

Licensing & Regulatory Committee

Agenda

Date

Wednesday 23 September 2020

Members of the Licensing & Regulatory Committee

The meeting will comprise the Chairman and
2 other Members highlighted in bold below

Cllr A D Adams

Cllr S J Catchpole

Cllr R R Foulger

Cllr S C Gurney (Chairman)

Cllr D G Harrison

Cllr C Karimi-Ghovanlou

Cllr K S Kelly

Cllr D King

Cllr K G Leggett MBE

Cllr M L Murrell

Cllr N C Shaw

Cllr J L Thomas

Time

9.00am and 10.00am (see agenda for
details)

Place

To be hosted remotely at
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

Contact

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Broadland District Council
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@BDCEMservices

If any member wishes to clarify details
relating to any matter on the agenda they are
requested to contact the relevant Head of
Service.

Public Attendance

This meeting will be live streamed for public viewing via the following link:
<https://www.youtube.com/channel/UCZciRgwo84-iPyRImsTCIng>.

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Trevor Holden
Managing Director

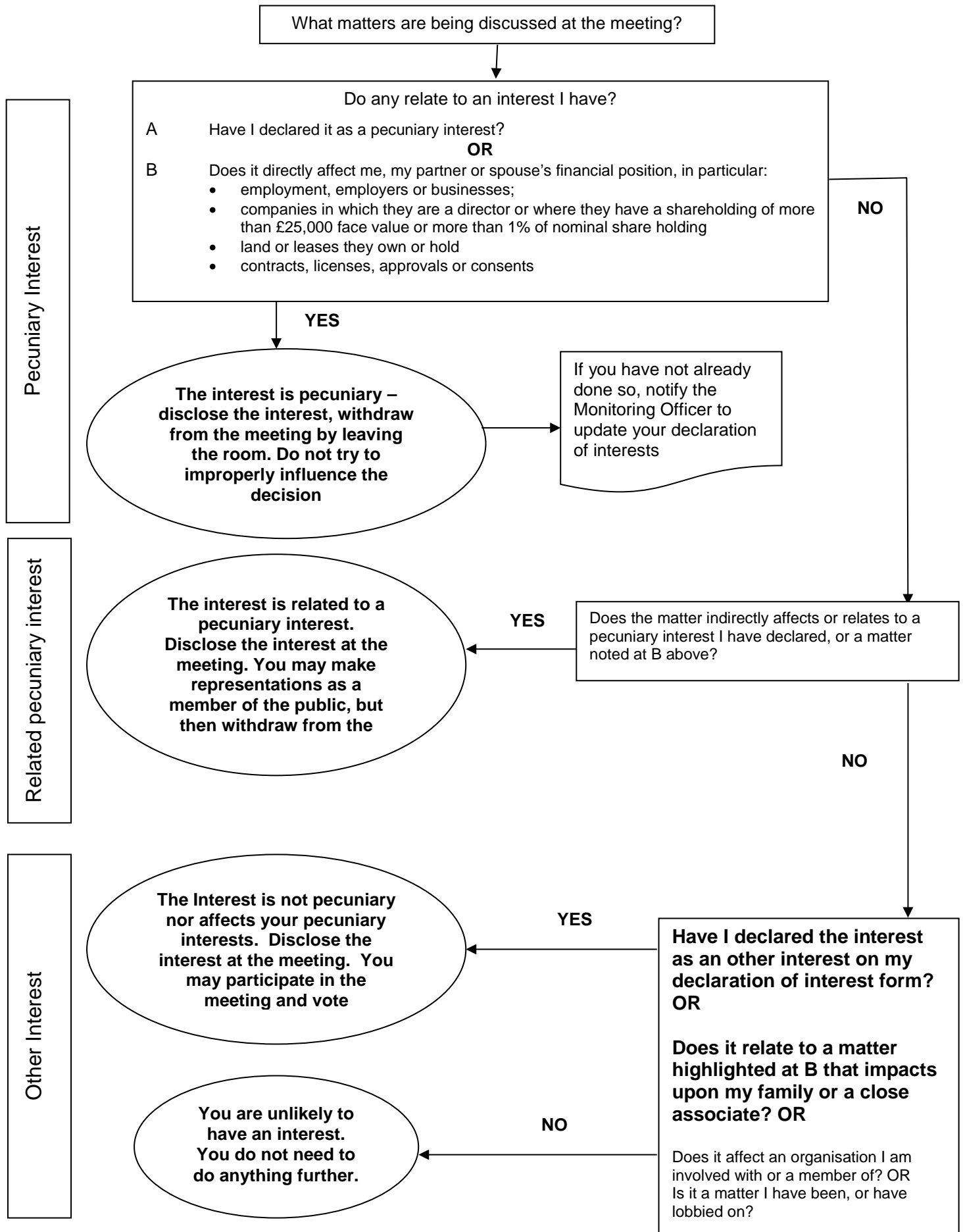
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

| |
|---|
| Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed. |
| <p>Does the interest directly:</p> <ol style="list-style-type: none">1. Affect yours, or your spouse / partner's financial position?2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?3. Relate to a contract you, or your spouse / partner have with the Council4. Affect land you or your spouse / partner own5. Affect a company that you or your partner own, or have a shareholding in <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p> |
| <p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p> |
| Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item. |
| Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting. |

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER
IN THE FIRST INSTANCE

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 18 March 2020** at **9.30am** when there were present:

Mrs S C Gurney (Chairman) and Mr D King

The applicant attended the meeting for consideration of their application.

Also in attendance were Ms S Moss (the Committee's legal advisor), the Senior Environmental Health Officer (Health and Safety and Licensing), the Licensing and Enforcement Officer and the Committee Officer (DM).

17 APOLOGIES FOR ABSENCE

An apology for absence was received from Mr K Leggett.

18 NON-EXEMPT MINUTES

The non-exempt minutes of the meeting held on 20 November 2019 were confirmed and signed as a correct record.

19 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PRIVATE HIRE VEHICLE LICENSING

Mr John Walker was in attendance for this item.

The Committee considered an application to licence an electrically powered Tesla Model X vehicle to be operated by Enterprise Private Hire Ltd, a licenced private hire operator.

The application had been referred to the Committee for determination as officers had reservations about the emergency door opening mechanism from the rear passenger seats of the vehicle. The vehicle was equipped with gull or falcon wing doors which were hinged from the roof and opened by pressing a button on the interior column between the front and rear sections of the vehicle. The doors were ordinarily powered by the main vehicle battery and in the event that the main battery failed, it is understood that a 12 volt back-up battery would provide sufficient power to open the falcon wing doors. In the event of both batteries failing, there was an internal emergency door release, operated by removing the speaker cover, pulling a release cable and subsequently pushing the door open manually.

