

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing sub-committee
19 September 2011

3

Report of Head of citywide services

Subject Licensing Act 2003:
Application for the grant of a premises licence -
Wensum Food & Wine 27 Wensum Street
Norwich NR3 1LA

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 grant of a Premises Licence in respect of Wensum Food & Wine, 27 Wensum Street, Norwich NR3 1LA following the receipt of Responsible Authority and Interested Party objections.

Recommendation

That Members determine the application to grant a Premises Licence in respect of Wensum Food & Wine 27 Wensum Street Norwich NR3 1LA in accordance with the:

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

Financial Consequences

The financial consequences for this report are nil.

Corporate Objective/Service Plan Priority

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

Contact Officer
Ian Streeter

Phone No 212439

Background Documents

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

1.0 The Application

- 1.1 The applicant is Nadarajan Logeswaran of 6 Trafalgar Street Norwich NR1 3HN.
- 1.2 The application premises are proposed to be an off licence and convenience store.
- 1.3 This grant application seeks to allow the supply of alcohol for consumption off the premises.
- 1.4 The details of the Operating Schedule contained in the application are as follows:
- 1.4.1 The Licensable Activities are:
- Supply of alcohol (for consumption off the premises)
- 1.4.2 The proposed standard days and hours for the licensable activities are:
- | | | |
|---------------------|---------------|-------------------|
| • Supply of alcohol | 07:00 – 01:00 | Monday – Saturday |
| | 08:00 – 01:00 | Sunday. |
- 1.4.3 The opening hours requested are:
- | | | |
|--|---------------|-------------------|
| | 07:00 – 01:00 | Monday – Saturday |
| | 08:00 – 01:00 | Sunday. |
- 1.4.4 A plan of the premises together with the steps to promote the licensing objectives is attached at Appendix A to the report.

2. Relevant Representations

- 2.1 The responses from the Responsible Authorities are as follows:
- Police – Representations attached at Appendix B to the report.
Environmental Services – No representations.
Fire Officer – No representations.
Planning Officer – No representations.
Area Child Protection Committee – No representations.
Trading Standards – No representations.
- 2.2 Representations objecting to the application have been received from eleven Interested Parties with concerns relating to all four licensing objectives. Two representations have been received in support of the application. Copies of the representations objecting to and in support of the application are attached to the report at Appendices C and D respectively.
- 2.3 A site map of the area identifying the application premises in relation to the Interested Party addresses will be available at the meeting.

3.0 Norwich City Council Statement of Licensing Policy

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

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

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

5.0 Summary

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

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

- 5.2 In making its decision, the Sub-Committee is also obliged to have regard to guidance issued under Section 182 of the Licensing Act 2003 (National Guidance) and the Council's own local licensing policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.

- 5.3 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

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

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

- 5.5 The representations received from the Interested Parties appear to relate to issues that fall under all four licensing objectives: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The Sub-Committee is directed to paragraphs 20, 22, 24 and 26 of the local licensing policy at Appendix E which contain examples of factors that impact on the four 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.

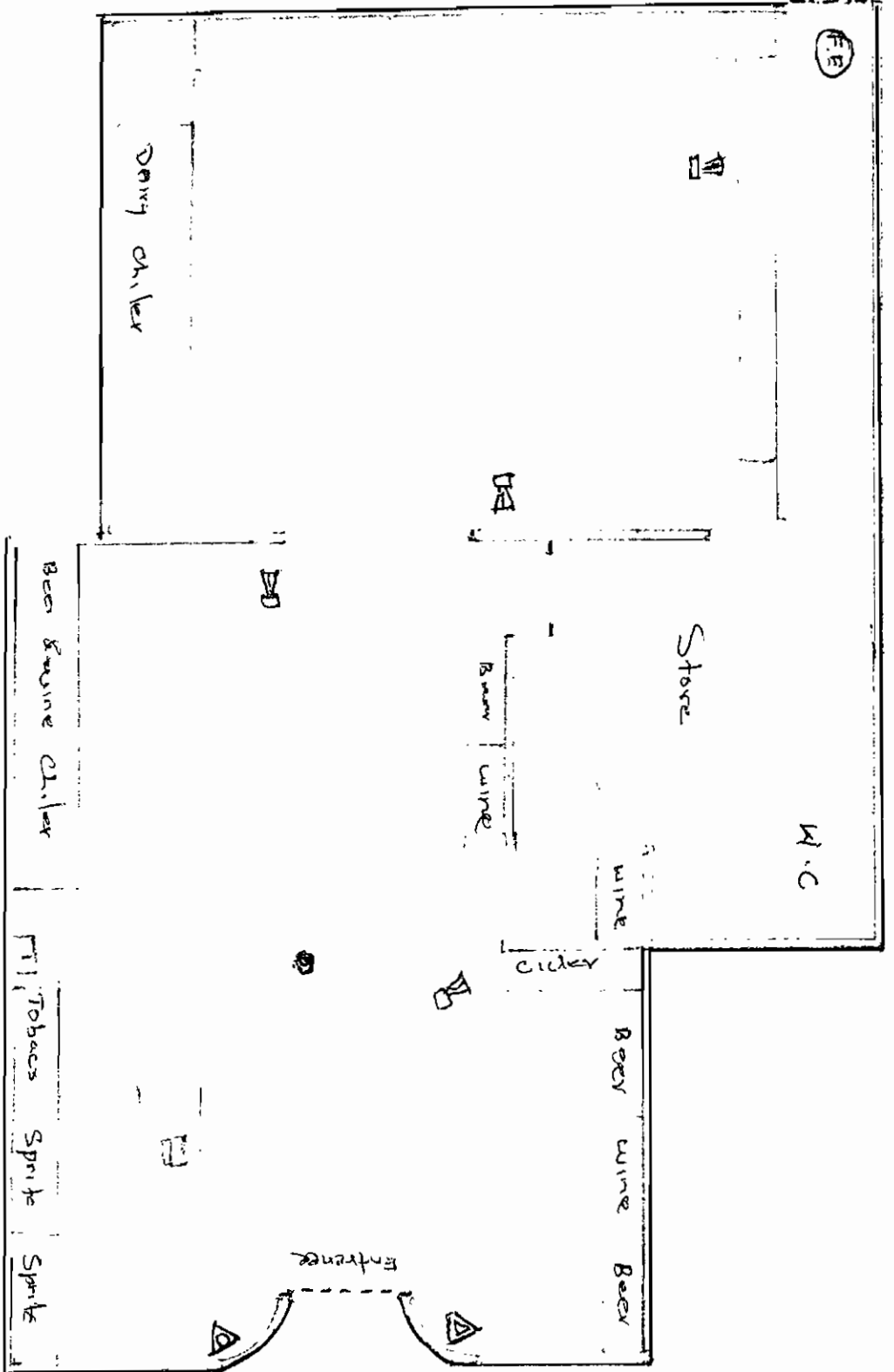
- 5.6 Insofar as the issue of licensing hours is concerned, the Sub-Committee is directed to paragraph 10.21 of the national guidance, which states that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

