

Report to	Licensing sub committee 28 July 2017	Item
Report of	Head of citywide services Licensing Act 2003:	3
Subject	Application for the Variation of a Premises Licence – Wensum Food and Wine, 27 Wensum Street Norwich	

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 above premises, following the receipt of relevant representations.

Recommendation

That Members determine the application to vary the premises licence 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: Thorpe Hamlet

Cabinet member: Councillor Maguire – safe city environment

Contact officers

Maxine Fuller, licensing assistant

01603 212761

Background documents

None

Report

The application

1. The applicant is Mr Jeyaradnam Selvaratnam.
2. In summary the application seeks to:
 - Extend the hours for opening and the sale by retail of alcohol.

Operating Schedule

3. A copy of the existing licence and operating schedule is attached at appendix A to the report.
4. A copy of the application form including additional steps put forward by the applicant to promote the licensing objectives as a result of the proposed variation are attached at appendix B to the report.

Relevant representations

5. 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

6. Eight representations objecting to the application have been received from other interested parties. Copies of the representations are attached at appendix C to the report.

Norwich City Council Statement of Licensing Policy

7. Attached at appendix D are the elements of the city council's local licensing policy, which are considered to have a bearing upon the application.

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

8. Attached at appendix E are the elements of the national guidance issued by the Secretary of State that are considered to have a bearing upon the application.

Summary

9. 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.
10. 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
11. 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.
12. The representations received appear to relate to issues that fall under the licensing objectives. The sub-committee is directed to paragraphs 20 and 24 of the local licensing policy at appendix D which contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
13. 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.

LC



NORWICH
City Council

Premises Licence Summary

Premises Licence Number

14/01708/PREM

Premises Details

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

Wensum Food And Wine
27 Wensum Street
Norwich
NR3 1LA

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Sale by Retail of Alcohol - Activity takes place Indoors

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol	Saturday	08:00 - 22:00
Sale by Retail of Alcohol	Sunday	08:00 - 22:00
Sale by Retail of Alcohol	Monday to Friday	07:00 - 22:00

The opening hours of the premises

Monday	07:00 - 22:00
Tuesday	07:00 - 22:00
Wednesday	07:00 - 22:00
Thursday	07:00 - 22:00
Friday	07:00 - 22:00
Saturday	08:00 - 22:00
Sunday	08:00 - 22:00

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

Alcohol is supplied for consumption off the Premise

Name, (registered) address of holder of premises licence

Mr Jeyaradnam Selvaratnam



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

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

Mr Jeyaradnam Selvaratnam

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



NORWICH
City Council

Schedule 12

Regulation 33,34

Premises Licence

Premises Licence Number

14/01708/PREM

Part 1 – Premises Details

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

Wensum Food And Wine
27 Wensum Street
Norwich
NR3 1LA

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Sale by Retail of Alcohol - Activity takes place indoors

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol	Saturday	08:00 - 22:00
Sale by Retail of Alcohol	Sunday	08:00 - 22:00
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The opening hours of the premises

Monday	07:00 - 22:00
Tuesday	07:00 - 22:00
Wednesday	07:00 - 22:00
Thursday	07:00 - 22:00
Friday	07:00 - 22:00
Saturday	08:00 - 22:00
Sunday	08:00 - 22:00

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

Alcohol is supplied for consumption 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

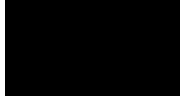
Mr Jeyaradnam Selvaratnam



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

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

Mr Jeyaradnam Selvaratnam



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: 14/00581/PERS

Licensing Authority: Norwich City 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 (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.
- 4 The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

Mandatory Licensing Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1?

- a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- b) "permitted price" is the price found by applying the formula?

$$P = D + (D \times V)$$

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

(a) 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part I of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991 (c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241,

section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of and paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was

amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No. 2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

(b) 1994 c. 23. Section 2 was amended by section 3 of the Finance (No. 2) Act 2010 (c. 31). Section 7 was amended by section 76 of and Part 1 of Schedule 36 to the Finance Act 2009 (c. 10) and section 203 of and paragraphs 2 and 3 of Schedule 28 to the Finance Act 2012 (c. 14). Section 24 was amended by section 19 of and paragraph 1 of Schedule 8 to the Finance (No. 3) Act 2010 (c. 33). There are other amendments which are not relevant to this Order.