Having regard to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, the Council needed to be satisfied that the vehicle was suitable in type, size and design, and safe, for use as a private hire vehicle; before issuing a licence. The Committee needed to consider whether the escape mechanism was appropriate where the vehicle was being used for commercial purposes.

The Senior Environmental Health Officer presented his report in full. He stated that Members might wish to have regard to how likely it would be that both batteries would fail and how easy it would be to escape from the vehicle in the event of an emergency.

Mr Walker, in presenting his case, commented that the case was as presented by the Officer and he invited the Committee to view the car.

Members then viewed the car and observed the following:

- the gull/falcon wings of the rear passenger doors and how these opened;
- the size and mechanics of the door opening which would have to be manually opened in the event of failure of both batteries;
- the location of the door release mechanisms – on the front screen of the car and a button on the interior column between the front and rear section of the car;
- the location (bottom of the inside of the door near to the passenger foot well) and design of the speaker cover which housed an emergency release cable – a small wire located within the internal speaker compartment;
- The external door handles were recessed into the leading edge of the rear passenger doors and did not operate in the event of both batteries failing or an interruption to their electrical supply.

In summing up, the Senior Environmental Health Officer invited Members to focus on the issue relating to the escape mechanism from the rear seated area of the car and to consider:

- the likelihood of potential failure of the automated opening mechanism in the event of battery failure or an accident
- would passengers know how to operate the manual release
- the lack of ability to open the door externally.

Mr Walker had no further comments to add.

Mr Walker, the Senior Environmental Health Officer (Health and Safety and Licensing) and the Licensing and Enforcement Officer then left the meeting whilst the Committee considered its decision.

Members had a number of concerns about the suitability of the vehicle for use as a licensed vehicle and if it was safe for this purpose. Their concerns included:

- the difficulty in ensuring that fare paying passengers who were unfamiliar with the car would know how to use and be able to use the emergency fallback option for exiting the car;
- the fact that the emergency mechanism was hidden behind a speaker cover, located low down on the passenger door – near the footwell, was not signed or obvious in its colour or location and was quite difficult to locate amongst other materials within the speaker housing, especially in an emergency;
- the door could not be opened from the outside;
- the door would be heavy to manually push up;
- these issues would be even more difficult for people with disabilities to manage;
- in an accident involving fire underneath the vehicle, both batteries could be compromised leaving the internal manual door mechanism as the only means of egress from the vehicle.

DECISION

Members considered all the information presented to them about the vehicle and carried out an inspection of the vehicle on the day of the meeting. They had regard to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, and section 4 of the Council's Private Hire Vehicle and Hackney Carriage Policy. They needed to be satisfied that the vehicle was suitable in type, size and design and was safe for use as a private hire vehicle, before issuing a licence. Taking all the information and evidence into account, in particular, the safety issues relating to the escape mechanism for inexperienced fee-paying passengers in an emergency situation when the vehicle was being used on a commercial basis, the Committee decided to not grant a licence as they were not satisfied that the vehicle was safe for use as a private hire vehicle.

RESOLVED

to not grant the licence.

Mr Walker, the Senior Environmental Health Officer (Health and Safety and Licensing) and the Licensing and Enforcement Officer were then re-admitted to the meeting and advised of the Committee's decision.

The applicant was advised of the right of appeal to the Magistrates Court against the decision within 21 days of receipt of the written decision.

20 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

21 EXEMPT MINUTES

The exempt Minutes of the meeting held on 20 November 2019 were confirmed and signed as a correct record.

The meeting closed at 11:15am

Licensing & Regulatory Committee

Minutes of a meeting of the **Licensing & Regulatory Committee** held via video link on **Wednesday 22 July 2020** at **9:30am** when there were present:

Cllr S Gurney – Chairman

Cllr C Karimi-Ghovanlou

Cllr K Kelly

In attendance were Mr D Lowens (the Committee's legal advisor), the Governance Manager, the Technical Officer – the Licensing & Enforcement Officers (SH and CN) and the Committee Officers (DM and LA).

Also present were:

- (1) David Tarry – for the applicant
- (2) Jeanette Southgate – for the applicant
- (3) Ali Pridmore – Environmental Health - objecting
- (4) Gemma Faircloth – for David Poole Gotto - Health and Safety - objecting
- (5) Angie O'Connor – for Broads Authority - objecting
- (6) Mark Smart – for the RSPB – objecting
- (7) Philip Pearson – for the RSPB – objecting

1 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

| Member | Minute No & Heading | Nature of Interest |
|--------------|--|--|
| Cllr K Kelly | 3 LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE – BERNEY ARMS CAFÉ AND OUTSIDE AREA REEDHAM NORFOLK NR301SB | Member of the Broads (2006) Internal Drainage Board – non pecuniary interest |

(Mark Smart also declared an interest as Member of the Broads (2006) Internal Drainage Board and site Manager RSPB)

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from David Poole-Gotto and Mr Spanton (objector).

3 LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE – BERNEY ARMS CAFÉ AND OUTSIDE AREA REEDHAM NORFOLK NR301SB

The Chairman welcomed everyone to the meeting, confirmed who was in attendance and that they all had effective remote connections. She explained the procedure to be followed for the meeting and sought confirmation from all present that they all had copies of the papers for the meeting. She made reference to the additional papers received from the applicant and the RSPB which had been circulated to all present before the meeting. No other papers were submitted. With regard to the nature of some of the representations made in the papers, she stated she expected a respectful dialogue to take place at the meeting.

The Licensing Officer read out the officer's report and invited the Committee to consider the application for a Premises Licence in respect of The Berney Arms Café and Outside Area Reedham. The proposal did not include the pub premises. She drew attention to an amendment to the recommendations that the word "necessary" be replaced with appropriate". With regard to the options open to the Committee to determine the application, it was noted that it was also possible for the Committee to refuse the DPS if the licence was granted. A number of representations had been received in relation to the application. Attention was drawn to the conditions requested by the Police, which had been agreed by the applicant and these were read out. The Police had subsequently withdrawn their objection but all other persons making representations had confirmed they wished to maintain their objections. The Committee was invited to consider if it wished to have regard to the representations made by Mr Allard who had asked that his address be withheld. Officer's advised that they had received details of a valid address from Mr Allard, he could potentially be affected by the proposal and he had made relevant representations. Following legal advice, Members agreed his representation would be considered. It was noted that the representation from Natural England had been withdrawn.

