

|                  |  |             |
|------------------|--|-------------|
| <b>Report to</b> | Licensing sub committee<br>4 April 2014  | <b>Item</b> |
| <b>Report of</b> | Head of citywide services<br>Licensing Act 2003:   | <b>3</b>    |
| <b>Subject</b>   | Application for variation of a premises licence –<br>St Andrews Tavern 4 St Andrews Street Norwich NR2 4AF |             |

---

## **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 St Andrews Tavern 4 St Andrews Street Norwich NR2 4AF following the receipt of relevant representations.

## **Recommendation**

That members determine the application for the variation of a premises licence in respect of the St Andrews Tavern 4 St Andrews Street Norwich NR2 4AF in accordance with the:

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

## **Corporate and service priorities**

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

## **Financial implications**

None.

**Ward/s:** All wards

**Cabinet member:** Councillor Stonard – Environment, development and transport

## **Contact officers**

Ian Streeter, licensing manager

01603 212439

## **Background documents**

None

## Report

### Background

1. The applicant is Adnams Plc East Green Southwold Suffolk IP18 6JW.
2. The tables below show the licensable activities which the applicant is seeking to vary and the timings permitted under the existing premises licence and the proposed amendments to the hours contained in the variation application:

| <b>Sale by retail of alcohol (for consumption on and off the premise)</b> | <b>Hours permitted under existing premises licence</b> | <b>Hours proposed in variation application</b> |
|---|--|--|
| Monday  | 11:00 – 00:00  | 11:00 – 00:00                                  |
| Tuesday   | 11:00 – 00:00  | 11:00 – 00:00                                  |
| Wednesday   | 11:00 – 00:00  | 11:00 – 00:00                                  |
| Thursday  | 11:00 – 00:00  | 11:00 – 00:00                                  |
| Friday  | 11:00 – 00:00  | 11:00 – 01:00                                  |
| Saturday  | 11:00 – 00:00  | 11:00 – 01:00                                  |
| Sunday  | 11:00 – 00:00  | 11:00 – 00:00                                  |

| <b>Late night refreshment – (activity takes place indoors)</b> | <b>Hours permitted under existing premises licence</b> | <b>Hours proposed in variation application</b> |
|--|--|--|
| Monday   | 23:00 – 00:30  | 23:00 – 00:30                                  |
| Tuesday  | 23:00 – 00:30  | 23:00 – 00:30                                  |
| Wednesday  | 23:00 – 00:30  | 23:00 – 00:30                                  |
| Thursday   | 23:00 – 00:30  | 23:00 – 00:30                                  |
| Friday   | 23:00 – 00:30  | 23:00 – 01:00                                  |
| Saturday   | 23:00 – 00:30  | 23:00 – 01:00                                  |
| Sunday   | 23:00 – 00:30  | 23:00 – 00:30                                  |

| <b>Provision of recorded music – (activity takes place indoors)</b> | <b>Hours permitted under existing premises licence</b> | <b>Hours proposed in variation application</b> |
|---|--|--|
| Monday  | 11:00 – 00:00  | 11:00 – 00:00                                  |
| Tuesday   | 11:00 – 00:00  | 11:00 – 00:00                                  |
| Wednesday   | 11:00 – 00:00  | 11:00 – 00:00                                  |
| Thursday  | 11:00 – 00:00  | 11:00 – 00:00                                  |
| Friday  | 11:00 – 00:00  | 11:00 – 01:00                                  |
| Saturday  | 11:00 – 00:00  | 11:00 – 01:00                                  |
| Sunday  | 11:00 – 00:00  | 11:00 – 00:00                                  |

3. The opening hours of the premises are:

| <b>Hours premises are open to the public</b> | <b>Hours permitted under existing premises licence</b> | <b>Hours proposed in variation application</b> |
|--|--|--|
| Monday                                       | 11:00 – 00:30  | 11:00 – 00:30                                  |
| Tuesday                                      | 11:00 – 00:30  | 11:00 – 00:30                                  |
| Wednesday                                    | 11:00 – 00:30  | 11:00 – 00:30                                  |
| Thursday                                     | 11:00 – 00:30  | 11:00 – 00:30                                  |
| Friday                                       | 11:00 – 00:30  | 11:00 – 01:30                                  |
| Saturday                                     | 11:00 – 00:30  | 11:00 – 01:30                                  |
| Sunday                                       | 11:00 – 00:30  | 11:00 – 00:30                                  |

4. A copy of the current premises licence is attached to the report at appendix A.

### **Variation application**

5. The application is seeking to:

- a) extend the terminal hour for the sale of alcohol; late night refreshment; and the provision of recorded music until 01:00 hours on Saturday and Sunday mornings,

- b) extend the opening hours of the premises until 01:30 hours on Saturday and Sunday mornings; and
  - c) to change the name of the premises from St Andrews Tavern to the Rumsey Wells.
6. Attached at appendix B to the report are the additional steps proposed by the licence holder to promote the licensing objectives as a result of the proposed variation.
7. The applicant has also agreed with Environmental Protection the following condition:
- With the exception of escape in the case of an emergency, outside areas at the rear of the premises will be closed to members of the public between midnight and 08:00 hours on any day.

### **Relevant representations**

8. The responses from the responsible authorities are as follows:

Police – no relevant representations received.

Environmental Protection – no relevant representations received.

Fire Officer – no relevant representations received.

Planning Officer – no relevant representations received.

Area Child Protection Committee – no relevant representations received.

Trading Standards – no relevant representations received.

Primary Care Trust – no relevant representations received.

9. Relevant representations have been received in respect of the application with concerns which primarily appear to relate to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Copies of the representations are attached as appendix C to the report.
10. A site map of the area identifying the application premises in relation to the relevant representation party address will be available at the meeting.

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

11. Attached at appendix D are the elements of the 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)**

12. 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**

13. In determining the application with a view to promoting the licensing objectives the sub-committee must give appropriate weight to:

- a) 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);
- b) the representations (including supporting information) presented by all the parties;
- c) the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and
- d) the council's own statement of licensing policy.

14. The sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

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

15. 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.

16. The representations received appear primarily to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The sub-committee is directed to paragraphs 20 and 24 of the local licensing policy at appendix 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.