Annex 2 – Conditions consistent with the Operating Schedule

1 **General - all four licensing objectives**

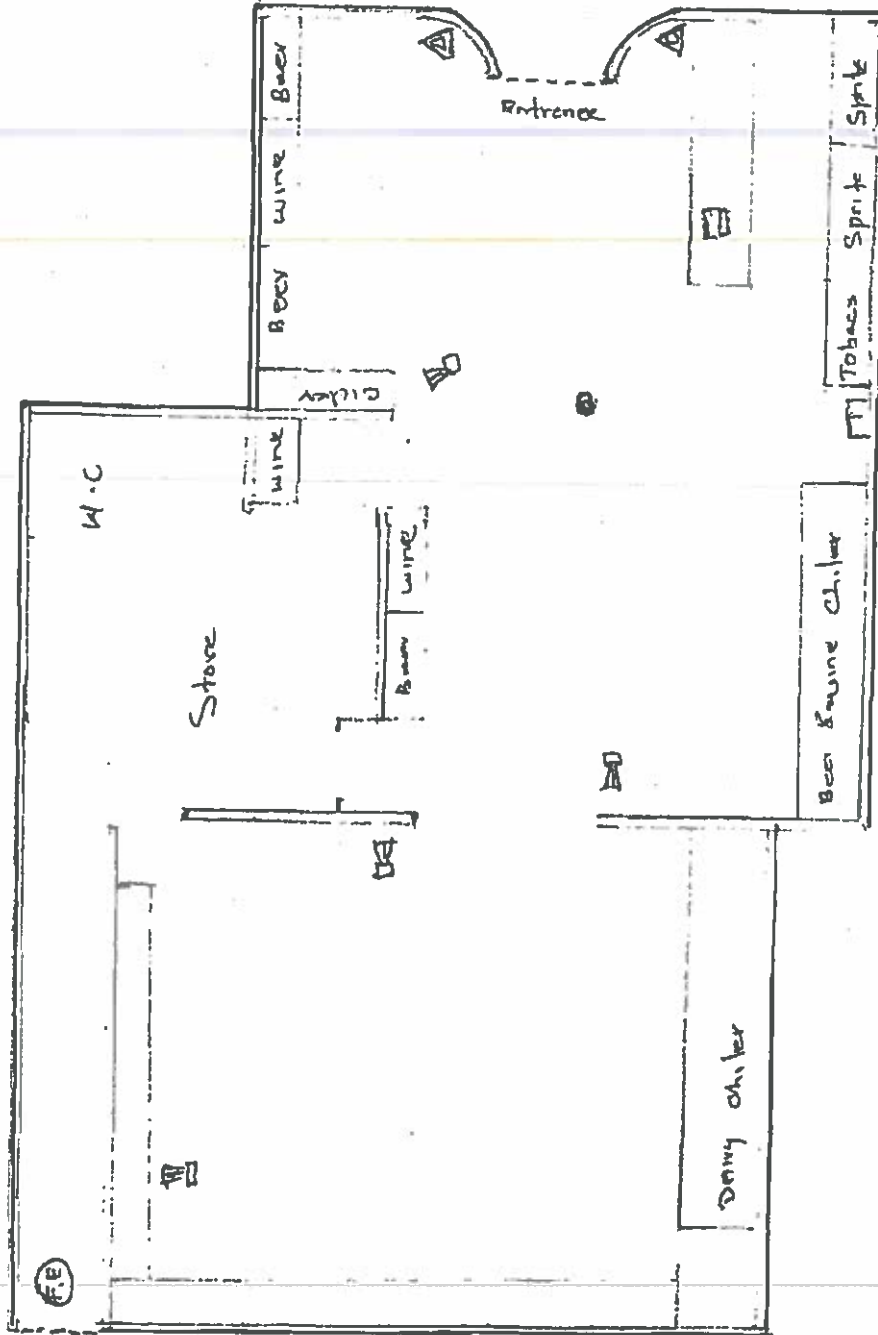
- 2 The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 3 The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
- 4 The premises licence holder shall ensure that there is no external disposal of refuse after 2100 hours and before 0800 hours daily and, as far as possible, to ensure deliveries are within those hours with the exception of newspaper deliveries.
- 5 Staff shall routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept and litter removed at least once before opening and once before closing.
- 6 The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.
- 7 The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to Police and local authority officers upon reasonable request.
- 8 The premises licence holder shall ensure that refresher training shall be satisfactorily completed every six months for all staff and documented as above.
- 9 The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
- 10 The premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
- 11 The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum period of 28 days with date and time stamping. Recordings shall be made available following the reasonable request of Police or authorised officer throughout the preceding 28 day period.
- 12 The premises licence holder shall ensure that a member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
- 13 The premises licence holder shall ensure in the event of its failure, the CCTV system will be repaired as soon as practicable.
- 14 The premises licence holder shall ensure that an alarm system will be installed and in the event of its failure, to be repaired as soon as practicable.
- 15 The premises licence holder shall ensure that adequate first aid equipment and fire safety materials are available on the premises.
- 16 The premises licence holder shall ensure that in the absence of adequate daylight suitable and sufficient artificial lighting is provided and maintained in any area to which the public have access.
- 17 The premises licence holder shall ensure that an incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police, which will record the following:- any complaints received, violence by any person against another, any other criminal incidents, any visit by a relevant authority or emergency service.
- 18 The premises licence holder shall instruct all staff to co-operate and comply with all reasonable requests of Police officers investigating incidents of crime and disorder associated with the premises.
- 19 The premises licence holder shall ensure that there is no access to the premises through the 'fire exit only'.
- 20 The premises licence holder shall operate a 'Challenge 25', or similar, scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
- 21 Notices shall be displayed in the premises to advise patrons and staff that a 'Challenge 25', or similar, scheme operates in the premises.
- 22 The premises licence holder shall ensure that any refusals of sale of age-related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product(s) sought; the gender and approximate age of the customer together with a description of the customer. The log is to be perused daily or weekly by all staff and initialled to this effect.

- 23 The premises licence holder shall mark all alcohol products so that their point of origin of sale could be identified and that a maximum third of the floor space would be used for alcohol products.

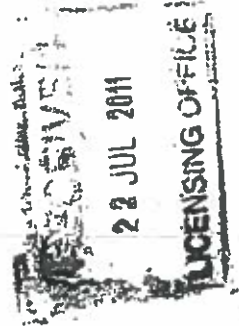
Annex 3 – Conditions attached after a hearing by the licensing authority

SP

Water fire Exting	A
Smoke alarm	C
Fire Exit	(F)
CCTV cameras at ceilings	25



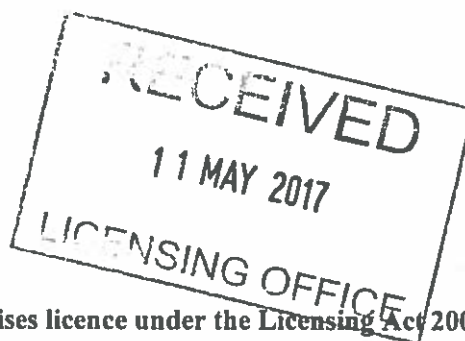
Mr. Lough	
Address 27 Wensum	
Norwich NR3 1	
Scale 1:100	Date July