In response to a point of clarification about the end times proposed for live and recorded music, Mr Tarry advised that he had offered to amend the finishing time for music outside to 10pm and not midnight. Officers confirmed they had not been notified of this amendment. The legal advisor sought confirmation that Mr Tarry understood what this meant in terms of the Committee's decision and Mr Tarry confirmed he wished to amend the finish time for music outside to 10pm

The Committee then heard from Mr Tarry and Ms Southgate on behalf of the applicant. Mr Tarry made reference to the history of the site, the difficulties of the viability of the pub at the site and his proposals for use of the café facility. He was familiar with the boating industry as a boat hire proprietor and the needs for safety equipment and provision for this would be in excess of that required, which would be an improvement for the area which was currently

used for moorings by the Broads Authority with no safety equipment. There had been no fatalities at the site. The facility would be a bistro café (approximately 16 covers) and would run alongside a craft / pottery / gift facility /workshops and offer local history information via a power point presentation about the broads and the local community. The facility would appeal to families and boat owners to escape the hustle and bustle and background ambient music would be played, not loud music. With regard to the representations from the RSPB, Mr Tarry felt these were ridiculous, and he made reference to nature of the wildlife area at Minsmere and that these natural sites could exist alongside other facilities with no detrimental effect. They were very aware of the unique nature of the site and this would be taken into account; he had been a bird watcher for many years and was sympathetic to the nature of the area.

Mr Tarry and Ms Southgate then answered a number of questions and, arising from these, offered the following points of clarification:

- toilet facilities would be available in the adjoining public house
- the 6am start time was to allow for the serving of breakfast
- the marquee would be used for events too large to be accommodated in the bistro café depending on demand and would include portable toilet facilities
- further investigations were being undertaken to ensure the quality of the water supply from the bore hole was satisfactory
- safety measures involving life jackets and safety notices would be in place over and above those required
- discussions were ongoing with regard to access arrangements. Vehicular access was currently restricted to the owners only but negotiations were continuing to expand this or secure historical access rights. In any event, those attending events would arrive on foot or by boat. In the event of an emergency, the railway crossings were now automated and the Fire Service had no issues with access. In terms of water emergencies, these would be dealt with by the nearby Lifeboat service if needed.
- With regard to protecting children, there would be strict controls in place.
- The 48 hour period sought for New Year was to allow for people celebrating on their boats.
- with regard to measures in place to control underage drinking, these were unclear at this stage but anyone appearing under the age of 18 would be asked for ID.
- Noise control measures would include keeping music at a reasonable level mindful of the nature of the location and the type of facility, no loud or bass music would be played and music would be monitored probably by way of a mobile phone app. No further measures were felt necessary as the nature of the use of the premises was such that these would not be needed.
- With regard to the 10 occasions per year when use of the outside area

after 1 am was permitted (police condition) it was anticipated these would not be held consecutively but would be approximately every 2/3 weeks during the summer season.

The following further amendments (in addition to change to finish outside music by 10pm referred to above) were offered by Mr Tarry to the application as submitted arising from the discussions taking place:

- music in the marquee finishing at 12midnight – later amended again to 10pm
- the proposed end time for all music on bank holidays and Christmas be reduced from 4am to 2am (save for New Year's Eve).
- No alcohol being served before 11am
- No music (other than permitted background music) before 11 am.
- Risk assessments would be undertaken in relation to all events and not just in relation to events with an expected attendance of over 100 as required by the Police condition.

Mr Tarry apologised for the late amendments but he had only become involved in the application at a late stage. In response to a concern that the amendments made by him at the meeting appeared contrary to the additional submissions received from the applicant, in particular, the applicant's "statement of truth" which appeared to be insistent that the hours applied for were necessary, Mr Tarry commented that he had assumed Mr Hollocks (the director of the applicant limited company) had confirmed his agreement to the modified hours, but in any event Mr. Tarry was now overseeing the application and had authority to make the amendments. He operated his current businesses with strict controls in place and would expect to see the same at this site. It was also noted that Mr Hollocks statement confirmed that no amendments to the application would be considered acceptable and that a late license was needed to enable people booking the facility to arrange their own entertainment which might include live music. In response to a question, Mr Tarry confirmed he would be willing to submit a business plan. It was noted this was not a requirement but that the Committee did need to know how the applicant proposed to promote the licensing objectives when operating the premises.

In response to a question about her previous experience running licensed premises and her plans to manage the facility, Ms Southgate stated she had worked in guest houses and a bar and that her daughter and partner would be helping her together with Mr Tarry. She had recently undertaken the DPS training.

Ms Faircloth referred to the potential health and safety concerns raised by David Poole Gotto and questioned why no event safety management plan was in place. The application had made reference to the local authority being "bound" to visit and give recommendations to ensure health and safety but she reiterated that the applicant had a responsibility to plan and safely manage activities proactively and independently. Mr Tarry commented that any event organised would have an individual risk assessment and plan in

place as agreed as part of the Police conditions and he also offered to extend this to all events and not just events with over 100 attendees. It was noted this did not form part of the application or condition. Ms Faircloth also raised concerns that there was little information in the application to assess the scale/scope/frequency and potential impact of events to which Mr Tarry replied that the range of events would continue much as had been done in the past with regattas, ramblers meetings, boat club meetings workshops all involving small numbers of people and no loud music; events which would embrace the area.

Mr Pearson, RSPB, asked about the measures in place to manage the potential adverse effect of the proposals on the area which was a Special Protection Area and a Site of Special Scientific Interest. He was reminded that his concerns needed to relate to one or more of the licensing objectives and he made reference to safety and noise concerns relating to staff living and working at the site, and to the nature of some of the management work carried out at the site (such as ditch work) which could have safety implications for customers of the premises. There was a lack of detail in the application about the management of events. Mr Tarry responded that he had asked Natural England for guidelines but had not received a reply. He did not feel the use of the premises as a bistro would have an adverse impact on the area and that the site of any RSPB works was likely to be fenced off.

In response to questions about the measures proposed to control noise, Mr Tarry reiterated that loud music would not be played, but music would be kept at a reasonable level. This could be monitored by way of an app on a phone. No other measures were felt necessary as there would be no need. It was suggested that the application as applied for was disproportionate for the claimed intended use of the facility and Mr Tarry commented that flexibility and longer hours would allow boat owners to relax and be sociable long into the evening. With regard to the control of music played by hirers of the premises, Mr Tarry confirmed a management plan would be in place and the DPS had power of veto.

The Committee then heard from those present who had submitted representations in response to the application.