Paragraph 13.41 of the national guidance states that licensing hours should not inhibit the development of evening and night-time local economies, and that providing consumers with a greater choice and flexibility is an important consideration. However, this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet. The Sub-Committee is also directed to paragraph 30.7 of the local licensing policy, which states that 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.

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

- 5.7 The Sub-Committee is also reminded of the contents of 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.

APPENDIX A



Beer & wine Chiller

TT Tobacco Sprite Sprite

LICENSING OFFICE

22 JUL 2011

water fire Exting	E
Smoke alarm	C
Fire Exit	(F)
CCTV cameras at ceilings	DE

Mr. Joseph	
Address 27 Wensum	
Norwich NR3 1	
Scale 1:100	Date/Init

P

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

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

Ability by all Stakeholder & Loyalty to help the -
- Community

b) The prevention of crime and disorder

Be alert of underage sale
Not to sell alcohol to the over drunken
maintain Refusal Records & Check ID

c) Public safety

CCTV
Fire Exit door always clear for access
place caution boards when necessary
check use by date

d) The prevention of public nuisance

Not to allow Gang gathering
Not to sell alcohol to the over drunken
proper disposal waste

e) The protection of children from harm

Check for valid ID
Not to place any things on the way (floor)
Proper placement heavy things kept in their
reach

**APPENDIX
B**

Fuller, Maxine

From: Bartram, Michelle
Sent: 18 August 2011 16:07
To: Licensing; '
Subject: Letter of Representation-Template-Vantage House - Wensum Food and Wine
Attachments: Letter of Representation-Template-Vantage House - piccolos.docx

Hello Licensing

I can confirm that the Police wish to make representation in relation to the application for Wensum Food and Wine.

Please see attached

Thanks

Michelle
Licensing

This e-mail carries a disclaimer

Go here to view [Norfolk Constabulary Disclaimer](#)



NORFOLK

CONSTABULARY

Our Priority is You

Norwich Licensing Team
Norwich City Council
St Peters Street
Norwich

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Date: 18th August 2011

Ref: MB/Lic/MLB:

Dear Licensing Team,

Application under the Licensing Act 2003

Premises: Wensum Food and Wine, Wensum Street, Norwich

Name of applicant: Mr N. Logeswaran

Type of application: Application for a new premises licence

The Police wish to make representation regarding this application for a new licence until 1am. We feel it unnecessary for the premises to open for the sale of alcohol for off the premises until 0100 hrs daily. There is the concern that this will create an opportunity for those who have already been consuming alcohol within the late night activity zone who would have headed home, to purchase more alcohol and create problems.

By opening this late in an area outside the late night zone and public order patrols will mean that there is the increased opportunity for crime and disorder to occur at and in the vicinity. The area could also increase the number of people in the area which could potentially increase anti social behaviour in the area.

The Police believe it is more appropriate for the premises to finish trading at 2300 hrs.

The Police have requested that the following conditions are added to the licence:

- **Premises to cease sale of alcohol and to close at 2300 hrs daily.**
- **A digital CCTV system will be installed and maintained in the premises and in working order at all times. Sufficient cameras will be installed to monitor all bars and public areas within the building and outside area within the perimeter to the premises. Cameras will also be placed to monitor all entrances to the premises. Copies of images must be downloadable in a digital format and provided to police representatives on reasonable request. Images must be retained for a minimum of 28 days**
- **Challenge 21 Policy to in operation**

- A refusal book will be kept at the premises to look any refused sales or attempted underage purchases. This book will be available to Police or licensing Officer on request
- Staff will be trained in relation to the sale of alcohol; a record of this training will be kept and available on request.