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



**NORWICH**  
City Council

## Schedule 12

Regulation 33,34

### Premises Licence

Premises Licence Number

06/00435/PREM

#### Part 1 – Premises Details

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

St Andrews Tavern  
4 St Andrews Street  
Norwich  
NR2 4AF

**Telephone number** 01603 614858

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

Not applicable

**Licensable activities authorised by the licence.**

Other Entertainment falling within Act  
Late Night Refreshment  
Live Music  
Plays  
Provision of Dance Facilities  
Sale by Retail of Alcohol  
Recorded Music  
Private Entertainment as defined under section 2 of the Private Places of Entertainment (Licensing) Act 1967

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

|  |           |               |
|--|-----------|---------------|
| Other Entertainment falling within Act | Every Day | 19:00 - 00:00 |
| Late Night Refreshment                 | Every Day | 23:00 - 00:30 |
| Live Music                             | Every Day | 19:00 - 00:00 |
| Plays                                  | Every Day | 19:00 - 00:00 |
| Provision of Dance Facilities          | Every Day | 19:00 - 00:00 |
| Sale by Retail of Alcohol              | Every Day | 11:00 - 00:00 |
| Recorded Music                         | Every Day | 11:00 - 00:00 |

**Non Standard/Seasonal Timings**

For Late Night Refreshment and Sale by Retail of Alcohol only – on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

**The opening hours of the premises**

|           |               |
|-----------|---------------|
| Monday    | 11:00 - 00:30 |
| Tuesday   | 11:00 - 00:30 |
| Wednesday | 11:00 - 00:30 |
| Thursday  | 11:00 - 00:30 |
| Friday    | 11:00 - 00:30 |
| Saturday  | 11:00 - 00:30 |
| Sunday    | 11:00 - 00:30 |

**Non Standard/Seasonal Timings**

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

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

Alcohol is supplied for consumption both on and off the Premise

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

## Part 2

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

Adnams Plc  
East Green  
Southwold  
Suffolk  
IP18 6JW

Telephone Number

01502 727250

**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**

Danny Lee Searle  
St Andrew's Tavern  
4 St Andrew's Street  
Norwich  
NR2 4AF

**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: 807

Licensing Authority: South Norfolk District Council



## **Annex 1 – Mandatory conditions**

- 1 No supply of alcohol may be made under a premises licence -
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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

### **1 General - all four licensing objectives**

- 2 The premises will actively participate in the Portman Group Proof of Age scheme
- 3 The premises will not be altered in a way rendering it impossible to comply with existing licence conditions without seeking a variation of the premises licence.

### **4 The Prevention of Crime and Disorder**

- 5 Consumption of alcohol will be restricted to area detailed on plan.
- 6 Proof of Age will be requested from persons suspected of being under 18 years of age.
- 7 There will be no price reduction promotions that are likely to cause nuisance or disturbance.
- 8 There will be a zero tolerance policy towards the use of drugs
- 9 Public information notices about crime and disorder issues will be displayed at the request of the Council or Norfolk Constabulary.

### **10 Public Safety**

- 11 External lighting will be provided during darkness when any licensable activity takes place.
- 12 1\_ Escape route doors will be free from obstruction and unlocked when the premises are open to the public
- 2\_ The Fire Brigade will be called immediately to any outbreak of fire
- 3\_ Fire escape signs will be adequately illuminated
- 13 A full first aid kit will be on the premises at all times
- 14 No alterations will be made to the emergency lighting without prior notification to the Licensing Authority.

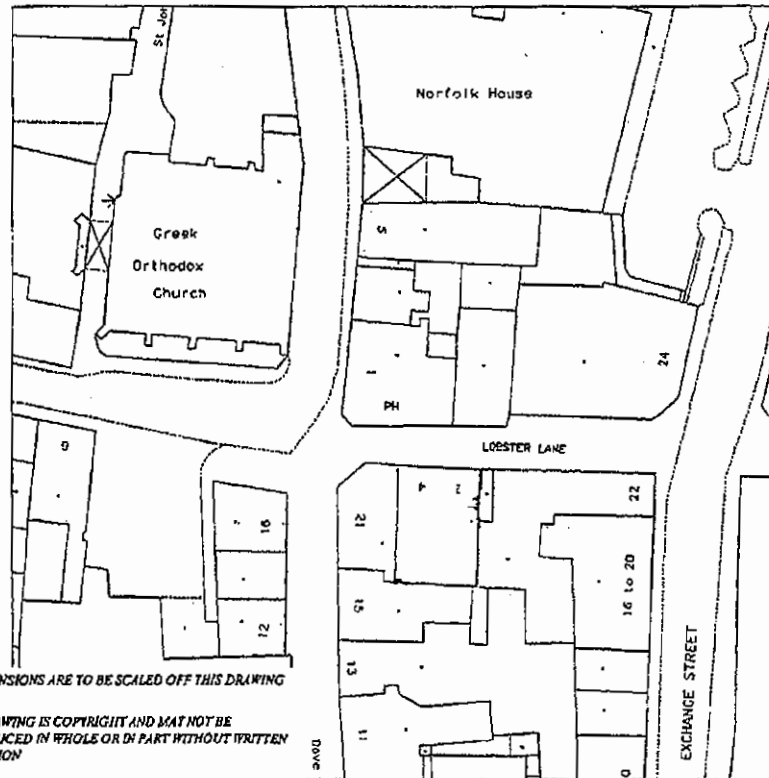
### **15 The Prevention of Public Nuisance**

- 16 1\_ The premises will be responsible for the disposal of litter from the frontage of the property
- 2\_ Adequate and suitable(lidded) receptacles will be provided to receive and store refuse from the premises. These will be emptied on a regular basis
- 17 1\_ The music will be discernibly quieter during the final hour of opening
- 2\_ There will be displayed clear, prominent and legible notices at all exits requesting patrons respect local residents and leave the premises and area quietly.
- 18 Any request by an authorised officer of the Council in relation to reducing noise levels will be complied with.

