;

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

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

Provision of toughened or plastic drinking vessels and bottles;

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

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

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

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

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

Responsible advertising;

Distribution of promotional leaflets, posters etc;

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

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

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

Implement a dispersal policy;

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

24.0 Objective - prevention of public nuisance

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

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

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

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

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

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

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

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

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

SECTION E - Hours of Trading

30.7 Consideration will always be given to an applicant's individual case and if the matter of trading hours has been raised in a representation, the council will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises. It is however, unlikely that statements such as the premises being well-managed, or that the applicant is of good character or that the style of the premises is

intended and likely to attract a discerning clientele, will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.

APPENDIX D

National Guidance

(issued under section 182 of the Licensing Act 2003)

CRIME AND DISORDER

2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities take place. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local Community Safety Partnership (CSP).

2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on and access to premises where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave. Examples of measures which may encourage swift and effective dispersal from licensed premises include quietening down periods at the end of the night, security training in reminding patrons to leave quietly and signage on the premises reminding people of this.

2.5 Licence conditions should not replicate offences that are set out in the 2003 Act or other legislation. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour on the premises would be superfluous because this is already a criminal offence. A condition that states that a licence holder shall not permit the sale of controlled drugs on the premises would be similarly superfluous.

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

2.7 Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.8 Radio links and ring-round phone systems allow managers of premises and clubs to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The inclusion of

these systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.

2.9 However, while this may be appropriate and effective in certain parts of a licensing authority's area, it may be less effective or even inappropriate in others. Licensing authorities must remember that only appropriate conditions, which are within the control of the licence holder or club, may be imposed.

2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only appropriate but both practical and achievable. Further guidance on determining whether a condition is appropriate is given in Chapter 10 of this guidance.

2.16 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will", is encouraged. Conditions on licences must:

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

PUBLIC NUISANCE

2.33 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.

2.34 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.

2.35 Conditions relating to noise nuisance will normally 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.

2.36 As with all conditions, those relating to noise nuisance may not be appropriate 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 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.

2.37 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.

2.38 Measures to control light pollution will also require careful thought. Bright lighting outside premises 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.

2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.

2.40 Beyond the immediate area surrounding the premises, these are matters for 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.

PROPOSED CONDITIONS

10.6 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.

10.7 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. Proper liaison may avoid the need for representations.

10.8 Conditions should be appropriate, proportionate and justifiable in meeting the licensing objectives. They should be written in a prescriptive format and be readily understood and enforceable.

10.9 It is also 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. Conditions should be appropriate for the promotion of the licensing objectives and easily enforceable.

CONSISTENCY WITH STEPS DESCRIBED IN OPERATING SCHEDULE

10.10 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.

10.11 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

10.12 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.

10.13 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

10.14 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.

10.15 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. Consideration should also be given to wider issues such as conditions already in place

that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.

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 from those requested.

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

THE NEED FOR LICENSED PREMISES

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