The applicant has already offered CCTV to be installed at the premises but by rewording the condition so it is enforceable, will mean that CCTV footage will be accessible to the police to assist in investigations and solving crime.

With this reduction in hours and proposed conditions added to the licence, then the Police will be satisfied that the prevention of crime and disorder licensing objective is being promoted.

Please consider this letter of representation as an objection to the application as submitted.

In accordance with the current Section 182 Guidance to the Licensing Act 2003 there is the opportunity for a hearing to be dispensed with if the applicant, the Police and the Licensing Authority agree to the proposed amendments highlighted by the Police in the above text and for them to be included as conditions in the licence if it is granted.

If you feel you are able to sign an agreement to the amendment(s) please complete the form attached to this representation and send it to the Licensing Authority. If a hearing is still to go ahead the Police will attend to put their case to the Licensing Committee for consideration.

Yours faithfully,

Michelle Bartram
Licensing Officer.

Copy to: Norwich City Council

We will answer letters within 10 working days, where information is available.
Where this is not possible, an explanation will be given for any delay.



Awarded for excellence



INVESTOR IN PEOPLE

Licensing Officer Michelle Bartram, Norfolk Police, Bethel Street Police Station.

Name of Premises:

To the Applicant(s): Mr Logeswaran, Wensum Food and Wine

Please complete the form below and submit it to the Licensing Authority (and a copy to the Police Licensing Officer) at the addresses shown on the front of the accompanying letter.

I(we) acknowledge receipt of the Police representations, dated..... **Ref: MLB/Lic**

In connection with the application for the premises shown above (we) agree / do not agree to the amendments(s) given in the letter of representation in which the Police would seek to request that the Licensing Committee include as conditions within the Premises Licence if it is granted.

Please accept this letter as a formal request to the Licensing Authority to amend my application to include the amendments highlighted in the letter of representation by the Police.

Please advise the Police Licensing Officer that the Licensing Authority has accepted my request and that the amendments to our application will be included in the Premises Licence if it is granted.

Signed.....

Name.....

Date.....

APPENDIX

RECEIVED

- 4 AUG 2011

LICENSING OFFICE

C

CORPORATE RESOURCES

04 AUG 2011

POST ROOM

Norwich City Council Licensing Authority
Licensing Act 2003

Statement of support or objection
an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	MR. S. HOLLAND.
Postal address	7 QUAYSIDE, NORWICH NR3 1RA
Email address	K
Contact telephone number	

Name of the premises you wish to support or object to	Wennum Food & Wine
Address of the premises you wish to support or object to.	27 Wennum Street.

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	There is already regular alcohol fueled anti social behaviour taking place on the green opposite my house.
Public safety	I do not want youths hanging around outside the shop & on Quay side Drunken at 1 in the morning - there are already push over
To prevent public nuisance	lit late - - There is already considerable litter thrown down outside the shop & on Quay side. I suspect
To protect children from harm	planning & development control consultations have already taken place re. the refrigeration unit and canopy - the place is an
Please suggest any conditions which would alleviate your concerns.	awful eyesore. - no alcohol sales at all.

Signed:

Date: 3/8/2011.

Please see notes on reverse

— (would also like the shop to close by 8pm latest. — there is no parking provision and there will be illegally parked cars on Quay side.

Norwich City Council Licensing Authority
Licensing Act 2003

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

RECEIVED

9 AUG 2011

Your name/organisation name/name of body you represent (see note 1)	MRS SUSAN HOLLAND
Postal address	24 WENSUM STREET NORWICH, NR3 1HY
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WENSUM FOOD & WINE
Address of the premises you wish to support or object to.	27 WENSUM STREET NORWICH

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	SEE ATTACHED
Public safety	SEE ATTACHED
To prevent public nuisance	SEE ATTACHED
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	REDUCTION OF HOURS
--	--------------------

Signed:

Date:

5/8/11

Please see notes on reverse
CORPORATE RESOURCES

09 AUG 2011

POST ROOM

TO PREVENT CRIME AND DISORDER/PUBLIC SAFETY/PREVENT PUBLIC NUISANCE

Living above the Ribs of Beef, I regularly witness incidences of crime and disorder when the licensed premises in the area close. I also work in the Ribs of Beef and during the week we close at 11.00 – other establishments are open later and I do not think it would be a good idea for youngsters or indeed people of any age to be able to purchase more alcohol when the various establishments in the vicinity have closed as I don't believe people will purchase alcohol to take home, but they will drink it in the street. As Norwich City Council has a "No Alcohol" policy on the City Streets, I think allowing the sale of alcohol from Wensum Food and Wine would only lead to this policy being breached. I don't imagine groups of people purchasing alcohol after a pub has closed and then dispersing to go home quietly – I firmly believe they will hang around in the vicinity drinking and with regards to the safety aspect, these are people who are already under the influence of alcohol wandering in the streets and near the river once the Public Houses are closed.

I also carry out some cleaning duties at the Ribs of Beef at weekends – one of my tasks in the morning is to clean the area at the front and at the side of the pub. There is already a problem with litter in the area and lots of the bottles which are sometimes broken and cans I clear away are products that we do not sell in the Ribs of Beef, but we do try to keep our premises tidy. The litter is only part of the problem; there is also vomit to be cleaned away.