### **19 The Protection of Children From Harm**

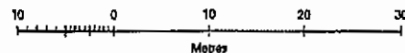
- 20 1\_ Children under 16 years of age must be accompanied by an adult
- 2\_ No children will be allowed on the premises after 21.00
- 21 The Licensee will participate in the Portman Scheme

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



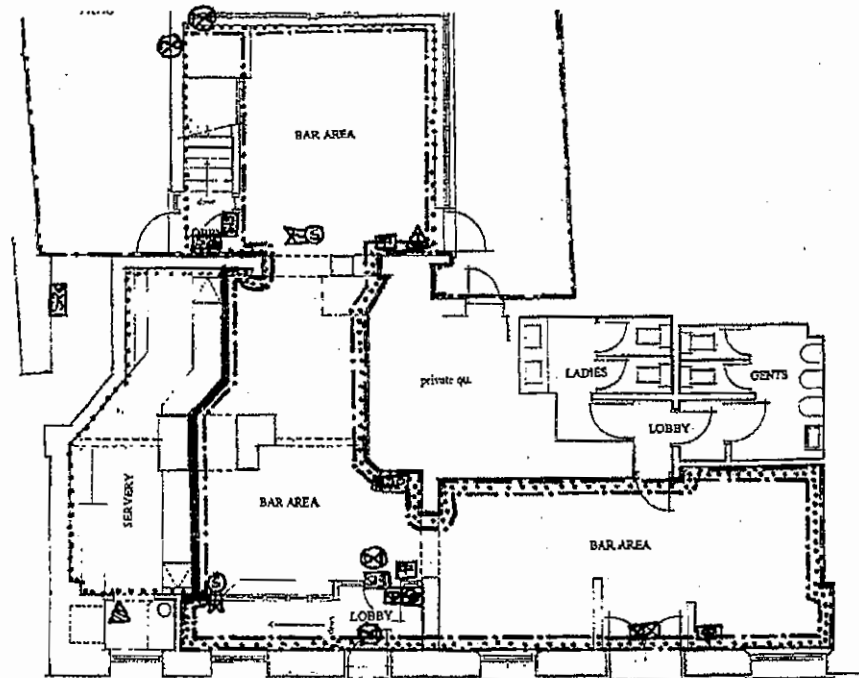
THIS DRAWING IS COPYRIGHT AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION

|  |                |
|--|----------------|
| <b>JOB</b>                               |                |
| SURVEY AT "THE ST ANDREWS TAVERN"        |                |
| ST ANDREWS HILL NORWICH NR2 4AF          |                |
| ADNAHS PLC                               |                |
| <b>PROJECT NO.</b>                       | <b>DRG NO.</b> |
|  | 1              |
| <b>TITLE</b>                             |                |
| BASEMENT & GROUND FLOOR PLAN AS EXISTING |                |
| <b>SCALES</b>                            | <b>DATE</b>    |
| 1:100                                    | Jan 2005       |



Centre Coordinates: 622954 308652  
 National Grid sheet reference at centre of this Siteplan: TG2208NG  
 Supplied by: Blackwell's Map Centre  
 Serial Number: 01/24500

St Andrews Tavern  
 Norwich

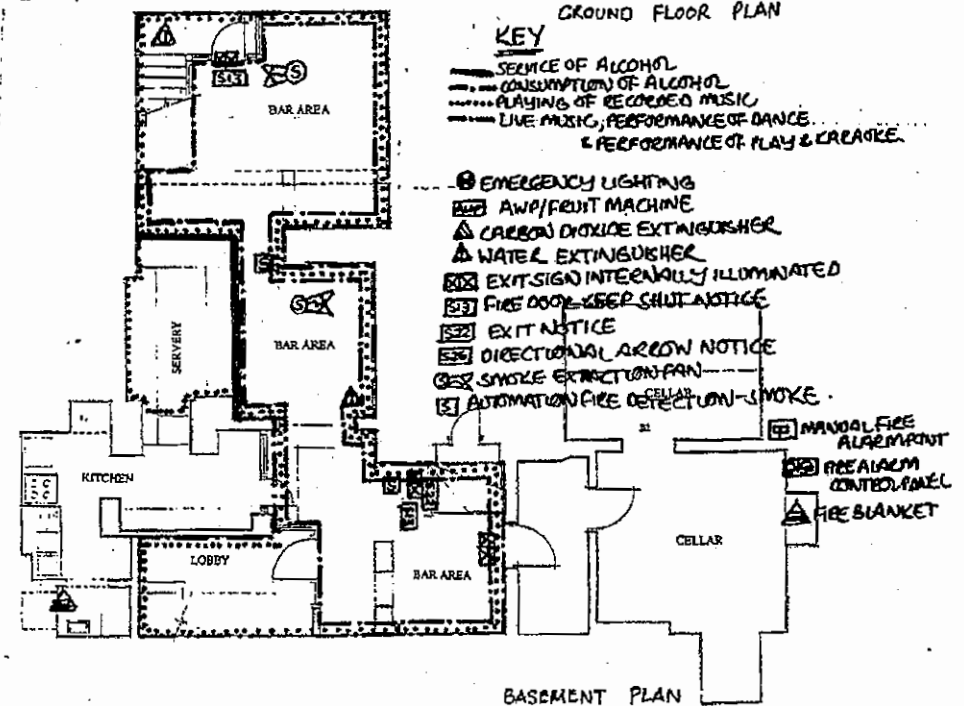


GROUND FLOOR PLAN

**KEY**

- SERVICE OF ALCOHOL
- CONSUMPTION OF ALCOHOL
- ... PLAYING OF RECORDED MUSIC
- ... LIVE MUSIC, PERFORMANCE OF DANCE & PERFORMANCE OF PLAY & CIRCUS

- ⊙ EMERGENCY LIGHTING
- ⊞ AWP/FRUIT MACHINE
- △ CARBON DIOXIDE EXTINGUISHER
- △ WATER EXTINGUISHER
- ⊞ EXIT SIGN INTERNALLY ILLUMINATED
- ⊞ FIRE DOOR KEEP SHUT NOTICE
- ⊞ EXIT NOTICE
- ⊞ DIRECTIONAL ARROW NOTICE
- ⊞ SMOKE EXTRACTION FAN
- ⊞ AUTOMATIC FIRE DETECTION - SMOKE
- ⊞ MANUAL FIRE ALARM POINT
- ⊞ FIRE ALARM CONTROL PANEL
- ⊞ FIRE BLANKET



BASEMENT PLAN

# APPENDIX B

## Section 16 of 17

### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

Participation in Challenge 25

Ensure that a valid Public Liability Insurance is in force

No alterations will be made to the premises rendering it impossible to comply with any existing licensing condition