NORWICH
City Council

Citywide Services
Public Protection (Licensing)
City Hall
St Peters Street
Norwich NR2 1NH



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/we MR. JEYARADNAM SELVARATNAM

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 14/01708/PREM

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

WENSUM FOOD AND WINE
27 WENSUM STREET
NORWICH
NR3 1LA

Post town NORWICH

Postcode NR3 1LA

Telephone number at premises (if any)

Non-domestic rateable value of premises £

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

Current postal address if different from premises address [REDACTED]			
Post town	NORWICH	Postcode	NR1 3PU

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐ No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
1	1	1	1	1	1	1	1

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

THIS IS CONVENIENT STORE. WE SELL CONFECTIONERY, GROCERY, SOFT DRINKS, NEWSPAPERS, ICECREAM, HOUSE HOLD, FROZEN FOOD AND ALCOHOL.

WE DO LICENSABLE ACTIVITIES MONDAY TO SUNDAY FROM 8AM TO 22:00 PM.

WE LIKE TO EXTEND THE HOURS THURSDAY, FRIDAY, SATURDAY AND SUNDAY FROM 8AM TO 24:00 PM.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Sale by retail of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Wed						
Thur						
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)			
Fri						
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	8 AM	22 PM			
Tue	8 AM	22 PM			
Wed	8 AM	22 PM			
Thur	8 AM	24 PM			
Fri	8 AM	24 PM			
Sat	8 AM	24 PM			
Sun	8 AM	24 PM	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5) SAME PLACE. IN THE SHOP.		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8). ONLY SELL ALCOHOL

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	8 AM	22 PM	ND
Tue	8 AM	22 PM	
Wed	8 AM	22 PM	
Thur	8 AM	24 PM	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>THURSDAY 8 AM - 24 PM</p> <p>FRIDAY 8 AM - 24 PM</p> <p>SATURDAY 8 AM - 24 PM</p> <p>SUNDAY 8 AM - 24 PM</p>
Fri	8 AM	24 PM	
Sat	8 AM	24 PM	
Sun	8 AM	24 PM	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

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

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

MAKE SURE WE SELL THE ALCOHOL AGE OVER 18.
MAKE SURE CUSTOMERS ARE NOT INFLUENCE OF ALCOHOL
ALREADY.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I understand that I must now advertise my application. ☐
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	11.05.17
Capacity	OWNER

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

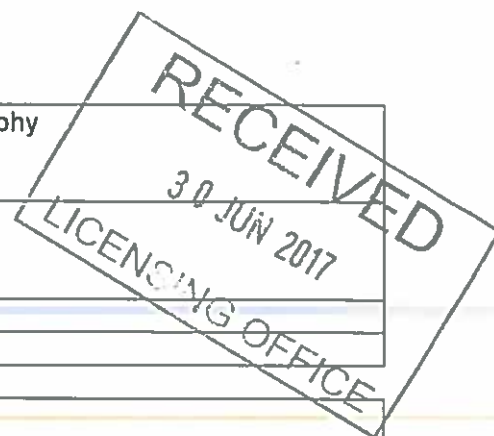
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**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)	Mrs M Lennox & Mr R J Murphy
Postal address	6 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 Street, 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	<ul style="list-style-type: none"> • staff from the shop park in a residents' car park nearby (behind the shop): shop staff going to this car park at midnight to collect their car will disturb residents after 10pm; they will also draw attention to this private area and encourage other non-residents to enter. A police report provided to the residents agreed that this was an area of risk and crimes have taken place such as burglary, trespass, vagrancy, possession and use of Class A and B drugs, criminal damage, and arson. • extending the hours will increase the number of congregated people: more people will be encouraged to come here up to midnight in order to obtain cash and purchase alcohol; there is the possibility of queues on the street causing disturbance; and the chance that these queues will interact with the patrons leaving The Mischief nearby (there was a fight on Fye Bridge to which the police attended and took statements) or other establishments. It is our experience that the more people that accumulate around Fye Bridge, the greater the noise and likelihood of Disorderly behaviour and Behaviour likely to cause a breach of the peace. This often disperses into surrounding areas. • selling alcohol from 10pm until midnight will encourage voluntary intoxication: there is history of Indecent behaviour and Drunk in a public place offences in the area as well as Assault with basic intent (the large fight, for example). Intoxication should not be encouraged as a <i>mens rea</i> for crime levels increasing in an important historic quarter and Objective 8 of the Local Plan 2014 aims "to positively protect and

and states that "more visitors will be encouraged to the area by protecting the very qualities that make the area attractive."

- In September 2013, Norwich Policing Commander Supt. Dave Marshall, said:

"We know street drinking is a problem in the city centre with members of the public and businesses regularly reporting problems... Regardless of how minor, alcohol-fuelled crime can have a significant impact on the quality of life for residents and we will continue to target prolific offenders and use a range of tactics to combat this behaviour." These included increased patrols in "street drinking hotspots" amongst which were named QS and EH. Supt Marshall also said "Past experience with these individuals shows us that they are likely to cause trouble once they start drinking..."

- Objective 9 of the Local Plan 2014 is to "protect, manage and enhance the natural, built and historic environment, including key landscapes, natural resources and areas of natural habitat":

As corroborated by the Police above, the area is put at increased risk with increased opportunities for the consumption of alcohol especially off premises in public places such as parks and gardens nearby (EHG, Oasis, StGP, Riverside Walk) and it is our experience that this creates large volumes of unsightly litter (including cans, bottles, plastic waste and bags), graffiti (the quay wall, the bridge, the jetty), the removal of life-saving equipment (rings), attacks on wildlife and habitats, river pollution, and extended periods of noise and disturbance through the night past dawn. There is risk of escalated rates of vomit, urination, and broken glass in this conservation area.