If you were to visit the grassed area at the back of the Ribs of Beef, during the day or the evening, there are regularly people drinking there – quite often with alcohol in supermarket carrier bags – allowing Wensum Food and Wine to sell alcohol will only lead to this area becoming even more unattractive due to its close proximity. The council have spent a considerable amount of time and money recently revamping this area and it is already spoilt for people with children who want to take advantage of the amenities as the language and sight of people urinating is quite off-putting.

I fully support Norwich City Councils policy of No Alcohol on the Streets and in the Ribs of Beef we stop our customers from taking their glasses out onto Wensum Street – how are we supposed to enforce this if somebody can go into a shop immediately opposite and start drinking from a can or bottle in the street?

There are enough establishments in the area where people can purchase alcohol and drink inside or within the boundaries of the premises and ample

choice of establishments to suit all pockets. There is certainly no need in Wensum Street for anybody to sell cut-price alcohol, especially late at night.

On another matter regarding this business and their application notices, I do not remember seeing any planning application for the awning they have erected outside the shop recently.

Norwich City Council Licensing Authority
Licensing Act 2003

CORPORATE RESOURCES

11 AUG 2011

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)	Nigel and Dianne Pickering
Postal address	1 Quayside Mews Pigg Lane Norwich, NR3 1RS
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	Wensum Food and Wine
Address of the premises you wish to support or object to.	27 Wensum St, Norwich.

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	Quayside is a quiet residential area. A late night off licence will encourage groups of people, likely to be drunk to hang around on the street causing disturbances and possibly damaging property.
Public safety	The life saving equipment along Quayside is sometimes thrown into the river by late night revellers. Groups of drunken people hanging about are likely to make this a more frequent event. The area is not normally policed; there will be an increased risk to residents.
To prevent public nuisance	Late night drinking will cause disturbance to residents trying to sleep, the steps along the quay will be used as seats by drinkers, meaning noise and shouting, cigarette smoke etc right underneath our bedroom windows. There will be increased littering from discarded cans, bottles, etc
To protect children from harm	The children who live along quayside may not be able to play outside without full adult supervision.

Please suggest any conditions which would alleviate your concerns.	The late night licence is the major concern, whilst we appreciate a corner shop and will use it; alcohol is already freely available in the controlled environment of the many local pubs. This licence would leave the consumption uncontrolled and on the street. A license up to 6pm may be an acceptable compromise.
---	---

Signed:

Date:

5/8/11

Please see notes on reverse

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

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

Your name/organisation name/name of body you represent (see note 1)	MR ALAN + MRS BELINDA CLARKE
Postal address	THE MERCHANTS HOUSE, 8 QUAYSIDE NORWICH, NR3 1RQ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WENSUM FOOD & WINE
Address of the premises you wish to support or object to.	27 WENSUM ST, NORWICH, NR3 1LA

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	Please see attached sheet
Public safety	" " " "
To prevent public nuisance	" " " "
To protect children from harm	N/A

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

Signed:

Date: 13-8-2011

Please see notes on reverse

CORPORATE RESOURCES

15 AUG 2011

POST ROOM

Ribs of Beef

24 WENSUM STREET NORWICH NR3 1HY



10th August 2001

Your Ref:11/01358/PREM

Re: Wensum Food and Wine

27, Wensum Street, Norwich, NR3 1LA

Dear Ian Streeter

I object to the licensing hours being proposed to the above premises.

There are enough outlets on Wensum Street and Magdalen Street to satisfy everyone's requirements at present.

This proposal will mean that people of any age will buy alcohol in the shop and drink it on the street and surrounding areas as they already do with contrary to Norwich City Council's "No Alcohol Policy on the City Streets."

Norwich City Council has spent considerable amounts of money to improve and tidy up Elm Hill Park and the River Walk area but allowing another cut price alcohol outlet nearby will encourage more unsupervised drinking in the immediate area - you only have to look at the empty cans and bottles littering the Elm Hill Park area to confirm this.

The Ribs of Beef closes at 11.00pm Sunday – Thursday and depending on demand close around mid night on Fridays and Saturdays - having an Off Licence opposite opening later will only encourage people to hang around in groups drinking while they consume take away food in the street with all the resulting noise and mess with the added danger of falling in the river.

We have been blamed in the past for the foul language, noise late at night and people urinating in close proximity to the Ribs in spite of not retailing the brands consumed or serving the type of clientele who form these drunken groups so I do not want this type of behaviour to be encouraged.

Private shopkeepers have improved their frontages in Wensum Street at considerable cost to themselves to make the street more attractive to tourists and residents so the type of clientele that will be attracted to this venture will only detract from this.

The Ribs strictly police the Council's "No Alcohol on the Street Policy" but complying with this will become more difficult if someone can cross the road to the shop opposite and start drinking from a can or bottle in the street.

The police already have their work cut out enforcing the council's policy in nearby areas so it is sheer folly to create another potential flash point.

Club goers will simply purchase and consume alcohol in an unsupervised way on their way to the venues and make life extremely difficult for the police and door staff.

There have been several young people drowned while they were drunk in recent years and placing an off licence selling cut price alcohol next to the river is totally irresponsible.

I trust you will take these objections into consideration before taking your decision.