© Queen's Printer and Controller of HMSO 2009

### Continued from previous page...

without seeking a variation of premises license

b) The prevention of crime and disorder

Consumption of alcohol will be restricted to area detailed on plan

Proof of Age will be requested from persons suspected of being under 18 years of age

There will be no price reduction promotions that are likely to cause nuisance or disturbance

There will be a zero tolerance policy towards the use of drugs

Public information notices about crime and disorder issues will be displayed at the request of the Council or Norfolk Constabulary

c) Public safety

External lighting will be provided during darkness when any licensable activity takes place

Escape route doors will be free from obstruction and unlocked when the premises are open to the public

The Fire Brigade will be called immediately to any outbreak of fire

Fire escape signs will be adequately illuminated

A full first aid kit will be on the premises at all times

No alterations will be made to the emergency lighting without prior notification to the Licensing Authority

d) The prevention of public nuisance

We will be responsible for the disposal of litter on frontage of the premises

We will provide adequate and suitable lidded receptacles to receive and store refuse from the premises. These will be emptied on a regular basis

We will ensure that music is discernably quieter during the final hour of opening (final two hours on Friday/Saturday)

We will display prominent, clear and legible notices at all exits requesting patrons respect local residents and that they leave the premises and area quietly

e) The protection of children from harm

Participation in Challenge 25

Children under 16 years of age must be accompanied by an adult

No children will be allowed on the premises after 21:00 hours

# APPENDIX C

Mrs M Parsons  
3 Rumsey Wells Place  
St Andrews Street  
NORWICH  
NR2 4AT



19-2-14

Subject

Extended opening hours at  
Rumsey Wells Public House.

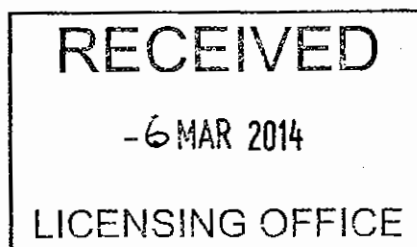
The noise among other things  
has long been an annoyance  
to the residents at Rumsey  
Wells Place. and to think  
that this might go on over  
an extended time is of great  
concern.

The fact is that the shouting  
and screaming continues long  
after closing time and to  
contend with this for another  
hour is not a pleasant  
prospect.

There are times too when  
the area in front of our gates  
has been used as a urinal  
and to leave rubbish R.T.O.

I hope that the Council  
will seriously consider  
the problems that are  
imposed on the residents  
here at Rumsey Wells Place  
Sincerely.

(MRS MARIE PARSONS)



Norwich City Council Licensing Authority  
Licensing Act 2003

CORPORATE RESOURCES  
- 3 MAR 2014  
POST ROOM

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

|   |  |
|---|--|
| Your name/organisation name/name of body you represent (see note 1) | Mrs S Fleming                                    |
| Postal address  | 4 Rumsey Wells Place<br>St Andrews Cw<br>Norwich |
| Email address   |  |
| Contact telephone number  |  |
| Name of the premises you wish to support or object to               | Rumsey Wells St Andrews Tavern                   |
| Address of the premises you wish to support or object to.           | St Andrews Cw Norwich                            |

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

| Licensing Objective           | Please set out your support or objections below.<br>Please use separate sheets if necessary  |
|-------------------------------|--|
| To prevent crime and disorder | <div style="border: 2px solid black; padding: 10px; text-align: center;"> <p><b>RECEIVED</b></p> <p>- 3 MAR 2014</p> <p><b>LICENSING OFFICE</b></p> </div> |
| Public safety                 |  |
| To prevent public nuisance    | There are some customers who leave glasses & bottles around the flats. Open broken glass in gateway to car park. Vomit & Urine is not very pleasant        |
| To protect children from harm | Children do use the garden & I suppose the pub too. There are no proper facilities for children.   |

|  |                           |
|--|---------------------------|
| Please suggest any conditions which would alleviate your concerns. | Close the garden 10 30 pm |
|--|---------------------------|

Signed:

Date: 26 2 2014

Please see notes on reverse

Please note we had to put gate across the passage way to stop urinating & smoking drug use & sexual activity after some customers left the pub premises.



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

Organisational Development

**- 4 MAR 2014**

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) | CAROL & ERIC NICOLLE,  |
| Postal address  | 9, RUMSEY WELLS PLACE,<br>ST. ANDREWS STREET,<br>NORWICH. NR2 4AT. |
| Email address   |  |
| Contact telephone number  | 01603 762989   |

|   |  |
|---|--|
| Name of the premises you wish to support or object to     | RUMSEY WELLS,                              |
| Address of the premises you wish to support or object to. | 4 ST. ANDREWS STREET,<br>NORWICH. NR2 4AF. |

**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.<br>Please use separate sheets if necessary   |
|-------------------------------|---|
| To prevent crime and disorder | <p align="center"> <b>RECEIVED</b><br/> - 4 MAR 2014<br/> <b>LICENSING OFFICE</b> </p> <p align="center"> ATTACHED<br/> SHEET. </p> |
| Public safety                 |   |
| To prevent public nuisance    |   |
| To protect children from harm |   |

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

Signed:

Date: 3.3.2014.

Please see notes on reverse

FROM: MR. ERIC NICOLLE  
Mrs. Carol Nicolle,  
9, Rumsey Wells Place,  
St. Andrews Street,  
NORWICH,  
Norfolk. NR2 4AT.

### 1. CRIME AND DISORDER:

This application is a very serious threat to what is now a Residential Area along with that around St. Andrew's Hall. Rumsey Wells Place was built and dedicated to elderly people whilst the above Establishment was a quiet Pub. with no Beer Garden. This Historic and Culturally-rich area is by now over-endowed with licenced premises of all descriptions and the proposed development would only add to the already considerable fall-out from them, i.e. rowdy and loutish behaviour, obscene and offensive language, violence (fights,) vandalism and break-ins. Our parking area has been accessed on several occasions and property stored there damaged. This occurs as a result of RWT's side gate being forced open by staff gaining entrance, left open and from then on, via 'RWT's' 'Garden.' Also this aspect leaves the residents here very vulnerable, as by these means the secure entrance system is by-passed.