- increased activity of vehicles:

residents anticipate that more vehicles will stop outside the shop between 10pm and midnight where there is no parking or waiting allowance; vehicles will also enter neighbouring streets, some of which are Pedestrian or Access Only, and attempt to park on these (many of which have At Any Time restrictions) or manoeuvre on them doing turns in private areas. There would be increased disturbance to residents. There is more risk by dangerous driving.

- reduced service levels in the current economic climate: the Police do not have the capacity to respond to all incidents across the city:

it is more often that residents will not get through to the police to report incidents and texts are only picked up every two hours; likewise, street cleaning is less frequent and does not encompass all local streets and public areas, and the removal of dangerous or offensive material is dependent on contractors. Parking matters also have a

	<p>testimony of authorized personnel (e.g. the police) can be used as evidence and so cases are difficult to present, meaning that it is more difficult to inhibit offensive practice.</p>
Public safety	<ul style="list-style-type: none"> • Objective 10 of the Local Plan states that Norwich should “be a place where people feel safe in their communities”: residents of this area do not feel 100% safe at night with the level of drunkenness and ASB outside their homes, as outlined in section 1. • the shop selling alcohol at this time will augment the likelihood of intoxication and intoxication creates dangers to the public in this area: the removal of or damage to lifesaving equipment by intoxicated persons (including the one next to the shop); the amount of broken glass on the pavements and Riverside Walk; the casual disposal of drug-related equipment; litter and detritus creating public health and safety concerns; the contamination of recycling collections; the volume of vomit and urination causing issues to the public; general behaviour to others. • Policy DM1 aims “to provide for a high level of safety and security maximizing opportunities for improved health and well-being and safeguarding the interests of the elderly and vulnerable groups”: There are a number of elderly and vulnerable residents in the area, a number of whom have current health or mobility issues. The issues listed above put their safety and wellbeing at risk. • Proximity to river danger, especially for intoxicated or vulnerable persons: The shop is next to Fye Bridge and the River Wensum. Residents have noted there is a tendency for those who have been drinking to fall or jump in the river: Oct 2015 – a teenager pulled from the river in the early hours of the morning; Nov 2015 – emergency services responded to a man in the river by Fye Bridge – claimed he was swimming but he was fully clothed; June 2016 – A man fell into the river near the Jarrold Bridge around 10.30pm and was rescued by a bartender; March 2017 – a deceased male was extracted from the river by Fye Bridge; May 2017 – a man jumped off Fye Bridge into the river. There is also some history of the emergency services arriving to help people with depression or other issues threatening to jump in the river. The availability of alcohol off premises could exacerbate this danger and put them at risk (either Dutch courage or foolhardiness). • Proximity to other dangers next to shop, especially for

	<p>Residents have 'rescued' people who have fallen off or over fences and steps, including an inebriated sixth form girl from Wymondham College who landed headfirst onto a private stone patio having fallen backwards from a height of approx. 8 feet and was concussed; and a man who lost clothing and damaged property in attempts to extricate himself from the same private patio.</p> <ul style="list-style-type: none"> • public safety risks from environmental health concerns: As previously mentioned, the sale of alcohol escalates the amount of urination, defecation and vomit experienced in the area; and the volume of rubbish and debris; and the contamination of recycling stations. River litter and pollution also presents health and safety concerns. • disturbance to the right of residents to reasonable rest and sleep: some local residents have occupations in which they are responsible for the welfare and/or safety of others and they require good sleep. Failure to do so might put the public at risk.
To prevent public nuisance	<ul style="list-style-type: none"> • disturbance from vehicles parked or manoeuvring between 10pm and midnight • disturbance from congregating people at and outside the shop between 10pm and midnight • disturbance to residents by those buying alcohol from the shop at this time and choosing to stay in the area to consume it, within the No Alcohol Zone • disturbance to the right of residents to reasonable rest and sleep: some local residents have occupations in which they are responsible for the welfare and/or safety of others and they require good sleep. • disturbance beyond its immediate licensed area: the impact of the shop would not be limited to within the premises or within 50 metres from its door; much of the Cathedral Quarter and Riverside conservation areas would be affected.
To protect children from harm	<p>Children are not likely to be within the premises late at night (although there is a risk of selling to underage persons) and so there is limited direct threat or harm to them as such.</p> <p>However, there is some <i>potential</i> harm: parents promenading their infants late at night in an effort to induce sleep; and shouted inappropriate and offensive language being heard by residential children. Also, there is also indirect threat of harm to children from the broken glass and debris left behind on the popular walks and parks</p>

Please suggest any conditions which would alleviate your concerns.

We are not objecting on frivolous grounds but on the basis of our experience over the last ten years. The Localism Act was supported in the Local Plan, giving communities the ability to prepare their own neighbourhood plans and input on their areas, including the capacity to challenge the City Plan. This is a key area of the city and one of the most photographed and visited. We aim to help preserve its unique character and community. The extension of hours by the premises will not meet the criteria of the Local Plan and would stretch city resources for the profit of a (non-local) few.

There are few additional steps that the premises could take to meet our objections: there is already CCTV at the side of the shop; there is an overflowing business waste unit at the side of the shop; there is a camera within the shop. However, these do not alleviate the problems foreseen or that already exist. Please given consideration to our petition.