Yours Sincerely

Roger Cawdron CBII

Owner and Licensee

To prevent crime and disorder

Allowing an off-license in this quiet area will encourage uncontrolled, irresponsible drinking - along with escalated noise, nuisance drunks and illegal parking. An off-license would only increase the likelihood of yet more anti-social disturbance to residents, and will not help to deal with crime in the area.

Public safety

Cars/vans illegally parked next to the shop on Quayside prevent access to emergency vehicles. Quayside is a 'No Parking' area, and a very narrow street. This is a real and valid concern.

To prevent public nuisance

The selling of alcohol in this picturesque area will encourage excessive late night drinking and uncontrolled, nuisance drinkers to imbibe alcohol along Quayside and the surrounding areas.

As there are already several drinking establishments in this area we strongly feel that to encourage even more alcohol-fuelled, loutish behaviour along with filthy language, street urination, defecation and vomiting is foolish and completely unnecessary.

Please suggest any conditions which would alleviate your concerns.

To not grant permission for the sale of alcohol from this store. There are numerous drinking establishments in the immediate vicinity, and at least two late night off-licenses within a 10 minute walk of Wensum Street. Another is not needed.

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)	Rebecca Dean
Postal address	2 QUAYSIDE MEWS, PIGG LANE, NORWICH, NORFOLK, NR3-1RS
Email address	
Contact telephone number	

Name of the premises you wish to support or <u>object to</u>	WENSUM FOOD AND WINE
Address of the premises you wish to support or object to.	27 WENSUM ST, NORWICH.

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

Licensing Objective	Please set out your support or <u>objections</u> below. Please use separate sheets if necessary
To prevent crime and disorder	A late night licence will only add to the already existing disorder caused by people who are drunk.
Public safety	I fear there will be more incidents involving the river + safety equipment.
To prevent public nuisance	People drinking and smoking along quayside late at night will increase, we residents will be disturbed ever more, there will be a bigger litter problem.
To protect children from harm	Local children will be subjected to unfit surroundings due to litter, cigarettes etc

Please suggest any conditions which would alleviate your concerns.	Please do not allow this late night license - we already have a problem with drunks on our streets - this will only add to it
--	---

Signed:

Date:

14/08/11.

Please see notes on reverse



Norwich City Council Licensing Authority
Licensing Act 2003

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



Your name/organisation name/name of body you represent (see note 1)	DR. LINZI ARKUS
Postal address	3 QUAYSIDE MEWS PIGA LANE NORWICH, NR3 1RS
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Wensum Food & Wine
Address of the premises you wish to support or object to.	27 Wensum St, Norwich.

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	This is a peaceful & safe area, having a late night licence will encourage people to either seek alcohol after a night out, or attract groups of youths (especially on school holidays) to gather with the possibility of causing mischief or damage.
Public safety	There will be an increased risk of damage to essential waterside safety equipment. In addition there is likely to be more broken glass along paths where people walk daily to either take in the beauty, walk pets or children.
To prevent public nuisance	A late night of licence will encourage groups of people that are either already drunk or with to become drunk, they will gather making noise outside windows where residents are sleeping, smoking, littering & potentially throwing things into the river.
To protect children from harm	Children will have more disturbed sleep. Broken glass from bottles of alcohol will be an increased risk incase they hurt themselves, along with cigarette ends and a potential for the remnants of other drug taking memorabilia.
Please suggest any conditions which would alleviate your concerns.	Reduce the late licence to a much earlier time, for example, between 6-8pm, rather than the early hours of the morning.

CORPORATE RESOURCES

17 AUG 2011

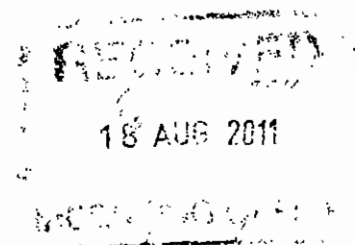
Signed:

Date: 14/08/11

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003

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



Your name/organisation name/name of body you represent (see note 1)	RESIDENT (DAVID NEWELL)
Postal address	RIVERVIEW 5 QUAYSIDE NORWICH NR3 1RQ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WENSUM FOOD & WINE
Address of the premises you wish to support or object to.	27 WENSUM ST, NR3 1LA.

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	ALCOHOL CONSUMPTION IS LINKED TO CRIME/VANDALISM. OUR PROPERTY AND CARS WILL BE AT MORE RISK IF THIS APPROVED
Public safety	THE LOCAL AREA IS ALREADY BLIGHTED BY PEOPLE DRINKING IN THE PARK OPPOSITE IN FISH GATE. WE HAVE WITNESSED ALTERCATIONS DUE TO ALCOHOL USE IN THAT AREA AND THIS WILL BE REPLICATED IN QUAYSIDE
To prevent public nuisance	PEOPLE BUYING ALCOHOL WILL THEN USE QUAYSIDE TO CONSUME THIS. THIS WILL CAUSE ADDITIONAL NUISANCE TO US AND OTHER LOCAL RESIDENTS.
To protect children from harm	QUAYSIDE IS CURRENTLY A TYPICAL SAFE AREA FOR CHILDREN. IF CONFRONTED WITH SOCIAL DRINKERS IN SURE THIS WOULD CHANGE

Please suggest any conditions which would alleviate your concerns.	PLEASE DO NOT ALLOW THE LICENCE APPLICATION TO BE GRANTED
--	---

Signed:

Date:

3/8/11

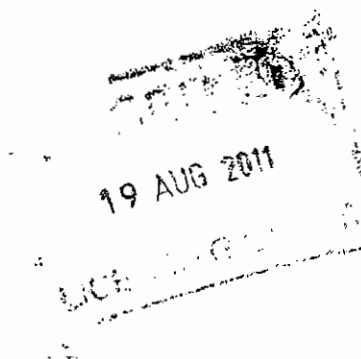
Please see notes on reverse





4 Quayside
Norwich
NR3 1RQ

Licensing Manager
Legal and Democratic Services
Norwich City Council
City Hall
NR2 1NH



Your ref: 11/01358/PREM

Dear Sir,

Re: Wensum Food and Wine
27 Wensum St.
Norwich NR3 1LA

Being a near neighbour of Wensum Food and Wine, I object to the application for late opening hours for the sale of alcohol, for consumption off premises.

These hours are 07.00 to 01.00 (the following day) for every day of the week including Saturday and Sunday. I feel that this would result in a public nuisance, resulting from late night and early morning excessive alcohol consumption in the adjacent road, Quayside, which only contains private residential properties.

As indicated, on the enclosed form, I would withdraw this objection if the hours permitted for the sale of alcohol are reduced to 07.00 to 22.00 daily.

Yours sincerely,

Dr Anthony Bushell

Norwich City Council Licensing Authority
Licensing Act 2003

RECEIVED
19 AUG 2011
LICENSING

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

Your name/organisation name/name of body you represent (see note 1)	MR. ANTHONY BUSHELL
Postal address	4 QUAYSIDE NORWICH NR3 1RQ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WENSUM FOOD AND WINE
Address of the premises you wish to support or object to.	27 WENSUM ST. NORWICH. NR3 1LA

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	1. Object to the late opening hours. for sale of alcohol on the premises
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	I would not object to alcohol sales limited to 0700 - 22.00 hrs
--	---

Signed:

Date:

17 August 2011.

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development
24 AUG 2011
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)	MRS. M. LENNOX / MR. R. MURPHY (*) QUAYSIDE HOMEWATCH (*)
Postal address	6 QUAYSIDE NR3 1RQ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	27 WENSUM STREET
Address of the premises you wish to support or object to.	27 WENSUM STREET, NR3 1LA

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 4. PUBLIC INDECENCY.	1. ANTI-SOCIAL BEHAVIOUR — encouraging young people to buy alcohol in the area (as some can't use pubs) and get drunk or collect on riverside leads to damaged property in KEY TOURIST HERITAGE AREA. 2. ILLEGAL PARKING + STOPPING. 3. LITTERING + health
Public safety	1. RUBBISH unsafe at back/side door (cycles, pedestrians) 2. ILLEGAL PARKING/STOPPING on pedestrian rights of way (see children) 3. BROKEN GLASS, EMPTY CANS, LITTER (no bins). 4. VOMIT + URINE. Public health issues. 5. SECURITY AT NIGHT. Behavioural concerns.
To prevent public nuisance 3. ANTI-SOCIAL BEHAVIOUR — ability to take out alcohol means young people can collect nearby to drink & be disorderly. 4. NOISE — at night.	1. LITTER + RUBBISH — DANGEROUS, ENCOURAGES OTHERS. No bins here. Empty cans, cigarettes etc. See photo. Unsanitary. 2. OBSTRUCTION — AREA NO PARKING ALLOWED — QUAYSIDE IS PEDESTRIAN / PART RIVERSIDE WALK & WENSUM ST. HAS YELLOW LINES — CARS STOPPING ILLEGALLY.
To protect children from harm (D) ANTI NOISE at night from use of shop, traffic, and drunk people. Encourage people to collect; creates noise.	1. CHILDREN ARE RESIDENT ON QUAYSIDE + ENVIRONS 2. CHILDREN USE RIVERSIDE WALK / QUAYSIDE REGULARLY FOR RECREATION, TOURISM. CHILDREN COULD BE AT RISK FROM: (A) RUBBISH BUILD-UPS (B) VEHICLES OBSTRUCTING QUAY / VISIBILITY (C) ANTI-SOCIAL BEHAVIOUR FROM COLLECTING YOUTHS OR DRINKING YOUTHS ON QUAYSIDE OR RIVER ARCS (FISHERGATE PARK)

Please suggest any conditions which would alleviate your concerns.	1. REDUCED OPENING HOURS TO 10 PM LATEST. 2. NO SUNDAY TRADING (IN CATHEDRAL AREA) 3. NO SALE OF ALCOHOL OR REDUCTION TO SUNDAY TERMS (i.e. NOT AFTER 4 PM, latest 8 pm) 4. COLLECTION / DISPOSAL OF RUBBISH OVERNIGHT OR TERMS AGREED. 5. NO PARKING ENFORCED — vans and cars obstructing residents etc.
--	---

Signed:

Please see notes on reverse

HOMEWATCH IS RESIDENTS' GROUP —
QUAYSIDE, PIGG LANE, JOSEPH LANCASTER
WAY, BEADING LANE, PYE'S YARD.

Hello Moire

Yes I do object to the proposed granting a licence to sell alcohol at that shop which I consider an eyesore, they leave rubbish spilling out onto the pavement, a tourist took a photograph of it and said how it spoiled the area, I notice they have a very large extractor? unit on the side wall, they have yet to replace broken window panes, and their shoppers/friends park cars on the pavement on Quayside causing congestion. I would appreciate if you would pass my comments on.