### 2. PUBLIC SAFETY.

There are at least four valuable cultural venues in this area, i.e. The Maddermarket Theatre, The Playhouse, St. Andrew's Hall and Cinema City. Patrons accessing and leaving these places are already having to negotiate some or all of the above conditions as well as those detailed below. To add to them would inevitably prove a disincentive to people who are also bringing in 'good' money and thus contributing to our City. Surely Prince of Wales Road, Riverside and increasingly the Tombland area provide sufficient venues for people who enjoy this type of thing without turning the whole of this lovely, historic but relatively small City into Vomit Alley!

### 3. PUBLIC NUISANCE:

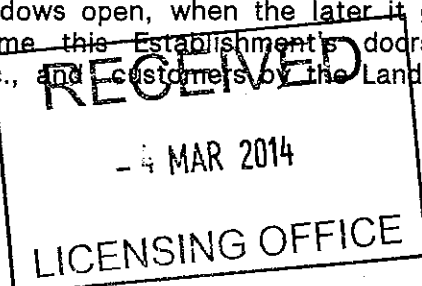
If more and more licences are granted the neighbourhood round here is in very real danger of becoming a 'no-go' area if it has not already become one. The granting of an 'Off Licence' too will seriously exacerbate the problems caused by broken glass, particularly in the entrance to our parking area. This is in addition to unpleasant litter of all descriptions, vomit, urine, faeces, etc., which remain in situ and consequently accumulate causing increasing problems as temperatures increase.

### 3. PROTECTION OF CHILDREN.

There is a Family-type (Premier Inn) Hotel in the vicinity. Visiting families from there are obliged to pass through the area around here on 'the morning after the night before' to get to the main attractions, cultural and otherwise, of this historic City. In addition, the fact that food is to be sold on these premises, means that children would be allowed into them at all hours.

### 5. ALLEVIATION:

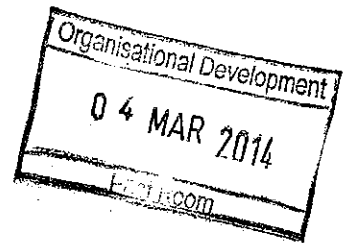
The only possible way to alleviate our concerns is to deny all these proposed variations in the above premises' licence. Everything points to this being the worst possible outcome for the people living in the surrounding area which at all times, is seriously under policed. Please also consider what it will be like in the warmer months when we are surely entitled to have our windows open, when the later it gets, we are bombarded with the sound of music every time this Establishment's doors are opened, plus loud alcohol-fuelled conversation etc., and customers by the Landlady's own admission become less and less open to reason.



3.3.2014.

Norwich City Council Licensing Authority  
Licensing Act 2003

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

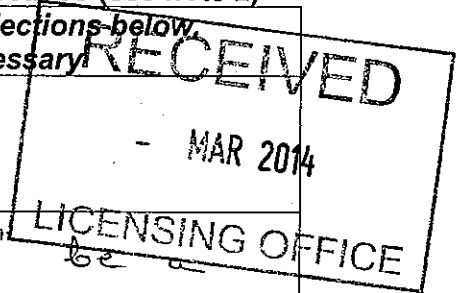


|   |  |
|---|--|
| Your name/organisation name/name of body you represent (see note 1) | S. TOMLIN                                |
| Postal address  | 7, RUNSEY WELLS PLACE<br>NORWICH NR2 4AT |
| Email address   | -  |
| Contact telephone number  | -  |

|   |                            |
|---|----------------------------|
| Name of the premises you wish to support or object to     | RUNSEY WELLS PUB.          |
| Address of the premises you wish to support or object to. | ST. ANDREWS ST<br>NORWICH. |

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

| Licensing Objective           | Please set out your support or objections below.<br>Please use separate sheets if necessary  |
|-------------------------------|--|
| To prevent crime and disorder |  |
| Public safety                 | Would 'functions' be a fire risk?  |
| To prevent public nuisance    | opening hours - to close 1 30 or 1 am unfortunately does not mean noise, music & whatever finishing, it often goes on for another 1/2 hr |
| To protect children from harm | so closing at 12 - 12 30 would then mean by 1 am 1 30 am all would be quiet - maybe !.   |

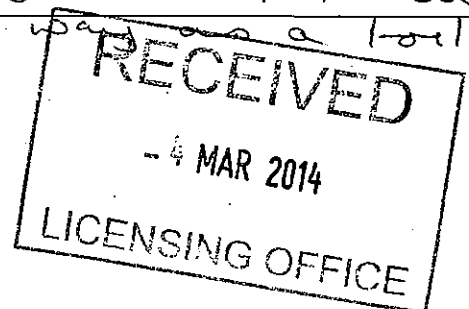


|  |   |
|--|---|
| Please suggest any conditions which would alleviate your concerns. | In the summer to try & keep crowds off the street late at night & not to use our drive way as a toilet. |
|--|---|

Signed.

Date: 3/3/14

Please see notes on reverse



Norwich City Council Licensing Authority  
Licensing Act 2003



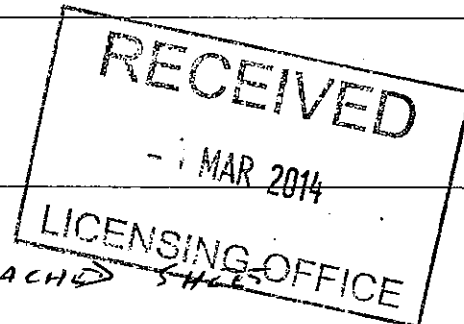
Statement of support or objection to  
an application for a premises licence

|   |   |
|---|---|
| Your name/organisation name/name of body you represent (see note 1) | TERENCE JAMES SMITH<br>MRS ROSEMARY ELEANOR SMITH         |
| Postal address  | 12 RUMSEY WELLS PLACE<br>ST ANDREWS ST<br>NORWICH NR2 4AT |
| Email address   |   |
| Contact telephone number  |   |

|   |                                    |
|---|------------------------------------|
| Name of the premises you wish to support or object to     | RUMSEY WELLS                       |
| Address of the premises you wish to support or object to. | 4 ST ANDREWS ST<br>NORWICH NR2 4AT |

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.<br>Please use separate sheets if necessary |
|-------------------------------|---|
| To prevent crime and disorder | SEE ATTACHED SHEET  |
| Public safety                 | —   |
| To prevent public nuisance    | SEE ATTACHED SHEET  |
| To protect children from harm | —   |



|  |  |
|--|--|
| Please suggest any conditions which would alleviate your concerns. | REGULAR POLICE PATROLS<br>AND CCTV CAMERAS |
|--|--|

Signed: \_\_\_\_\_

Date: 2<sup>ND</sup> MARCH 2014

Please see notes on reverse

My wife and I only moved into our apartment on the 15<sup>th</sup> January and have limited knowledge of the, at times, existing problems with noise pollution except from statements made by neighbours within Rumsey Wells Place. What we can say, however, is that on a number of Friday and Saturday nights we have been disturbed from sleep by the noise of people shouting and anti-social behaviour in the early hours until 2.30am. Obviously we cannot confirm that these people are patrons of the Rumsey Wells, but by extending the licencing hours on Friday and Saturday surely it will also attract those from other licenced premises, that do not have extended hours, to continue there drinking there with the possibility of anti-social behaviour in the early hours.

I am fully aware of the problems of crime and anti-social behaviour in the Prince of Wales / Riverfront areas of the City as I was one of the Trustees from inception of the Norfolk Street Pastors for a period of two years. As Trustees we received regular feedback relating to the problems on the streets and I am sure you are aware that the Pastors have a good working relationship with the Police.

For obvious reasons my wife and I would not like to see an extension of those problems to our part of the City by your agreeing to a variation in the Rumsey Wells licence.

In closing, it seems to us that if the application to vary the licence is successful then it gives the impression that "**Wealth**" (profitability) is more important than "**Health**" (the lives of elderly residents being of little consequence especially when some are not in the best of health). If the application does succeed then surely regular Police patrols would be a necessity to avoid loitering and anti-social behaviour with the possibility CCTV cameras at strategic points.

Signed

T J Smith

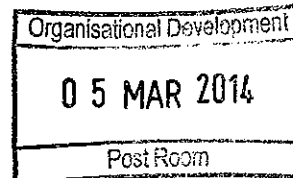
Signed

R E Smith



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) |  |
| Postal address  |  |
| Email address   |  |
| Contact telephone number  |  |

|   |  |
|---|--|
| Name of the premises you wish to support or object to     |  |
| Address of the premises you wish to support or object to. |  |

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

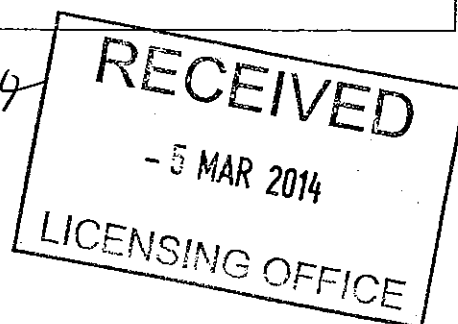
| Licensing Objective           | Please set out your <del>support</del> or objections below.<br>Please use separate sheets if necessary |
|-------------------------------|--|
| To prevent crime and disorder | More drinking more crime   |
| Public safety                 | After staying out of the pub they wander over the road making noise. Being sick + urinating.           |
| To prevent public nuisance    | As Above.  |
| To protect children from harm | /  |

|  |                          |
|--|--------------------------|
| Please suggest any conditions which would alleviate your concerns. | Shorter licensing times. |
|--|--------------------------|

Signed: .

Date: 28 Feb 2014

Please see notes on reverse





# NORWICH City Council

Please note.

Before I started this the garden did not close  
**CONFIDENTIAL INCIDENT REPORT** before 12<sup>th</sup> midnight.

| 2014. DATE  | TIME                             | DESCRIPTION OF INCIDENT   |
|-------------|----------------------------------|---|
| Fri 21 Feb. | 7.30 till 11.30 PM<br>till 11.55 | Laughing, Shouting, Loud talking  |
| Sat 22. "   | ends 11.55                       | Noise as above.   |
| Sun 23      | —                                | Fairly quiet.   |
| Mon. 24     | 10.40-11.15                      | V. noisy  |
| Tues 25     | — 11.30                          | "   |
| Wed 26      | 4.45-10.40                       | "   |
| Thurs. 27   | — 11.35                          | Very noisy  |
| Fri 28.     | 10.30-11.40                      | Very<br>Noisier after 10.45 onwards.<br>I have never known the pub to be as it was this week. |



This pub is next door to an elderly Peoples home. Most

Your name Mrs Mather. People are over 80yrs old.  
Your address 5 Runsey Wells Place, St. Andrew St.  
Contact number

SEND YOUR COMPLETED FORM TO: LICENSING OFFICE  
NORWICH CITY COUNCIL, ST PETERS STREET, NORWICH NR2 1NH

Norwich City Council Licensing Authority  
Licensing Act 2003

CORPORATE RESOURCES  
- 6 MAR 2014  
POST ROOM

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

|   |   |
|---|---|
| Your name/organisation name/name of body you represent (see note 1) | MRS R M SEWELL  |
| Postal address  | 11 RUMSEY WELLS PLACE<br>3 ANDREWS ST NORWICH NR2-4BT |
| Email address   |   |
| Contact telephone number  |   |

|   |                  |
|---|------------------|
| Name of the premises you wish to support or object to     | RUMSEY WELLS PUB |
| Address of the premises you wish to support or object to. | 4 RUMSEY WELLS   |

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.<br>Please use separate sheets if necessary |
|-------------------------------|---|
| To prevent crime and disorder | we have an stored damaged <del>the</del> and can not have any thing in it                   |
| Public safety                 | There will be more vomit urine faeces then we get now                                       |
| To prevent public nuisance    | children will be out all hours with rowdy behaviour   |
| To protect children from harm | it is not my job to protect other peoples children  |

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

Signed: ,

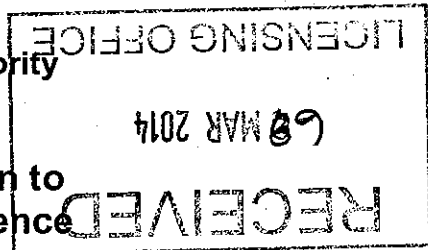
Date: 6/3/2014

Please see notes on reverse

RECEIVED  
- 6 MAR 2014  
LICENSING OFFICE



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) | JUANITA COTES   |
| Postal address  | 8 RUMSEY WELLS PLACE<br>ST. ANDREWS STREET, NORWICH NR2 4AT |
| Email address   |   |
| Contact telephone number  | 4   |

|   |  |
|---|--|
| Name of the premises you wish to support or object to     | ST. ANDREWS TAVERN<br>AKA "RUMSEY WELLS" |
| Address of the premises you wish to support or object to. | 4 ST ANDREWS STREET.                     |

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

| Licensing Objective           | Please set out your support or objections below.<br>Please use separate sheets if necessary  |
|-------------------------------|--|
| To prevent crime and disorder | Other Beer gardens close at 10:30 pm so the Rumsey Wells bars increase as they close 12:00 (Beer Garden)<br>Very disorderly at times plus intruders have entered our premises by the RWP's side door being open.                                   |
| Public safety                 | RWP advertising functions in the "Underbelly" which is accessed by wooden stairs - any other exit?   |
| To prevent public nuisance    | The noise is unbearable after 10.30 at weekends especially in light nights. Elderly residents living nearest to RWP cannot get to sleep & when loud music is played - that reverberates against the Exchange St. properties disturbing all of us - |
| To protect children from harm | The noise, smoke etc. obviously harmful to children - & they become very tired in the garden up to 12:00.  |

|  |   |
|--|---|
| Please suggest any conditions which would alleviate your concerns. | Close the beer garden at 10:30 every night. Properly sound-proof all the pub - music even escapes through their ventilation shafts. Why hasn't the Council checked the noise? |
|--|---|

Signed:

Date: 5th March 2014.

Please see notes on reverse

## Summary of application for variation of Premises Licence

Rumsey Wells,  
4 St Andrews Street Norwich NR2 4AF

### Premises Opening Hours

Monday to Thursday and Sunday – no change to opening hours

Friday 11:00 – 01:30

Saturday 11:00 – 01:30

### Activities and Operational Times

Recorded Music (indoors only)

Monday to Thursday and Sunday – no change to operational times

Friday 11:00 – 01:00

Saturday 11:00 – 01:00

Late Night Refreshment (indoors only)

Monday to Thursday and Sunday – no change to operational times

Friday 23:00 – 01:00

Saturday 23:00 – 01:00

Sale by Retail of Alcohol (for consumption both On and Off the premises)

Monday to Thursday and Sunday – no change to operational times

Friday 11:00 – 01:00

Saturday 11:00 – 01:00

The nature of the proposed variation is to:

- 1) vary the permitted hours to allow the service of alcohol, late night refreshment and recorded music on Friday and Saturday to 01:00
- \* 2) change the name of the premises from St Andrews Tavern to Rumsey Wells

Any representation to the application must be made to the Licensing Office by 7 March 2014.

The St. Andrews Tavern was a quiet pub with no beer garden when we first moved in – no complaints from any of us.

Mr/Ms Seale took the name from our flats & have called it The Rumsey Wells ever since – on their premises & in press adverts – ? No 4 apartment is forever getting their post! No! We'd prefer it to remain as the St Andrews Tavern – if possible!

N.B. If Mr/Ms. Seale acquired p.p. for a beer garden under the name of the St. A. Tavern – how? when it didn't have a beer garden. ——— ??



NORWICH  
City Council

RECEIVED

-6 MAR 2014

LICENSING OFFICE

CONFIDENTIAL INCIDENT REPORT

| DATE | TIME | DESCRIPTION OF INCIDENT  |
|------|------|--|
|      |      | <p><i>Des Sims,</i></p> <p><i>As our Kitchen, bathroom, and ensuite windows are all just above the Beer Garden &amp; kitchen entrance of the Rumsey Well, pub - we are particularly affected by the noise levels up until midnight. We would hope this could be closed by 10.30pm.</i></p> <p><i>As far as the music licence is concerned, because of poor insulation and open windows &amp; fanlight, the idea of this being extended to a much later time still is most upsetting. We hope our objections (two-fold) could be duly taken into account please.</i></p> <p><i>Thank you</i></p> <p><i>5/3/14</i></p> |

Your name *Rev Dr Michael and Mrs Doreen DUNFORD*  
Your address *Flat 1, Rumsey Well, Place, St Andrew, Street*  
Contact number *NORWICH*

SEND YOUR COMPLETED FORM TO: LICENSING OFFICE  
NORWICH CITY COUNCIL, ST PETERS STREET, NORWICH NR2 1NH

RECEIVED

- 7 MAR 2014

Norwich City Council Licensing Authority  
Licensing Act 2003

Organisational Development

- 7 MAR 2014

Post Room

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

|   |   |
|---|---|
| Your name/organisation name/name of body you represent (see note 1) | Mrs Anne Sonfield<br>6 Rumsey Wells Place St Andrews St<br>Norwich, Norfolk - NR2 4AT |
| Postal address  |   |
| Email address   |   |
| Contact telephone number  |   |

|   |  |
|---|--|
| Name of the premises you wish to support or object to     | Rumsey Wells Pub.<br>4 St Andrews St Norwich NR2 4AT |
| Address of the premises you wish to support or object to. |  |

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

| Licensing Objective           | Please set out your support or objections below.<br>Please use separate sheets if necessary  |
|-------------------------------|--|
| To prevent crime and disorder | The longer opening hours will encourage people to drink too much which happens in the night clubs at Princes Rd with Police constantly attending   |
| Public safety                 | public safety will also be effected as more people will get intoxicated, causing fights etc  |
| To prevent public nuisance    | Even though the pub will close at 11pm if allowed people do not disperse very quickly usually causing a disturbance. 1-30am 24+ Sat                |
| To protect children from harm | children often accompany their parents to the pub and stay to closing time. This means they are overtired and cannot cope with schoolwork or other |

|  |   |
|--|---|
| Please suggest any conditions which would alleviate your concerns. | To keep the Pub hours as before and earlier if possible |
|--|---|

Signed.

Date: 6th March '14

Please see notes on reverse

# APPENDIX D

## Local policy considerations

### 1.0 Introduction

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

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

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

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

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

### 3.0 Applications for licences

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

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

### 4.0 Representations

4.1 "Responsible Authorities" (see appendix 7) will be asked to consider all applications and to make representations to the council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the

application is being considered. Representations can be made in opposition to, or in support of, an application.

- 4.2 The council will consider all representations from any 'interested party' (see appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation, will only be accepted by the council if it is 'relevant', 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 license, 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;

## 22. Objective – public safety

- 22.1 The safety of any person visiting or working in licensed premises must not be compromised. **Applicants are expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.**
- 22.2 Applicants must ensure that they carry out their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and liaise with the Norfolk Fire and Rescue Service where necessary. Further information is available from:

<http://www.norfolkfireservice.gov.uk/firesafetyinbusinesspremises.html>

- 22.3 Also when addressing the issue of public safety, an applicant must demonstrate that they have considered other public safety issues.

These include:

- the age, design and layout of the premises
- the nature of the licensable activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- customer profile (e.g. age, disability)
- the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc
- the safety of electrically powered equipment brought onto their premises
- having public liability insurance.

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

- suitable and sufficient risk assessments
- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- effective management of number of patrons within different parts of the premises
- determine sensible occupancy limits according to the nature of the premises and activities being carried out
- impose occupancy limits rigorously, employing registered doorstaff as necessary. In order to manage occupancy effectively, consider automated systems like electronic door counters
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (further advice can be obtained from the Norfolk
- Fire Service on 01603 810351 [www.norfolkfireservice.gov.uk](http://www.norfolkfireservice.gov.uk) The Event Safety Guide, Safety in Pubs published by the BBPA)
- provision of effective CCTV in and around premises
- provision of toughened or plastic drinking vessels
- implementation of crowd management measures
- the provision of suitable electrical cut outs for use with electrical appliances which are brought onto the premises (such as amplifiers, microphones etc). Such cut-outs should be of a residual current device with a rated tripping current of 30ma in 30 milliseconds (applicants should have regard to HSE Publication INDG 24 7 Electrical safety for entertainers)
- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

## 24.0 Objective - prevention of public nuisance

- 24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.
- 24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.
- 24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.
- 24.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.**
- 24.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
  - the hours of opening, particularly between 11pm and 7am
  - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises

- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport
- wind down period between the end of the licensable activities and closure of the premises
- last admission time
- preventing litter and refuse becoming an eyesore
- consideration of local residents that they are not upset by loud or persistent noise or by excessive light
- preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces
- avoid early morning or late night refuse collections
- avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning
- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

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

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

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

## 26. Objective – protection of children from harm

- 26.1 The council will consult with the appropriate area child protection committee for consideration of all applications for licences.
- 26.2 With a view to the promotion of the licensing objective relating to the protection of children from harm the council will work closely with the police and trading standards authority to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol products to children (for Minor Sales Major Consequences information please contact trading standards on 0844 800 8013 [trading.standards@norfolk.gov.uk](mailto:trading.standards@norfolk.gov.uk)).
- 26.3 Applicants should be aware that the protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.
- 26.4 There should be no presumption of giving children access nor any presumption of preventing their access to licensed premises. Where no licensing restriction is necessary, the admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 26.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving e.g. topless female bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. The council has given particular consideration to the types of entertainment referred to above, and has included within this policy their expectations of applicants in section A, paragraph 17.
- 26.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.**
- 26.7 While children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. **When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on harm to children have been considered.**

These include:

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

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

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

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

These examples can be adopted in any combination.

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

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

## **SECTION E - Hours of trading**

30.2 In determining its policy on the hours of trading, the council has given full consideration to those parts of the secretary of state's guidance to the act which relate to hours of trading.

"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."

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

# **APPENDIX E**

## **National Guidance**

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

### **CRIME AND DISORDER**

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

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

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

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

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

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



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

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

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

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

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

## **PUBLIC SAFETY**

2.17 As a part of their duties under the 2003 Act, licence holders have a responsibility to ensure the safety of those using their premises. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.18 A number of matters should be considered in relation to public safety. These may include:

- Fire safety (see paragraphs 2.20 – 2.23);
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.8 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);

- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11, 2.28 to 2.30, Chapter 10 and 10.41 and 10.42.
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.6 above, this may also assist with promoting the crime and disorder objective).

2.19 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.36 to 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## **FIRE SAFETY – SPECIAL PROVISIONS IN RESPECT OF LICENSED PREMISES**

2.20 The Regulatory Reform (Fire Safety) Order 2005 (the 2005 Order) came into force on 1 October 2006 and applies to practically all non-domestic premises. Under it, a ‘responsible person’ (usually the employer, owner or occupier) is required to carry out a fire risk assessment and put in place suitable and sufficient fire precautions to ensure that the risk to life in the event of a fire is minimised.

2.21 To help ‘responsible persons’ comply with the 2005 Order, the Department for Communities and Local Government (DCLG) makes available a range of technical guidance which explains the risk assessment process and offers detailed practical advice on the range of fire safety measures which will need to be considered to deliver compliance. This, along with information on the law, is available on the DCLG website at: [www.communities.gov.uk/firesafety](http://www.communities.gov.uk/firesafety).

2.22 The 2005 Order contains special provisions for consultation between the enforcing authority and the licensing authority in respect of licensed premises. These require the licensing authority to give the enforcing authority the opportunity to make representations before issuing a licence. Once a licence is issued, the enforcing authority is required to notify the licensing authority of any enforcement action that it takes in relation to premises which have been licensed. These provisions do not apply in the limited circumstances (i.e. designated sports stands) where the licensing authority and the enforcing authority are the same.

2.23 A licence issued by the licensing authority cannot impose any term, condition or restriction relating to fire safety. Fire safety needs to be considered by the responsible person as part of the risk assessment process required by the 2005 Order and enforced by local fire and rescue authorities. In the case of licensed premises, and irrespective of the number of employees on it, the responsible person is required by the 2005 Order to keep a record of the significant findings of their fire safety risk assessment.

## **PUBLIC NUISANCE**

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

disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

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

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

2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

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

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

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

## **PROTECTION OF CHILDREN FROM HARM**

2.41 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

2.42 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.43 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm.

2.44 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.45 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.46 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

## **PROPOSED CONDITIONS**

10.6 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

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

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

10.9 It is also not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention. Conditions should be appropriate for the promotion of the licensing objectives and easily enforceable.

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

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

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

## **IMPOSED CONDITIONS**

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

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

### **Proportionality**

10.14 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

10.15 Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.

## **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.