- Objective 4 of the Local Plan 2014 specifies that city regeneration is achieved “by creating safe, healthy, prosperous, sustainable and inclusive communities”
- Objective 8 of the Local Plan 2014 is “to positively protect and enhance the individual character and culture of the area” and states that “more visitors will be encouraged to the area by protecting the very qualities that make the area attractive.”
- Objective 9 of the Local Plan 2014 is to “protect, manage and enhance the natural, built and historic environment, including key landscapes, natural resources and areas of natural habitat”
- Objective 10 is that Norwich should “be a place where people feel safe in their communities”
- Policy DM1 “protect and enhance the physical, environmental and heritage assets of the city and to safeguard the special visual and environmental qualities of Norwich for all users” and “ensuring that the heritage and environmental assets which give Norwich its unique character and sense of place are protected and enhanced”
- Policy DM2 “prevention of disturbance from noise”
- Policy DM3 “respect, enhance and respond to the character and local distinctiveness of the area” and “minimize opportunities for crime, disorder and anti-social behaviour”

Signed: Moire Lennox

Date: 28/6/17

Please see notes on reverse

6 QS
Norwich
NR3 1RQ

28th June 2017

Norwich City Council
Public Protection (Licensing)
City Hall
St Peters Street
NORWICH NR2 1NH



SUMMARY INFO:

Reference: Premises licence number 14/01708/PREM

Location: Wensum Food and Wine, 27 Wensum Street, Norwich NR3 1LA

Application to Vary the Licence dated 11/5/17

The above premises has applied to the council to extend the hours in which it wishes to sell alcohol from 10pm to Midnight on Thursdays, Fridays, Saturdays, and Sundays.

Our petition abbreviates place names in order to preserve the privacy of the residents relating to online searches; they are easily referenced by map.

PETITION:

We, the residents of 6 QS, wish to raise an objection to this application. We are nearby residents located within 100metres of the premises, and our household comprises two adults and two children. We have lived on QS since 2007.

GROUND FOR OBJECTION:

1. To prevent crime and disorder

- staff from the shop park in a residents' car park nearby (behind the shop): shop staff going to this car park at midnight to collect their car will disturb residents after 10pm; they will also draw attention to this private area and encourage other non-residents to enter. A police report provided to the residents agreed that this was an area of risk and crimes have taken place such as burglary, trespass, vagrancy, possession and use of Class A and B drugs, criminal damage, and arson.

- extending the hours will increase the number of congregated people: more people will be encouraged to come here up to midnight in order to obtain cash and purchase alcohol; there is the possibility of queues on the street causing disturbance; and the chance that these queues will interact with the patrons leaving The Mischief nearby (there was a fight on Fye Bridge to which the police

attended and took statements) or other establishments. It is our experience that the more people that accumulate around Fye Bridge, the greater the noise and likelihood of Disorderly behaviour and Behaviour likely to cause a breach of the peace. This often disperses into surrounding areas.

- selling alcohol from 10pm until midnight will encourage voluntary intoxication: there is history of Indecent behaviour and Drunk in a public place offences in the area as well as Assault with basic intent (the large fight, for example). Intoxication should not be encouraged as a *mens rea* for crime levels increasing in an important historic quarter and Objective 8 of the Local Plan 2014 aims "to positively protect and enhance the individual character and culture of the area" and states that "more visitors will be encouraged to the area by protecting the very qualities that make the area attractive."

- In September 2013, Norwich Policing Commander Supt. Dave Marshall, said: "We know street drinking is a problem in the city centre with members of the public and businesses regularly reporting problems... Regardless of how minor, alcohol-fuelled crime can have a significant impact on the quality of life for residents and we will continue to target prolific offenders and use a range of tactics to combat this behaviour." These included increased patrols in "street drinking hotspots" amongst which were named QS and EH. Supt Marshall also said "Past experience with these individuals shows us that they are likely to cause trouble once they start drinking..."

- Objective 9 of the Local Plan 2014 is to "protect, manage and enhance the natural, built and historic environment, including key landscapes, natural resources and areas of natural habitat":
As corroborated by the Police above, the area is put at increased risk with increased opportunities for the consumption of alcohol especially off premises in public places such as parks and gardens nearby (EHG, Oasis, StGP, Riverside Walk) and it is our experience that this creates large volumes of unsightly litter (including cans, bottles, plastic waste and bags), graffiti (the quay wall, the bridge, the jetty), the removal of life-saving equipment (rings), attacks on wildlife and habitats, river pollution, and extended periods of noise and disturbance through the night past dawn. There is risk of escalated rates of vomit, urination, and broken glass in this conservation area.

- increased activity of vehicles:
residents anticipate that more vehicles will stop outside the shop between 10pm and midnight where there is no parking or waiting allowance; vehicles will also enter neighbouring streets, some of which are Pedestrian or Access Only, and attempt to park on these (many of which have At Any Time restrictions) or manoeuvre on them doing turns in private areas. There would be increased disturbance to residents. There is more risk by dangerous driving.

- reduced service levels in the current economic climate:
the Police do not have the capacity to respond to all incidents across the city: it is more often that residents will not get through to the police to report incidents and texts are only picked up every two hours; likewise, street cleaning

is less frequent and does not encompass all local streets and public areas, and the removal of dangerous or offensive material is dependent on contractors. Parking matters also have a limited response between these hours. Generally, only the testimony of authorized personnel (e.g. the police) can be used as evidence and so cases are difficult to present, meaning that it is more difficult to inhibit offensive practice.

2. Public safety

- Objective 10 of the Local Plan states that Norwich should “be a place where people feel safe in their communities”:
residents of this area do not feel 100% safe at night with the level of drunkenness and ASB outside their homes, as outlined in section 1.
- the shop selling alcohol at this time will augment the likelihood of intoxication and intoxication creates dangers to the public in this area:
the removal of or damage to lifesaving equipment by intoxicated persons (including the one next to the shop); the amount of broken glass on the pavements and Riverside Walk; the casual disposal of drug-related equipment; litter and detritus creating public health and safety concerns; the contamination of recycling collections; the volume of vomit and urination causing issues to the public; general behaviour to others.
- Policy DM1 aims “to provide for a high level of safety and security maximizing opportunities for improved health and well-being and safeguarding the interests of the elderly and vulnerable groups”:
There are a number of elderly and vulnerable residents in the area, a number of whom have current health or mobility issues. The issues listed above put their safety and wellbeing at risk.
- Proximity to river danger, especially for intoxicated or vulnerable persons:
The shop is next to Fye Bridge and the River Wensum. Residents have noted there is a tendency for those who have been drinking to fall or jump in the river:
Oct 2015 – a teenager pulled from the river in the early hours of the morning;
Nov 2015 – emergency services responded to a man in the river by Fye Bridge – claimed he was swimming but he was fully clothed;
June 2016 – A man fell into the river near the Jarrold Bridge around 10.30pm and was rescued by a bartender;
March 2017 – a deceased male was extracted from the river by Fye Bridge;
May 2017 – a man jumped off Fye Bridge into the river.
There is also some history of the emergency services arriving to help people with depression or other issues threatening to jump in the river. The availability of alcohol off premises could exacerbate this danger and put them at risk (either Dutch courage or foolhardiness).
- Proximity to other dangers next to shop, especially for intoxicated persons:

Residents have 'rescued' people who have fallen off or over fences and steps, including an inebriated sixth form girl from Wymondham College who landed headfirst onto a private stone patio having fallen backwards from a height of approx. 8 feet and was concussed; and a man who lost clothing and damaged property in attempts to extricate himself from the same private patio.

- public safety risks from environmental health concerns:

As previously mentioned, the sale of alcohol escalates the amount of urination, defecation and vomit experienced in the area; and the volume of rubbish and debris; and the contamination of recycling stations. River litter and pollution also presents health and safety concerns.

- disturbance to the right of residents to reasonable rest and sleep:

some local residents have occupations in which they are responsible for the welfare and/or safety of others and they require good sleep. Failure to do so might put the public at risk.

3. To prevent public nuisance

- disturbance from vehicles parked or manoeuvring between 10pm and midnight
- disturbance from congregating people at and outside the shop between 10pm and midnight
- disturbance to residents by those buying alcohol from the shop at this time and choosing to stay in the area to consume it, within the No Alcohol Zone
- disturbance to the right of residents to reasonable rest and sleep:
some local residents have occupations in which they are responsible for the welfare and/or safety of others and they require good sleep.
- disturbance beyond its immediate licensed area:
the impact of the shop would not be limited to within the premises or within 50 metres from its door; much of the Cathedral Quarter and Riverside conservation areas would be affected.

4. To protect children from harm

Children are not likely to be within the premises late at night (although there is a risk of selling to underage persons) and so there is limited direct threat or harm to them as such. However, there is some *potential* harm: parents promenading their infants late at night in an effort to induce sleep; and shouted inappropriate and offensive language being heard by residential children. Also, there is also indirect threat of harm to children from the broken glass and debris left behind on the popular walks and parks nearby.

Summary

We are not objecting on frivolous grounds but on the basis of our experience over the last ten years. The Localism Act was supported in the Local Plan, giving communities the ability to prepare their own neighbourhood plans and input on their areas, including the capacity to challenge the City Plan. This is a key area of the city and one of the most photographed and visited. We aim to help preserve its unique character and community. The extension of hours by the premises will not meet the criteria of the Local Plan and would stretch city resources for the profit of a (non-local) few. There are few additional steps that the premises could take to meet our objections: there is already CCTV at the side of the shop; there is an overflowing business waste unit at the side of the shop; there is a camera within the shop. However, these do not alleviate the problems foreseen or that already exist. Please give consideration to our petition.

- Objective 4 of the Local Plan 2014 specifies that city regeneration is achieved "by creating safe, healthy, prosperous, sustainable and inclusive communities"
- Objective 8 of the Local Plan 2014 is "to positively protect and enhance the individual character and culture of the area" and states that "more visitors will be encouraged to the area by protecting the very qualities that make the area attractive."
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- Policy DM1 "protect and enhance the physical, environmental and heritage assets of the city and to safeguard the special visual and environmental qualities of Norwich for all users" and "ensuring that the heritage and environmental assets which give Norwich its unique character and sense of place are protected and enhanced"
- Policy DM2 "prevention of disturbance from noise"
- Policy DM3 "respect, enhance and respond to the character and local distinctiveness of the area" and "minimize opportunities for crime, disorder and anti-social behaviour"

With regards,

M Lennox
R Murphy

**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)	Michael and Sarah Riordan
Postal address	3 Beckwith Court Joseph Lancaster Way Norwich NR3 1RP
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 Street Norwich

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

Licensing Objective	<i>Please set out your support or objections below. Please use separate sheets if necessary</i>
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.	No conditions would alleviate concerns, we do not believe it will be possible to test customers who may already have been drinking and customers may not be drunk at the point of purchase but will then start drinking on the Quayside.
---	--

Signed:

Date: 19 June 2017

Please see notes below

To Prevent crime and Disorder: People already use the Quayside as a late night congregation point sitting and drinking around the steps down to the river. Further late night local access to cheap take away alcohol will encourage this.

Public Safety: There are unguarded steps down to the river on at various points. An intoxicated person could easily fall down these into the river with fatal consequences. I have already had to assist a drunk individual who collapsed on the Quayside only two weeks ago. Making further late night cheap take away alcohol available so close by will only increase this risk. If there is a fatality as a result of this the coroner will be made aware of this warning.

To prevent public nuisance: The congregation of groups of individuals along Quayside already causes late night noise and nuisance for the residents. Cans and bottles are left along the Quayside also.

Bennett, Rachel

From: PLANNING
Sent: 02 June 2017 08:21
To: LICENSING
Subject: FW: prem licence no. 14/01708/PREM - Mr JeyaradnamSelvaratnam, Wensum Food & Wine - OBJECTION

From: Sophia and Guy Hodgson
Sent: 01 June 2017 20:11
To: PLANNING
Subject: prem licence no. 14/01708/PREM - Mr JeyaradnamSelvaratnam, Wensum Food & Wine - OBJECTION

Mr Jeyaradnam Selvaratnam,;
Wensum Food & Wine,
27 Wensum Street,
Norwich NR3 1LA

We live on Quayside. Wensum Food & Wine is on the corner of Quayside and Wensum Street. It is really wonderful to have a "Corner Shop". However, the licensing hours for these premises are perfectly long enough, to extend them until midnight on Thursdays, Fridays, Saturdays and Sundays would be truly appalling.

Quayside is very much a residential area along with its surrounding streets such as Fishergate. There are many young and old families alike living here. It is also a conservation area.

We already have to suffer and tolerate bad behaviour directly as a result of drunkenness. At present on Thursdays, Fridays and Saturdays the four pubs within close proximity entertain many drinkers and the whole area becomes very rowdy. Litter associated with drinking occurs from takeaway boxes, half used tomato ketchup wrappers, bottles and cans and the occasional beer glass. The bottles and the glasses regularly get smashed. On Quayside it clearly states that no alcohol is to be consumed, during the day especially there are regularly small groups with their carriers bags filled with beer sitting on the steps going down to the water. These people are very loud and often do a lot of shouting, on the whole the day time drinkers move off after about an hour but usually not without having hassled passing people and nearly always leaving their litter behind. The pub drinkers usually disperse at about eight or nine o'clock. A few return to get takeaways on Magdalen Street. The worst of the anti-social behaviour is the urinating (and occasional defecation) in the private alleyway which leads to the main entrance of our building Beckwith's Court. If this extension were to be granted this situation would escalate. Mr. Selvaratnam says that during these extended hours he will not serve alcohol to those who have already been drinking, it would be naive to suggest that this could ever be monitored and even if they tried those already intoxicated would simply turn aggressive. Wensum food & Wine should not be granted pub licensing hours. People will be rushing in from the pubs at 11.50 in order to stock up to continue through the night. Most of these people will end up all over Quayside and the situation will just get out of hand and it will destroy all that the Council and a few private owners have tried achieved and you will destroy the residents "Quality of Life" and possibly even some of the buildings will be damaged as well.

Please seriously consider this application and do not give it the time of day and reject it.

Yours in earnest,
Mrs. Guy Hodgson



Bennett, Rachel

From: Virginia Vacy-Ash
Sent: 06 June 2017 07:33
To: LICENSING
Subject: Licence application for Wensum Food and Wine.

Dear Mr. Street,

With reference to the licence application for Wensum Food and Wine, 27 Wensum Street, Norwich NR3 1LA.

I live at No.5 Quayside close to the shop. The people on Quayside and the surrounding area are truly fed up already with the amount of places selling alcohol in this area. We experience so much fall-out from all the licensed premises on Wensum street and surrounding streets.

The courtyard belonging to 1-6 Quayside is the first courtyard and opening on Quayside next to the shop we experience constant problems from the drinking. Although this is supposed to be an alcohol-free zone that fact is regularly ignored especially by people buying alcohol in the shop and then having nowhere to drink it. Not only do we suffer bad behaviour and noise from the inebriated along Quayside, but our courtyard and other courtyards round here are daily, night and day, used for urinating and also occasional vomiting.

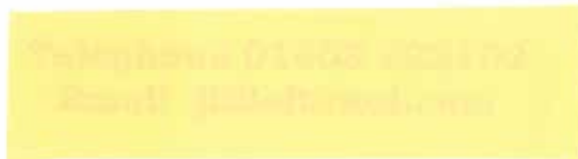
I am sixty-seven yet regularly have to ask drunken and sometimes abusive people to leave our courtyard or call out the police. Also we are woken at night by groups of inebriated people coming in and shouting or talking loudly or sitting on Quayside by the river. If the hours are extended to 12 midnight the problem is just going to get worse, including our lack of sleep.

Added to all this there is no litter bin accessible to the public by the shop and a number of people therefore dump their litter in our courtyard as well as on Quayside and in the river itself.

So please I ask you not to extend the licensing hours of the shop and add yet further to our problems.

Yours sincerely,
Virginia Vacy-Ash

**2 Joseph Lancaster Way
Norwich NR3 1RR**



Norwich City Council
Citywide Services
Public Protection (Licensing)
City Hall
St. Peters Street
NORWICH
NR2 1NH



29 May 2017

Dear Sirs

**Re: Wensum Food and Wine
27 Wensum Street, Norwich NR3 1LA
Premises Licence No. 14/01708/PREM**

We wish to object in the strongest possible terms to the application by Wensum Food and Wine to extend its licensing hours to include 10pm – midnight on Thursday, Friday, Saturday and Sunday nights.


There can be no possible justification for granting this application as there are plenty of pubs and bars in this area already and the only people who will take advantage of the extended hours are those who have already had too much to drink (despite what the applicants say on their application form about not serving alcohol to those already under the influence – we have witnessed them doing so).

Quayside will be the favourite choice of venue to consume alcohol bought at this hour, an area which is actually a “No Alcohol” zone, although this is frequently ignored. There is often an intolerable nuisance caused by drunks in this location, especially at weekends and there have been incidents of intoxicated people falling into the river and at least two people drowning in recent years.

Quayside is a lovely historical area, on the tourist map and also much enjoyed by locals and residents who have paid a premium for their riverside location. However, the litter left by those using it as a place to consume food, drink and alcohol makes it very unsightly at times and the residents seem to fight a losing battle to keep it looking nice. There are also frequent incidents of drunks urinating in residents' doorways which, of course, is extremely unpleasant.

Granting an extension to Wensum Food and Wine's licence can only exacerbate the situation and result in an inevitable increase in anti-social behaviour, the costs of policing the area and litter collection. We would strongly urge you, therefore, to refuse this application.

Yours faithfully



Howard and Jill Leftley

Norwich City Council Licensing Authority
Licensing Act 2003

CORPORATE RESOURCES
31 MAY 2017
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)	W.G.Myall Quayside Homewatch and Residents Association
Postal address	Assam House 19 Quayside, Norwich, Norfolk. 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 Street, 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	See Separate Sheet
Public safety	
To prevent public nuisance	See Separate Sheet
To protect children from harm	

RECEIVED
31 MAY 2017
LICENSING OFFICE

Please suggest any conditions which would alleviate your concerns.	Application to be Refused
--	---------------------------

Signed:

Date:

30/05/17

Please see notes on reverse

QUAYSIDE HOMEWATCH AND RESIDENTS ASSOCIATION

Re; WENSUM FOOD AND WINE, 27 WENSUM STREET, NORWICH. **OBJECTION TO LICENCE APPLICATION.**

As Chairman of the Quayside Homewatch and Residents Association I strongly disapprove of the application by Wensum Food and Wine to extend the licensing hours for the sale of alcohol to 12 midnight on Thursday, Friday, Saturday and Sunday nights. The residents of this area of Norwich currently endure anti-social behaviour in the form of excessive noise, bad behaviour, drunkenness and public disorder especially at weekends by people consuming alcohol.

Notwithstanding that Quayside is within an alcohol free zone it is frequently used by people to consume alcohol sitting beside the river Wensum, often causing a nuisance to residents. The area is occasionally frequented by alcoholics who often purchase their alcohol at Wensum Food and Wine and then consume it in Quayside. It has been necessary to report these people to the Norfolk Constabulary and although they are usually dealt with effectively by the police, extending the hours during which alcohol is permitted to be sold by Wensum Food and Wine will make matters much worse and will also encourage alcoholics into this area.

Apart from the public nuisance of excessive noise and anti-social behaviour caused by people drinking alcohol in a residential street they often discard their drink cans and bottles, as well as food wrappings, in the public highway. When this occurs, as it frequently does at weekends, the detritus is left despoiling Quayside until it is cleared by the litter pickers on the next working day.

Quayside is within the historic centre of Norwich and being part of the river walk is used not only by local residents but also visitors to our fine City. The proposed extension of licensing hours for the sale of alcohol by Wensum Food and Wine is likely to lead to an increase in public nuisance and public disorder and the application should therefore be refused.

30th May 2017.

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

CORPORATE RESOURCES

30 MAY 2017

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)	MR ALISTAIR & MRS. ROSEMARY MACKIE
Postal address	5 BECKWITHS COURT, NORWICH. NR3 1RP
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. NR3 1LA

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

Licensing Objective	<i>Please set out your support or objections below. Please use separate sheets if necessary</i>
To prevent crime and disorder	Extension to the hours that the sale of alcohol would be permitted will encourage people to seek out cheaper alcohol for longer – and then move onto local nearby public houses possibly leading to problems arising from intoxication which are already prevalent.
Public safety	Bottles sold may lead to an increase in broken glass which is a danger to local residents and to animals. This has already been noted as a problem along Quayside and adjoining roads during existing licence hours.
To prevent public nuisance	Local residents already have to deal with problems arising from cans and bottles littering their private areas and also those arising from general littering of Quayside and adjoining roads. Many residents endure intoxicated revellers urinating in their doorways and gateways. This can only get worse if the licence hours are extended.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Restrict licence to existing hours

Signed:

Date: 25/5/2017

Please see notes below



**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)	ROGER CAWDRON
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 AND WINE
Address of the premises you wish to support or object to.	27 WENSUM STREET NORWICH NR3 1LA

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

Licensing Objective	<i>Please set out your support or objections below. Please use separate sheets if necessary</i>
To prevent crime and disorder	MAY ENCOURAGE PUBLIC DISORDER LATE AT NIGHT
Public safety	
To prevent public nuisance	MAY LEAD TO AN INCREASE IN PUBLIC NUISANCE LATE AT NIGHT
To protect children from harm	



Please suggest any conditions which would alleviate your concerns.	CURTAIN OPENING HOURS ON SUNDAY TO 10.30PM. THE ADDITIONAL HOURS ON THURSDAY TO SATURDAY WOULD MAKE LITTLE OR NO DIFFERENCE TO NOISE LEVELS IN THE STREET PROVIDING CURRENT POLICING LEVELS ARE MAINTAINED.
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Signed: ROGER EDWARD CAWDRON

Date: 22 MAY 2017

Please see notes below

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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’, i.e. 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.

National Guidance

(issued under section 182 of the Licensing Act 2003)

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be 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.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

Public nuisance

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

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

persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Determining actions that are appropriate for the promotion of the licensing objectives

9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or

other persons, and representations made by the applicant or premises user as the case may be.

9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Conditions attached to premises licence

General

10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

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

10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps

recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

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

Hours of trading

10.13 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.

10.14 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.

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.