Thank you

Bridget

Just a reminder that if you have any comments or objections to the granting of a supply of alcohol licence from 7am to 1am to the new shop that has taken over from the corner kebab shop, then you must complete the form before the 19th August - this coming Friday. Please let me know if you wish the HomeWatch to make an objection on your behalf and state your concerns.

Many thanks,

Moire

http://www.norwich.gov.uk/webapps/atoz/service_page.asp?id=1718

http://www.norwich.gov.uk/intranet_docs/A-Z/Licensing/Premises/Representation_form.pdf

*Other residents sending separate comments/objections.
Can supply poll of view if necessary.*

APPENDIX D
CORPORATE RESOURCES
15 AUG 2011
POST ROOM



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

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

Your name/organisation name/name of body you represent (see note 1)	PIZZA GOGO
Postal address	19 wensum st. Norwich NR3 1LA
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Wensum Food and wine
Address of the premises you wish to support or object to.	27 wensum st - Norwich, NR3 1LA

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	I support the application very strongly
Public safety	No danger to public safety.
To prevent public nuisance	I support the application
To protect children from harm	N/A

Please suggest any conditions which would alleviate your concerns.	We need an off-licence and grocery shop in the area.
--	--

Signed:

Date: 10/8/2011

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003

CORPORATE RESOURCES

15 AUG 2011

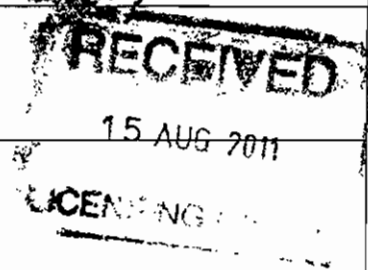
POST ROOM

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

Your name/organisation name/name of body you represent (see note 1)	AbdulHalim Ekin
Postal address	27 WENSUM ST. FLAT. NORWICH. NR3 1LA
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WENSUM FOOD & WINE
Address of the premises you wish to support or object to.	27 WENSUM ST. NORWICH, NR3 1LA

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

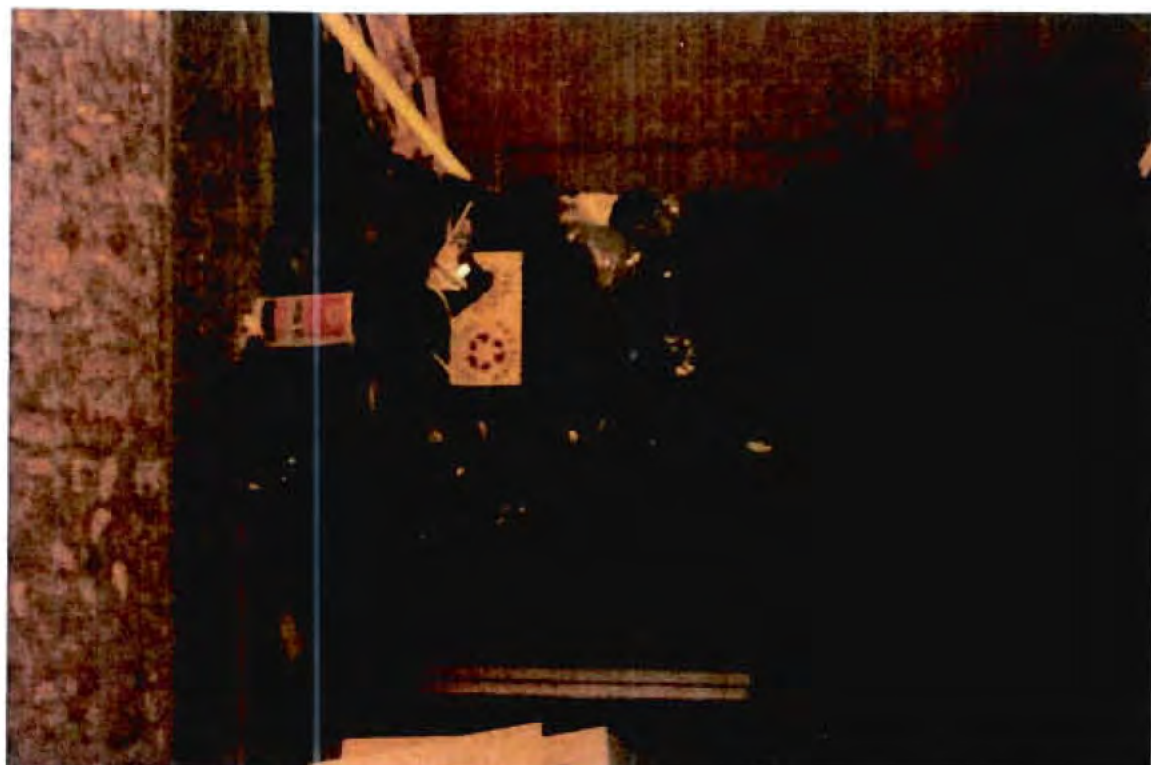
Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	I STRONGLY SUPPORT THE APPLICATION.
--	-------------------------------------

Signed:.