Ms O'Connor representing the Broads Authority commented that the application appeared to have changed. She had some concerns about the Police condition which would permit use of the outside area after 1 am on up to 10 occasions per year, particularly if these were compressed into a short period of time during the peak season. The Broads Authority operated moorings in close proximity to the site and she was concerned about the impact of noise on users of these moorings and safety implications associated with the supply of alcohol to boat users, mindful that most accidents on the broads tended to arise as a result of access to / from boats after drinking alcohol. There was a need for safety measures to be put in place.

Mr Pearson representing the RSPB stated that measures were needed to protect wildlife in this sensitive area and to protect staff living and working at the site. He was concerned about the potential impact of uncontrolled events on the site. He acknowledged the proposals now had more clarity which was helpful. A full risk assessment and further details of how events would be managed would be welcomed, particularly to help manage safety concerns. The RSPB would be willing to work constructively with Mr Tarry.

Ms Faircloth, on behalf of David Poole-Gotto – Health and Safety, referred to the potential safety concerns set out in the representation due to the location of the site near a river, its remoteness and its limitations and the extensive hours applied for (now amended). In the absence of detailed proposals as to how these would be managed, a full assessment of the application had not been possible. There was no detailed management proposal at present although this had since been offered by Mr Tarry and would need to form part of any conditions attached to any licence granted. There was a need for an event safety management plan and for consideration of the Event Safety Guide. There were no public safety measures or conditions offered as part of the application.

Mr Pridmore –Environmental Services welcomed the changes offered to the operational times but was still concerned about the impact of the proposed end time of 4am on bank holidays/Christmas Eve, particularly in this low noise area and with residents who were likely to be affected by noise. He asked that controls be put in place to reduce the impact of noise on noise sensitive locations in the area such as noise limiters and for this end time to be reviewed. Mr Tarry responded by offering to reduce the 4am finish time to 2am other than New Year's Eve. He pointed out that the marquee would have no sound retention qualities. Mr Pridmore referred to the option of using temporary events notices as the application seemed disproportionate and excessive in scope. Mr Tarry responded that he wanted to have the licensing matters fixed as he had other business interests to oversee in addition to this one.

All present were then invited to make their closing statements.

Mr Pearson stated he would have welcomed a dialogue with the applicants prior to the meeting and would welcome this going forward. He had been reassured by the amendments to the application but still had concerns about the proposals, together with further clarity and wider assurance on the type of activities and strong conditions would be needed to control use of the area.

Ms Faircloth stressed that to facilitate proper safety measures, event management plans would be needed in advance to allow sufficient time for a full assessment.

Mr Pridmore stated that noise management plans would be needed to set out

how noise would be controlled, in particular late night noise.

All parties present, with the exception of the Committee Members, the Legal Advisor and the Committee Officer, then left the meeting whilst Members discussed the matter. All parties were then re-admitted to the meeting at 2pm and advised of the Committee's summary decision, as follows:

Summary decision of the Licensing Committee 22 July 2020 Berney Arms Café and Outside Area, Reepham

We note that the site is unusual in term of physical location and condition being a largely open area next to a fast flowing, tidal river. There are neighbours who would be affected by the proposal and it is an area of low background noise.

It is the obligation of the applicant to demonstrate in their operating schedule that they have taken account of the site and the necessary measures needed to promote the licensing objectives. Unfortunately the Committee feels there has been a significant failure to provide the necessary data the Committee needs to be confident of the promotion of the licensing objectives, especially regarding noise nuisance concerns and health and safety.

The significant last minute amendment of the application concerns the Committee as it shows a lack of advanced planning.

Noting the operating schedule Committee cannot be satisfied that the licensing objectives will be promoted if the application is granted. It is therefore the decision of the Committee that the application be rejected.

The committee was also concerned that the proposed DPS has insufficient experience to run this isolated site.

All present were advised that there was a right of appeal against the decision, details of which were contained within Schedule 5 of the Licensing Act 2003, and must be exercised within 21 days from the date of the written decision being received.

A full detailed written decision would be provided within 5 working days and circulated to all those making representations.

The meeting closed at 2.10pm

Agenda Item: 5

**Licensing and Regulatory Committee
23 September 2020**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT
1976 PRIVATE HIRE VEHICLE DRIVER LICENSING**

Mr Andrew Broadhead, 19 Hill Close, Cromer, Norfolk, NR27 OHX

Report Author(s): Sarah Harris and Claire Norman
Licensing and Enforcement Officer
t. (01603) 430580 e. sarah.harris@broadland.gov.uk
or claire.norman@broadland.gov.uk

Portfolio Holder: Environmental Excellence

Ward(s) Affected: Not applicable

Purpose of the Report: This report details an application for a private hire vehicle driver's licence (PHVDL).

1 SUMMARY

- 1.1 This report details an application for a private hire vehicle driver's licence (PHVDL).

2 BACKGROUND

- 2.1 Mr Broadhead declared at the time of the application that he is related to a member of staff working at Broadland and South Norfolk Council. Therefore, in accordance with the Council's Constitution, this application has been referred to this Committee for consideration.

3 CURRENT POSITION / FINDINGS

- 3.1 Mr Broadhead submitted his application for a Private Hire Vehicle Driver (PHVD) licence on 5 March 2020.

3.2 Copies of Mr Broadhead's DVLA and DBS checks have been received. There are no matters listed on these checks.

3.3 Where there are no matters arising in respect of an application for a Private Hire Vehicle Driver Licence, the Council is required to grant the application and this would normally be authorised by officers using delegated powers.

4 PROPOSED ACTION

4.1 The Committee, in its role as Licensing Authority, is requested to review the facts in relation to the issue of Mr Broadhead's PHVD licence and determine whether to grant the application.

5 ISSUES AND RISKS

5.1 **Resource implications** – The Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal to the Magistrates' Court.

5.2 **Legal implications** – There are no legal implications other than the issues detailed at 5.1 and 5.3.

5.3 **Equality implications** – There are human rights implications associated with this matter. The interests of the applicant have to be balanced against the interests and protection of the wider community. Any actions proposed in respect of the application, must be proportionate to the matter under consideration, the decision making process must be transparent and the applicant must be given full opportunity to make representations. The Committee is therefore required to balance the interests of the applicant against the interests of the community and decide where the balance lies.

5.4 **Environmental impact** – It is not anticipated that there will be any environmental impact as a result of this report.

5.5 **Crime and disorder** – Committee is requested to consider any convictions history contained within this report, alongside the Council's Convictions Policy, in order to ensure that the Policy is adhered to, unless there is good reason to depart from it.

6 RECOMMENDATIONS

The Committee is **RECOMMENDED** to review and carefully consider the information placed before it and to determine the application.

Nick Howard
Assistant Director - Regulatory

QUASI-JUDICIAL PROCEDURE RULES

Hearings for licensing matters under the Licensing Act 2003 (“the act”) and the Licensing Act 2003 (Hearings) Regulations 2005 (“the regulations”)

When dealing with licensing matters, the rules of natural justice must be seen to be applied in that all parties must be afforded an equal opportunity to present their cases. Thus, when determining an application, the Licensing and Regulatory Committee (in these rules “the committee” unless the context requires otherwise) will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules. In these rules words and expressions not defined in the rules have the same meaning as they have in the act and the regulations.

1. Declarations of interest

- 1.1 The committee will receive any declarations of interest under the members’ code of conduct.

2. Apologies for absence

- 2.1 The committee will receive any apologies for absence.

3. Quorum

- 3.1 The committee shall comprise three members and a quorum shall be two.

4. Opening remarks by the chairman of the committee

- 4.1 The chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.
- 4.2 The chairman will give brief details of the matter before the committee.
- 4.3 The committee shall determine the matter before them in accordance with this procedure.

5. Admission of the public

- 5.1 The hearing shall normally take place in public which expression includes:

- (1) any person assisting or representing a party,
- (2) any member of the council who is not a member of the committee making the determination and
- (3) any officer or legal advisor of the council.

- 5.2 The committee may exclude the public (except the committee officer and legal advisor) where it considers that the public interest in doing so outweighs the public interest in the hearing, or part of it, taking place in public.

- 5.3 The public will normally be excluded at the conclusion of the hearing when the committee is deliberating on the determination to be made.

6. Absence of parties

- 6.1 If a party has told the committee that they do not intend to attend or be represented at the hearing, the hearing may proceed in his absence.

- 6.2 If a party otherwise fails to attend or be represented the committee may
- (1) where necessary in the public interest, adjourn the hearing to a date specified by the committee before the adjournment, or
 - (2) conduct the hearing in the party's absence, considering the matter, representations or notice made by them.

7. Documents

7.1 The committee may take into account documentary or other information produced by a party in support of their case, representations or notice (as applicable). Such material should be provided to the committee before the hearing.

7.2 Documentary or other information provided by parties at the hearing may be considered by the committee provided that all other parties consent.

8. Report from licensing officer

8.1 The licensing officer or his representative will present their report on the matter to be determined by the committee.

8.2 Members of the committee may ask questions of the licensing officer.

8.3 The applicant/licence holder or their representative may ask questions of the licensing officer.

8.4 The other parties or their representatives may then ask questions of the licensing officer.

9. The applicant's case

9.1 The applicant/licence holder or his representative will be asked to speak in support of their application.

9.2 The applicant/licence holder or their representative may call witnesses.

9.3 The committee may then ask questions of the applicant/licence holder or their witnesses.

9.4 The other parties or their representatives may then question the applicant/licence holder, their representative or witnesses.

9.5 The applicant/licence holder or their representative will be invited to respond to any new point arising from the questions.

10. The representations of other parties to the hearing

10.1 The representations of the other parties to the hearing will then be considered in turn by the committee in the order determined by the committee and in accordance with the following procedure:

10.2 The other parties will be invited to speak in support of their representations.

10.3 The other parties or their representatives may call witnesses.

10.4 The committee may then ask questions of the other parties or their witnesses.

10.5 The applicant/licence holder or their representative may then question the other parties, their representatives or witnesses.

- 10.6 The other parties or their representatives will be invited to respond to any new points arising from the questions.
11. **Closing statements**
- 11.1 Closing statements will then be made in the following order:
- (1) the parties who made representations or their representatives;
 - (2) the applicant/licence holder or their representative.
12. **The committee's decision**
- 12.1 The committee will then consider its decision. This will normally take place in the absence of the public.
- 12.2 During the decision making process, the committee may seek the advice and guidance of its legal advisor.
- 12.3 When it has made a determination the committee will announce its decision in public with a summary of the reasons.
- 12.4 A detailed decision with reasons shall follow no later than five days after the hearing.

Agenda Item: 6

**Licensing and Regulatory Committee
23 September 2020**

**LICENSING ACT 2003
APPLICATION FOR A PREMISES LICENCE**

3 Hanson Close, Sprowston, Norwich, Norfolk, NR7 8GS

| | |
|-------------------------------|---|
| Report Author(s): | Sarah Harris, email sarah.harris@broadland.gov.uk Claire Norman, email claire.norman@broadland.gov.uk |
| Portfolio Holder: | Environmental Excellence |
| Ward(s) Affected: | Sprowston |
| Purpose of the Report: | This report details an application for a Premises Licence. |

Recommendations:

The Committee must take such steps as it considers necessary for the promotion of the licensing objectives and decide to either:

1. Grant the application
2. Modify the conditions of the licence, altering or omitting or adding to them
3. Reject the whole or part of the application
4. Refuse to specify a person in the licence as the premises supervisor.

1 SUMMARY

- 1.1 The Committee is requested, in accordance with the delegation of licensing functions contained in the Broadland District Council Statement of Licensing Policy to consider an application for a Premises Licence in respect of 3 Hanson Close, Sprowston, Norwich, Norfolk, NR7 8GS.

2 BACKGROUND

- 2.1 An application has been received from Ellice Fennell and Laura Whatling.
- 2.2 The application consists of the following proposals as contained within the Operating Schedule received from the applicant:

Licensable Activity:

- ***J. Supply of alcohol (for consumption off the premises)***

Monday to Sunday 10.00 to 22.00

- 2.3 As the premises is not open to the public no opening hours have been provided on the application form.
- 2.4 The application outlines the steps the applicant intends to take to promote the four licensing objectives, copy attached at **Appendix One**.
- 2.5 A plan showing the location of 3 Hanson Close is attached at **Appendix Two**.

3 RELEVANT REPRESENTATIONS

- 3.1 All relevant representations have to relate to one or more of the Licensing Objectives.

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

- 3.2 The responses from the Responsible Authorities are as follows:

Police – representation received (see **Appendix Three**)

Environmental Health (Community Protection) – no representations.

Health and Safety – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Norfolk Local Safeguarding Children Board – no representations

Public Health Norfolk – no representations

Licensing Authority – no representations

- 3.3 The applicant has agreed the conditions proposed by the Police Licensing Officer and the Police representation has subsequently been withdrawn (see **Appendix Three** for further details).

4 OTHER PERSONS

- 4.1 Representations have been received in objection to the application from Sprowston Town Council (please see **Appendix Four**).
- 4.2 Representations have also been received in support of the application, these are attached at **Appendix Five**.
- 4.2 All representations have been detailed in full. The Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018 edition) recommends the benefit of the doubt about any aspect of the representation should be given to the person making the representation. Committee will wish to carefully consider the representations and take into account only those matters which are relevant to the subject area of the representation.

5 PROPOSED ACTION

- 5.1 The Committee must determine this application with a view to promoting the Licensing Objectives.
- 5.2 In making its decision, the Committee must have regard to guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018) and the Council's Licensing Policy. The Sub-Committee, when considering the Licensing Policy, will in particular wish to have regard to those sections of the Council's Licensing Policy detailed at **Appendix Six**. The Sub-Committee must also have regard to all of the representations made and the evidence placed before it.

6 ISSUES AND RISKS

- 6.1 **Resource implications** – The Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal to the Magistrates' Court.

- 6.2 **Legal implications** – There are no legal implications other than the issues detailed at 6.1 and 6.3.
- 6.3 **Equality implications** – There are human rights implications associated with this matter. The interests of the applicant have to be balanced against the interests and protection of the wider community. Any actions proposed in respect of the application, must be proportionate to the matter under consideration, the decision making process must be transparent and the applicant must be given full opportunity to make representations. The Committee is therefore required to balance the interests of the applicant against the interests of the community and decide where the balance should lie.
- 6.4 **Environmental impact** – In making their determination Committee is requested to ensure that the principals of the prevention of public nuisance licensing objective are upheld.
- 6.5 **Crime and disorder** – In making their determination Committee is requested to ensure that the principals of the prevention of crime and disorder licensing objective are upheld.

7 RECOMMENDATIONS

- 7.1 The Committee must take such steps as it considers necessary for the promotion of the licensing objectives and decide to either:
1. Grant the application
 2. Modify the conditions of the licence, altering or omitting or adding to them
 3. Reject the whole or part of the application
 4. Refuse to specify a person in the licence as the premises supervisor.

APPENDICES

| | |
|--------------|--|
| One | Copy of Application |
| Two | Location Plan |
| Three | Comments from Police |
| Four | Representations received from other persons |
| Five | Comments received in support of the application |
| Five | Sections of the Council's Licensing Policy |

APPENDIX ONE

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Ellice Fennell & Laura Whatling

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

| | | | |
|--|-----------|----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description | | | |
| 3 Hanson Close | | | |
| Post town | Sprowston | Postcode | NR7 8GS |

| | |
|---|---|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £ |

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |

- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | |
|--|------------------------------|--|------------------------------|-------------------------------------|-----------------|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input checked="" type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname Fennell | | | First names Ellice | | |
| Date of birth I am 18 years old or over | | | | <input checked="" type="checkbox"/> | Please tick yes |
| Nationality British | | | | | |
| Current residential address if different from premises address | | | | | |
| Post town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|---|------------------------------|--|-----------------------------|-------------------------------------|-----------------|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input checked="" type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname Whatling | | | First names Laura | | |
| Date of birth I am 18 years old or over | | | | <input checked="" type="checkbox"/> | Please tick yes |
| Nationality British | | | | | |
| Current postal address if different from premises address | | | | | |
| Post town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

| |
|---|
| Name |
| Address |
| Registered number (where applicable) |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| DD | MM | YYYY |
|----|----|------|
| 16 | 07 | 2020 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| DD | MM | YYYY |
|----|----|------|
| | | |

Please give a general description of the premises (please read guidance note 1)

Residential property, 3 stories operating out of one room (spare bedroom), with two employees, both owners/residents of the property.

Planning permission advice has been sought and advised they do not feel necessary in this instance.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 7) | | | <u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| | | | | | |
| | | | | | |
| | | | | | |

B

| | | | | | | |
|--|-------|----------|--|--|--------------------------|--------------------------|
| Films Standard days and timings (please read guidance note 7) | | | <u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | | Indoors | <input type="checkbox"/> |
| | | Outdoors | | | <input type="checkbox"/> | |
| | | Both | | | <input type="checkbox"/> | |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | | |
| Mon | | | | | | |
| | | | | | | |
| Tue | | | | | | |
| | | | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5) | | | |
| Wed | | | | | | |
| | | | | | | |
| Thur | | | | | | |
| | | | <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | | |
| Fri | | | | | | |
| | | | | | | |
| Sat | | | | | | |
| | | | | | | |
| Sun | | | | | | |

C

| | | | |
|---|-------|--------|---|
| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) |
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| Wed | | | |
| Thur | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6) |
| Sat | | | |
| Sun | | | |
| | | | |

D

| | | | | | | |
|---|-------|--------|--|--|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | <u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| | | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | | |
| Mon | | | | | | |
| Tue | | | | | | |
| Wed | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5) | | | |
| Thur | | | | | | |
| Fri | | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | | |
| Sun | | | | | | |
| | | | | | | |

E

| | | | | | |
|---|-------|--------|---|----------|--------------------------|
| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | State any seasonal variations for the performance of live music (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| | | | | | |
| | | | | | |

F

| | | | | | | |
|---|-------|--------|---|--|----------|--------------------------|
| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| | | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | | |
| Mon | | | | | | |
| Tue | | | | | | |
| Wed | | | | | | |
| Thur | | | State any seasonal variations for the playing of recorded music (please read guidance note 5) | | | |
| Fri | | | | | | |
| Sat | | | | | | |
| Sun | | | | | | |
| | | | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

G

| | | | | | | |
|--|-------|----------|--|--|--------------------------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3) | | Indoors | <input type="checkbox"/> |
| | | Outdoors | | | <input type="checkbox"/> | |
| | | Both | | | <input type="checkbox"/> | |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | | |
| Mon | | | | | | |
| Tue | | | | | | |
| Wed | | | State any seasonal variations for the performance of dance (please read guidance note 5) | | | |
| Thur | | | | | | |
| Fri | | | | | | |
| Sat | | | Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6) | | | |
| Sun | | | | | | |
| | | | | | | |

H

| | | | | | |
|---|-------|--------|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| | | | | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) | | |
| | | | | | |
| Fri | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| | | | | | |
| Sun | | | | | |

I

| | | | | | | |
|---|-------|--------|---|--|----------|--------------------------|
| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | | Both | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | | |
| | | | | | | |
| Tue | | | | | | |
| | | | | | | |
| Wed | | | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) | | | |
| | | | | | | |
| Thur | | | | | | |
| | | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) | | | |
| | | | | | | |
| Sat | | | | | | |
| | | | | | | |
| Sun | | | | | | |
| | | | | | | |

J

| | | | | | |
|--|-------|--------|--|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | <u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input checked="" type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) | | |
| Mon | 10:00 | 22:00 | | | |
| | | | | | |
| Tue | 10:00 | 22:00 | | | |
| | | | | | |
| Wed | 10:00 | 22:00 | | | |
| | | | | | |
| Thur | 10:00 | 22:00 | <u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| | | | | | |
| Fri | 10:00 | 22:00 | | | |
| | | | | | |
| Sat | 10:00 | 22:00 | | | |
| | | | | | |
| Sun | 10:00 | 22:00 | | | |
| | | | | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

| | |
|--|---------|
| Name Laura Alice Whatling | |
| Date of birth | |
| Address 3 Hanson Close Sprowston | |
| Postcode | NR7 8GS |
| Personal licence number (if known) 17/00964/PERS | |
| Issuing licensing authority (if known) Norwich City Council | |

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
None

L

| | | | |
|--|-------|--------|--|
| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | <u>State any seasonal variations</u> (please read guidance note 5) |
| Day | Start | Finish | |
| Mon | | | <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6) Public not permitted on the premises |
| | | | |
| Tue | | | |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

Think 25 operated at point of delivery, this is why we choose to deliver ourselves and not outsource to ensure this is adhered to every time. We can then also ensure the consumer is not drunk and eligible for alcohol consumption.

c) Public safety

No public allowed on site.

Each drink is date labelled the day it is made and carefully measured. All bottles stored securely, sealed and appropriately. Many years experience running establishments so all codes are well known and adhered to. Will always stay up to date with all guidelines.

Everything is sanitized when brought in, hands cleaned every 20 minutes.

Specifically for Covid-19 risks – Masks and gloves worn during the operation, from preparation of drinks to delivery.

d) The prevention of public nuisance

No members of the public are allowed on site. Only two employees (who are the two homeowners/only residents of the property) to take orders online, make up the drinks and then deliver off site to customers own homes.

The operating hours are purposefully kept early, last delivery made at 8pm though always aim for 7pm and in one 'bulk' so we won't be in and out all day, driving around at late hours, coming home late or disturbing residence (both on our estate and customers)

e) The protection of children from harm

No children live at the property or visit during operating hours.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☐
- I have enclosed the plan of the premises. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☐
- I understand that if I do not comply with the above requirements my application will be rejected. ☐
- ☐ [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12).
If signing on behalf of the applicant, please state in what capacity.

| | |
|--------------------|--|
| Declaration | <ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15) |
| Signature | |
| Date | |
| Capacity | |

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

| | | | |
|---|--|----------|--|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) | | | |
| Post town | | Postcode | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |



First Floor of property.

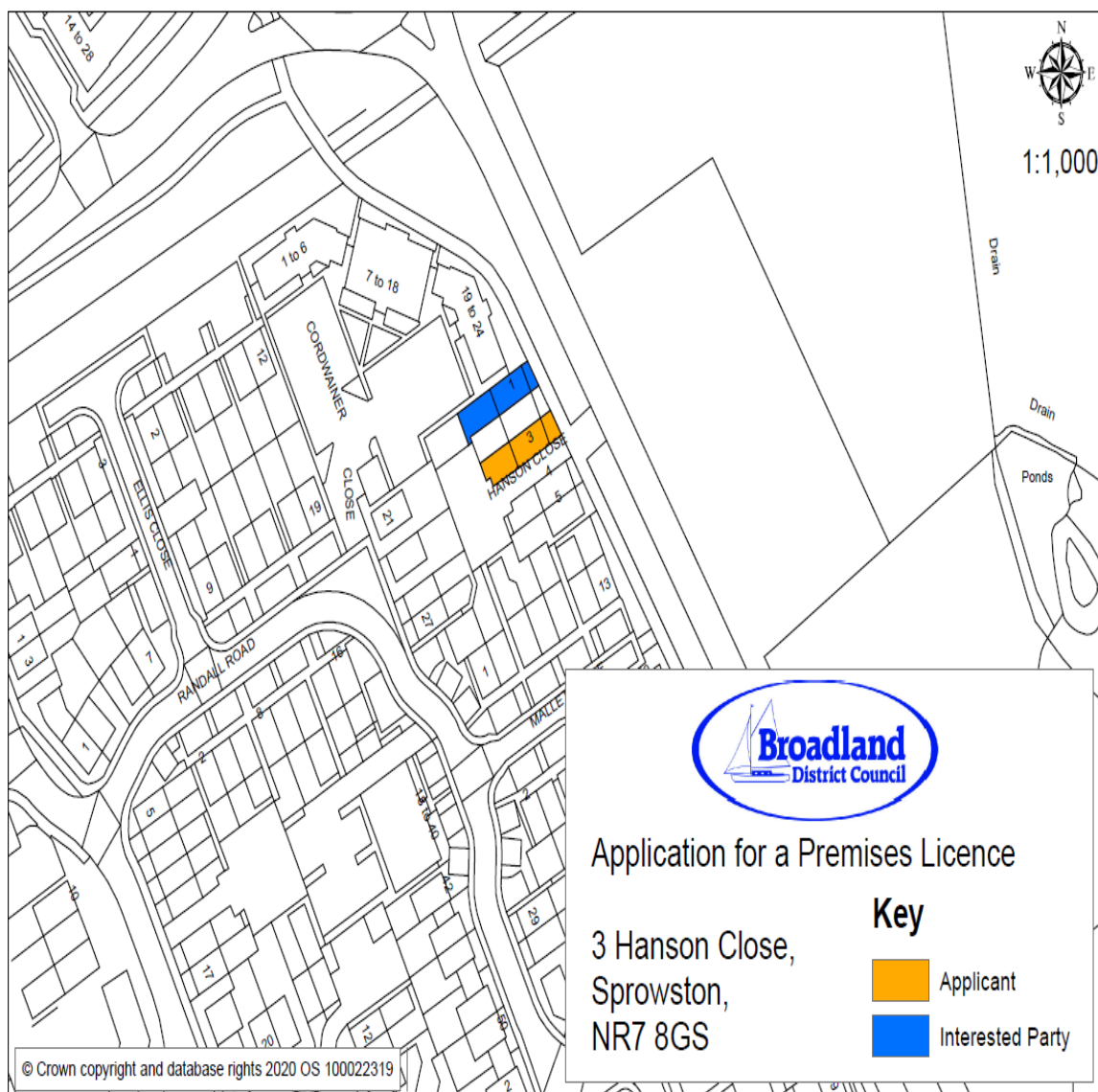
Kitchen (outlined in red) will be used for making syrups and any coffee required.



Second Floor. Room still acts as guest bedroom, with half being used as a workspace for the cocktail delivery business (where red outline shows)



Third Floor of property.





NORFOLK
CONSTABULARY

Our Priority is You

Licensing Department
Broadland District Council
Thorpe Lodge
Yarmouth Road
Norwich

20th August 2020

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Dear Sir/Madam

3 Hanson Close- Sprowston

Norfolk Police have received a copy of the application for a new premises licence for 3 Hanson Close, Sprowston, Norwich.

This application is requesting the sale of alcohol for consumption off the premises Monday-Sunday 1000-2200hrs to accommodate a cocktail delivery business.

The operating schedule within the application includes Challenge 25 policy, personal delivery of the goods and no public access to the premises.

Security provisions of the site have been discussed with the applicant.

In order to promote the licensing objectives, I request that the following condition is added to the premises licence;

- The company website will include an age verification process to enter. It will inform customers and that photographic ID may be requested on delivery to confirm proof of age.

With this condition added to the licence, there will be no objections.

Michelle Bartram

Licensing Officer

From: Laura Whatling
Sent: 20 August 2020 14:57
To: Bartram, Michelle
Subject: Re: New Premises Licence

Hi Michelle,

Thanks for your e-mail. I of course agree to the wording of condition for the license and to uphold this.

I am pleased you will write to the council with your agreement, thank you for this.

Kind regards

Laura

From: Cllr Natasha Harpley
Sent: 20 August 2020 11:48
To: Licensing (EH)
Subject: 3 Hanson Close

Hello. I would like to write a few words in support of the application at the above address.

Before I knew anything about the owners of the company, I had actually used them several times myself, both for personal use and as gifts for friends.

I have found them to be very professional and observed social distancing when making deliveries. I do not have any concerns about public nuisance or safety as no customers will be visiting their premises and they won't be operating during anti-social hours.

As a business they have shown great entrepreneurship by diversifying during a challenging period and in order to thrive, they need a licence permanent base to operate from. Many mail order and home delivery businesses are home based and I don't believe that this one being centred on the delivery of alcohol makes it anymore problematic than other home businesses.

Children will not be allowed on the premises during operating hours and there will be a designated room for the storage of alcohols so children are protected from harm. They have strict operating hours so will never be over stretched and create a public safety risk. I believe that the risk of crime and disorder is extremely low due, unlike with pubs. This is a small business delivering cocktails for same day consumption to people's homes or posted out via mail order. There will be no congregation of people as customers are not allowed to the premises and no disturbance to neighbours due to the strict operating hours and most active home work is simply mixing cocktails and packing parcels - not noisy or dangerous activities.

I really hope that this business is given the permission that it needs in order to continue providing a great service for the long term and I believe that it will be an asset to the Broadland area and council.

Kind regards

Cllr. Natasha Harpley
Sprowston Central

Dear Sirs,

We live at 1 Hanson Close, Sprowston, and am writing with my support for the application of 3 Hanson Close, Sprowston made by Ellice Fennell and Laura Whatling for the sale of alcohol off the premises.

Ellice and Laura approached us first about their business plan and we are in regular contact. I know should anything concern us we would be able to speak with Ellice and Laura freely.

Knowing the girls personally, I know Laura has extensive experience in running and managing bars in the city, whilst Ellice has a legal and financial background. I find them to be responsible people and have no doubt they would continue to carry out proceedings safely.

I have never been disturbed by any activity at the house and have not noticed an increase of waste in the communal areas as they dispose of any additional bottles used themselves at a recycling center.

I think their business plan is considerate to the neighbourhood with their earlier hours and understand nobody else is allowed on the premises during operation. Out of operation hours, their home remains clean and tidy - you would not know it was used as anything other than a family home and is in keeping with the rest of the street.

I am happy for my comments to be published in support.

Kind Regards

Laura Taylor & James Cudden
1 Hanson Close

From: EElliot
Sent: 11 August 2020 08:45
To: Licensing (EH)
Subject: RE: Application for a premises licence at 3 Hanson Close, Sprowston, Norwich NR7 8GS

Dear Sarah

I would link the Council's objection to prevention of public nuisance as I understand the premises is a terraced building in a built up residential area. It could be noisy for neighbours as preparation is in a bedroom, additional movements up and down stairs and loading and deliveries from a private dwelling.

Yours Sincerely

Evelyn Elliot
Administrative and Committee Officer
Sprowston Town Council
Council Office
Recreation Ground Road
Sprowston
NR7 8EW

From: EElliot <EvelynElliot@sprowston-tc.gov.uk>
Sent: 10 August 2020 08:33
To: Licensing (EH) <LicensingEH@broadland.gov.uk>
Subject: FW: Application for a premises licence at 3 Hanson Close, Sprowston, Norwich NR7 8GS

Dear Sir/Madam

Application for a premises licence at 3 Hanson Close, Sprowston, Norwich NR7 8GS

My Council is opposed to this application on the grounds that it is an inappropriate activity in a residential close. Effectively a warehouse delivery operation which could be a noise nuisance to neighbouring properties if operated from a semi or terraced dwelling.

Yours Sincerely

Evelyn Elliot
Administrative and Committee Officer
Sprowston Town Council
Council Office
Recreation Ground Road
Sprowston
NR7 8EW

BROADLAND DISTRICT COUNCIL LICENSING ACT 2003

Licensing Policy

Main Principles of the Policy

- 2.1 Nothing in the 'Statement of Policy' will:
- undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits; and/or
 - override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 2.2 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions may be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.
- 2.3 When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. To this end, Town/Parish Councils will be notified of all Premises Licence and Club Premises Certificate applications received.
- 2.4 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned.
- 2.5 In this respect, the Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:
- pre-existing planning controls;
 - ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments;
 - designation of parts of the District as places where alcohol may not be consumed publicly;
 - regular liaison with Police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices, prosecution

of those selling alcohol to people who are drunk, confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder, or excessive noise from the premises;

- the power of the Police, other responsible authority, or a local resident or business to seek a review of the licence or certificate.

6 Prevention of Nuisance

- 6.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the premises.
- 6.2 The concerns mainly relate to noise nuisance, light pollution and noxious smells and due regard will be taken on the impact these may have. The Council will expect Operating Schedules to satisfactorily address these issues, as appropriate. Applicants are advised to seek advice from the Council's Health and Safety and Pollution Control Officers before preparing their plans and Schedules.
- 6.3 Where relevant representations are received the Council will consider attaching conditions to licences and permissions to prevent public nuisance and these may include conditions drawn from the Model Pool of Conditions or local conditions relating to 'Public Nuisance' where relevant representations have been received.