Date: 10/8/2011

Please see notes on reverse





NOTE:

- ① Height of rubbish on Quayside
(lasts days on end like this)
- ② Air extractor enormous and noisy
— does it have planning permission
in conservation area?
- ③ Unsafe — clutter of cans, wood, boxes,
bags....





NOTE:

1. Height of Ruin
2. Aggregation of Clutter.
3. Location — top of most
photographed street at moment
(cover shot on number of books on city)
4. Note absence cars on Quayside —
even guests of residents can't
stop here & have to pay to park
elsewhere.

APPENDIX E

Local Policy considerations

1.0 Introduction

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

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

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

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 necessary for the promotion of the licensing objectives.
- 8.0 The Impact of Licensed Premises
- 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
 - the proposed hours of operation;

- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises including the location of customer entrances and exits;
- the 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;

22. Objective – public safety

- 22.1 The safety of any person visiting or working in licensed premises must not be compromised. **Applicants are expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.**

- 22.2 Applicants must ensure that they carry out their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and liaise with the Norfolk Fire and Rescue Service where necessary. Further information is available from <http://www.norfolkfireservice.gov.uk/firesafetyinbusinesspremises.html>
- 22.3 Also when addressing the issue of public safety, an applicant must demonstrate that they have considered other public safety issues. These include:
- the age, design and layout of the premises
 - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
 - the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
 - customer profile (eg age, disability)
 - the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc
 - the safety of electrically powered equipment brought onto their premises
 - having public liability insurance.
- 22.4 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 activities:
- suitable and sufficient risk assessments
 - effective and responsible management of premises
 - provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
 - effective management of number of patrons within different parts of the premises
 - determine sensible occupancy limits according to the nature of the premises and activities being carried out
 - impose occupancy limits rigorously, employing registered doorstaff as necessary. In order to manage occupancy effectively, consider automated systems like electronic door counters
 - appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
 - adoption of best practice guidance (eg Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (further advice can be obtained from the Norfolk
 - Fire Service on 01603 810351 www.norfolkfireservice.gov.uk The Event Safety Guide, Safety in Pubs published by the BBPA)
 - provision of effective CCTV in and around premises
 - provision of toughened or plastic drinking vessels
 - implementation of crowd management measures
 - the provision of suitable electrical cut outs for use with electrical appliances which are brought onto the premises (such as amplifiers, microphones etc). Such cut-outs should be of a residual current device

with a rated tripping current of 30ma in 30 milliseconds (applicants should have regard to HSE Publication INDG 24 7 Electrical safety for entertainers)

- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

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.

26. Objective – protection of children from harm

26.1 The council will consult with the appropriate area child protection committee for consideration of all applications for licences.

26.2 With a view to the promotion of the licensing objective relating to the protection of children from harm the council will work closely with the police and trading standards authority to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol products to children (for Minor Sales Major Consequences information please contact trading standards on 0844 800 8013 trading.standards@norfolk.gov.uk).

26.3 Applicants should be aware that the protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.

26.4 There should be no presumption of giving children access nor any presumption of preventing their access to licensed premises. Where no licensing restriction is necessary, the admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.

26.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving eg topless female bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. The council has given particular consideration to the types of entertainment referred to above, and has included within this policy their expectations of applicants in section A, paragraph 17.

26.6 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 protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.

26.7 While children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. **When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on harm to children have been considered.** These include:

- where entertainment or services of an adult or sexual nature are commonly or regularly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- where there has been a known association with drug taking or dealing
- where there is a strong element of gambling on the premises
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

26.8 The council commends the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. **The council will expect all licensees to agree not to replenish their stocks following notification of a retailer alert bulletin by the Portman Group in relation to any product that is in breach of that code. Commitment to that code should be included in operating schedules.**

26.9 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- Adoption of best practice guidance (eg Minor Sales Major Consequences).
- Ensure that all drinks containers carry a price tag or other sticker that identifies your premises. This will be a useful tool for working with authorities to tackle underage drinking if problems arise.
- Limitations on the hours when children may be present, in all or parts of the premises.
- Limitations or exclusions by age when certain activities are taking place.
- Imposition of requirements for children to be accompanied by an adult.
- Train staff to deal with – and be vigilant about – potentially harmful situations, eg children in the presence of adults who are excessively drunk.
- Acceptance of accredited proof of age cards and/or new type driving licences with photographs, or passports.
- Measures to ensure children do not purchase, acquire or consume alcohol.
- Measures to ensure children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

26.10 In the case of film exhibitions, licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act should implement measures that restrict children from viewing restricted films classified according to the recommendations of the British Board of Film Classification or the council.

26.11 In premises where there may be children unaccompanied by adults any supervisors must have undergone appropriate checks through the Criminal Records Bureau.

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 F

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

Proposed Conditions

10.7 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs 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 of opening.

10.8 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. This would allow for proper liaison before representations prove necessary

Imposed Conditions

10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

10.12 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

Proportionality

10.13 The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues. For example, charities, community groups, voluntary groups, churches, schools and hospitals which host smaller events and festivals will not usually be pursuing these events commercially with a view to profit and will inevitably operate within limited resources.

Hours of trading

10.19 In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed

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

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

Hours of trading

10.21 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. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

Fundamental principles

13.16 "...licensing is about regulating licensable activities on licensed premises...and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity."

13.17 "...whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case."

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

Standardised Conditions

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

Licensing Hours

13.41 "...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies...providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet."