

Licensing and Gambling Acts Sub-Committee

Agenda

Members of the Committee:

Cllr R Elliott (Chairman)
Cllr J Easter
Cllr J Halls

Date & Time:

Friday 12 February 2021
10.00am

Place:

To be hosted remotely at: South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

Contact:

Claire White tel (01508) 533669
Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

PUBLIC ATTENDANCE:

This meeting will be live streamed for public viewing via the following link:

<https://www.youtube.com/channel/UCZciRgwo84-iPyRImsTCIng>

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

AGENDA

1. To report apologies for absence and to identify substitute voting members (if any);
2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to section 100B(4)(b) of the Local Government Act, 1972. [Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.];
3. To receive Declarations of Interest from Members;
(Please see guidance form and flow chart attached – page 4)
4. Application for a New Premises Licence;

(papers attached – page 6)

Premises: Carnival City, 10 Market Place
Harleston IP20 9AD

Applicant: Carnival City Ltd
Application for: New Premises Licence

(appendix 1 – page xx)
(appendix 2 – page xx)
(appendix 3 – page xx)
(appendix 4 – page xx)
(appendix 5 – page xx)
(appendix 6 – page xx)
(appendix 7 – page xx)

Members of Committee and Accreditation details:

Members of Licensing, Appeals & Complaints and the Licensing and Gambling Acts Committees	Expiry of training accreditation-Taxi	Expiry of training accreditation-Licensing Act 2003
Elliott Cllr R	29/05/21	29/05/21
Kemp Cllr W	03/06/21	03/06/21
Burrill Cllr D	29/05/21	29/05/21
Curson Cllr F	03/06/21	03/06/21
Easter Cllr J	29/05/21	29/05/21
Glover Cllr L	03/06/21	03/06/21
Halls Cllr J	29/05/21	29/05/21
Hardy Cllr P	29/05/21	29/05/21
Holden Cllr T	29/05/21	29/05/21
Hornby Cllr J	03/06/21	03/06/21
Legg Cllr N	29/05/21	29/05/21
Rowe Cllr J		
Savage Cllr J	03/06/21	03/06/21
Spruce Cllr T	03/06/21	03/06/21
Wilby Cllr J	29/05/21	29/05/21

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.

<p>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>
<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 Council 4. Affect land you or your spouse / partner own 5. 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 you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>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.</p>

**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



**Agenda Item:
Licensing Sub Committee
12 February 2021**

LICENSING ACT 2003

NEW PREMISES LICENCE APPLICATION

CARNIVAL CITY, 10 MARKET PLACE, HARLESTON, IP20 9AD

Report Author(s): Rosie Setford
Licensing Enforcement Officer
01508 533602
licensingteam@s-norfolk.gov.uk

Portfolio: Regulation & Public Safety

Ward(s) Affected: Harleston

Recommendations:

The Sub-Committee is expected to make its determination based on an assessment of the evidence on both the risks and benefits for or against making the determination, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

The Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

Where a licensing authority determines an application, it must notify the determination and its reason of making it to –

- (a) The holder of licence
- (b) The applicant
- (c) Any person who has made relevant representations, and
- (d) The chief officer of police for the police area in which the premises are situated

1. Summary

- 1.1 The purpose of this report is to determine a new application that has been made by Carnival City Ltd for a new premises licence at Carnival City, 10 Market Place, Harleston, IP20 9AD. A relevant representation has been made regarding this application.
- 1.2 Given the above, the application must be determined by a hearing of the Licensing and Gambling Acts Sub-Committee.
- 1.3 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
- The steps that are appropriate to promote the licensing objectives;
 - The representations presented by all parties;
 - The revised guidance issued under section 182 of the Licensing Act 2003;
 - South Norfolk Council's Statement of Licensing Policy published in January 2016
- 1.4 The licensing objectives are;
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm

2. Background

- 2.1 South Norfolk Council is the authority responsible for issuing licences within the district under the Licensing Act 2003 (the Act), which came into effect on the 24th November 2005.
- 2.2 An application was submitted on the 16th December 2020 by Carnival City Ltd, 10 Market Place, Harleston, IP20 9AD. The application form is attached as Appendix 1 and the proposed plan of the premises is attached as Appendix 2.
- 2.3 Carnival City Ltd made a subsequent amendment to the application with regard to the proposed hours prior to the commencement of the consultation which can be found as Appendix 3.
- 2.4 The applicant requests the following licensable activity:

Supply of alcohol – Consumption on the premises

Monday – Saturday 09:00 – 19:00
Sunday 10:00 – 16:00

Opening Hours

Monday – Saturday 09:00 – 19:00

Sunday 10:00 – 16:00

- 2.5 As part of the application process, the applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local publication on at least one occasion within 10 working days after the application has been submitted.
- 2.6 In accordance with the Licensing Act (Hearings) Regulations a notice of the application was also published on the Council's website for the duration of the consultation period.
- 2.7 A consultation was sent to the responsible authorities as provided in the Act and out of courtesy to the local Member and town council. To provide an overview the following responses were received: -
- Norfolk Constabulary – Would like to add two conditions to the licence in relation to CCTV and staff training. Since writing this report Norfolk Constabulary have since withdrawn their objection. The objection has been withdrawn after the applicant agreed to the two conditions requested by Norfolk Constabulary.
- SNC Community Protection – No objection or comments to make
- SNC Planning – No objection dependent on proposed use
- 2.8 Full details of the above responses can be found at Appendix 4.
- 2.9 The licensing authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes. Whilst having regard to the planning regime this is a separate entity and therefore Licensing Committees are not bound by planning representations. Please see Appendix 5 for the relevant sections of our licensing policy and the Revised Guidance issued under section 182 of the Licensing Act 2003.
- 2.10 A valid representation has been received from a local business objecting to the application under the prevention of crime and disorder and prevention of public nuisance objectives. A copy of this representation can be found at Appendix 6.
- 2.11 It states in the Revised Guidance issued under section 182 of the Licensing Act 2003 (the Guidance): -

Section 10.5

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

With regard to the above, correspondence was sent to the applicant on the 21st December 2020 with suggested amendments to the conditions contained on the

operating schedule of the application. A copy of the Guidance extract and the suggested amended conditions can be found as Appendix 7.

To date a response to this email has not been received.

3. Proposed Action

- 3.1 The application for a new premises licence must be determined by a hearing of the Licensing Sub Committee, as under the Act, determination may not be delegated to officer level. This determination should only be made in relation to received representations relevant to the content of this application, the four licensing objectives, the Revised Guidance issues under Section 182 of the Licensing Act 2003 and South Norfolk Council's Statement of Licensing Policy published in January 2021.

4. Other options

- 4.1 The authority must, having regard to the application and any relevant representations, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are –

- (a) To grant the licence subject to –
- (i) the conditions mentioned in subsection(2)(a) modified to such extent as the authority considers (appropriate) for the promotion of the licensing objectives, and
 - (ii) any conditions which must be met under section 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premise's supervisor;
- (d) to reject the licence.
- 4.2 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.

Licence conditions;

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;

- should not be standardised and may be unlawful when it cannot be demonstrated that they are not appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

4.3 There is a right of appeal to the Magistrates Court within 21 days.

5. Issues and risks

5.1 **Resource Implications** – Statutory requirement

5.2 **Legal Implications** – Statutory requirement

5.3 **Equality Implications** – The Sub-Committee in its decision making, must have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

5.4 **Environmental Impact** – See licensing objectives

5.5 **Crime and Disorder** – See licensing objectives

5.6 **Risks** – 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 in the Magistrates Court.

6. Recommendations

6.1 The Sub-Committee is expected to make its determination based on an assessment of the evidence on both the risks and benefits for or against making the determination, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

6.2 The Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

6.3 Where a licensing authority determines an application, it must notify the determination and its reason of making it to –

- a) The holder of the licence
- b) The applicant
- c) Any person who has made relevant representations, and

d) The chief of police for the police area in which the premises are situated

Appendices

Appendix 1 – Application Form

Appendix 2 – Proposed site plan

Appendix 3 – Amendment to hours

Appendix 4 – Responses received from responsible authorities

Appendix 5 – Relevant section of the Licensing Policy dated January 2021 and the Revised Guidance issued under Section 182 of the Licensing Act 2003

Appendix 6 – Representation from a local business

Appendix 7 - Relevant section of the Revised Guidance issued under Section 182 of the Licensing Act 2003 and correspondence detailing suggested amendments to the proposed conditions.

Appendix 1: Application Form

From: eforms@s-norfolk.gov.uk

Sent: 16 Dec 2020 11:51:45

To: LicensingTeam@S-NORFOLK.GOV.UK,

Subject: New Premises Licensing Application (WEB-PRN-31)

Attachments: Bistro Floor Plan -1.pdf, Alcohol Floor Plan.pdf, IMG_2555-1.jpeg, IMG_2556-1.jpeg, BPM-4ES__20201216114749.pdf,



New Premises Licensing Application (WEB-PRN-31)

A new premises application has been received.

Application

Applicant capacity:

b) limited company/limited liability partnership

Reason for application:

Carry on business

Premises details

Premises address:

10 Market Place

Harleston

Norfolk

IP20 9AD

Premises contact number:

01379852820

NNDR value:

B (Â£4301-33000)

Premises plan send method:

Attach

Applicant details

Name:
carnival.city Ltd

Main contact:
Yes

Address:
**10 Market Place
Harleston
Norfolk
IP20 9AD**

Registered number:
09200036

Description of applicant:
Limited Liability Company

Preferred contact:
Email

Contact number:

Email:

Operating schedule

Premises licence start:
14/01/2021

Premises licence limited period:
No

Premises description:
Type of Premise Bistro in our high street retail shop in Harleston Selling beer, wine, gin etc. for consumption on the premises with food and for takeaway General Situation Will only sell alcohol + soft drinks when the shop is open Layout Ground floor and courtyard as per the attached drawings Licensable Activities No live entertainment activities Sale of alcohol and soft drinks only

Expected attendance exceeds 5000:
No

Open times

Sunday	10:00:00 - 04:00:00
Monday	09:00:00 - 19:00:00
Tuesday	09:00:00 - 19:00:00
Wednesday	09:00:00 - 19:00:00
Thursday	09:00:00 - 19:00:00
Friday	09:00:00 - 19:00:00
Saturday	09:00:00 - 19:00:00

Seasonal variations:

Non-standard timings:

Activity - alcohol

Sunday	10:00:00 - 16:00:00
Monday	09:00:00 - 19:00:00
Tuesday	09:00:00 - 19:00:00
Wednesday	09:00:00 - 19:00:00
Thursday	09:00:00 - 19:00:00
Friday	09:00:00 - 19:00:00
Saturday	09:00:00 - 19:00:00

Place:

On the premises

Further details:

Seasonal variations:

Non-standard timings:

Designated premises supervisor

DPS is an individual.

Name:

Mr Nicholas Atkins

Date of birth:

Address:

Personal licence number:

18/01288

Issuing licence authority:

South Norfolk Council

Consent method:

Attach

Adult entertainment

Providing adult entertainment:

No

Licensing objectives

a) General - all four licensing objectives (b, c, d and e):

Social Media Advertising Website Harleston Community groups In-shop Advertising

b) The prevention of crime and disorder:

CCTV must be installed, operated and maintained CCTV images must be retained for a minimum of 14 days and be produced on the request of the police or us (recording media must be set to 25 frames per second) CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the police will be informed immediately. Details of the malfunction must be recorded in the premises incident book A4 sized warning notices displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances will be placed on the exterior of the building at, and adjacent to, all public access doors. All signs to comply with the requirements of the Data Protection Act 2002. Membership of the Local Licensees Association licence holder or their representative must attend meetings and participate in all relevant initiatives A crime prevention policy in place An incident book to be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises will be recorded. The incident book will be kept on the premises at all times and must be made available for inspection by the police No one carrying open or sealed bottles or glasses will be admitted to the premises at any time No customers will be permitted to take open containers of alcoholic or soft drinks from the premises

c) Public safety:

An appropriate method for checking the number of people entering and leaving the premises and ensuring that once the maximum occupancy is reached, no further persons are admitted. Irresponsible drinks promotions will not be permitted The standards for the management of responsible drinks promotions including 'happy hours' produced by the British Beer and Pub Association will be complied with The licence holder or people authorised will check the premises before it opens to the public to ensure there are no risks to patrons and that all safety precautions are in place Appropriate training about emergency and general safety precautions and procedures Ensure all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol Free drinking water available at all times the premises is open to the public The telephone numbers of local taxi operators prominently displayed at the premises for the benefit of customers All bottles and glasses and rubbish to be removed from public areas on a regular and frequent basis The electrical system at the premises, including portable appliances, will be inspected and tested annually by a competent person and a satisfactory safety report obtained. The competent person will be a suitably qualified electrician who is registered with the ECA or NICEIC The gas system, including appliances, will be inspected annually and tested by a Gas Safe Registered engineer and a satisfactory Gas Safety Certificate obtained Any oil fired boilers and appliances installed on the premises or installed in the future will be inspected and tested annually and an OFTEC certificate of inspection must be obtained. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies The fire safety measures provided on the premises will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005 An adequate and appropriate supply of first aid equipment and materials will be available on the premises

d) The prevention of public nuisance:

Staff will regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons Prominent, legible notices requesting people to leave the premises and the area quietly will be displayed at all exits The licence holder, or persons authorised, will control the volume of regulated entertainment taking place No music or speech to be played by external speakers without written consent Will control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter All external doors and windows will be kept shut, other than for access, in all rooms when events involving amplified music or speech or other entertainment are likely to rise to noise Outside area to be provided for the use of patrons facilities for the disposing and collecting of litter Provide litter bins both inside and directly outside the premises. During opening hours, and at the close of business, arrangement will be made for litter from the business to be collected from the immediate vicinity and stored inside the premises pending collection Drinks consumed in

outdoor areas will be served in plastic or toughened glass

e) The protection of children from harm:

A proof of age policy will be enforced A challenge 21/25 policy will be employed where those individuals who appear to be under the age of 21/25 attempting to purchase alcohol will be asked for identification. The only type of ID that will be accepted is PASS accredited ID, passport or photo driving licence

Correspondence

Name:

Nicholas Atkins

Address:

10 Market Place

Harleston

Norfolk

IP20 9AD

Preferred contact:

Email

Contact number:

Email:

Submit

The customer has **not** ticked the box to indicate they have read and understood the right work entitlements.

The customer has ticked the box to indicate they understand they must advertise their application.

The customer has ticked the box to indicate that if they don't comply with the requirements their application will be rejected.

Payment

Payment method:

Online

Receipt number:

016479

Consent of individual to being specified as premises supervisor

Nicholas Atkins

I

.....
[full name of prospective premises supervisor]

Of

.....

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises License

.....
[type of application]

by

carnival.city Ltd

.....
[name of applicant]

relating to a premises licence One new (None existing)
[number of existing licence, if any]

for

10 Market Place, Harleston, Norfolk, IP20 9AD

.....
[name and address of premises to which the application relates]

And any premises licence to be granted or varied in respect of this application made by

carnival.city Ltd

.....
[name of applicant]

concerning the supply of alcohol at

10 Market Place, Harleston, Norfolk, IP20 9AD

[name and address of premises to which application relates]

I confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I have set out in this form.

Personal licence number

18/01288

[insert personal licence number, if any]

Personal licence issuing authority

South Norfolk Council, Cycgnet Court, Long Stratton, Norfolk, NR15 2XE

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

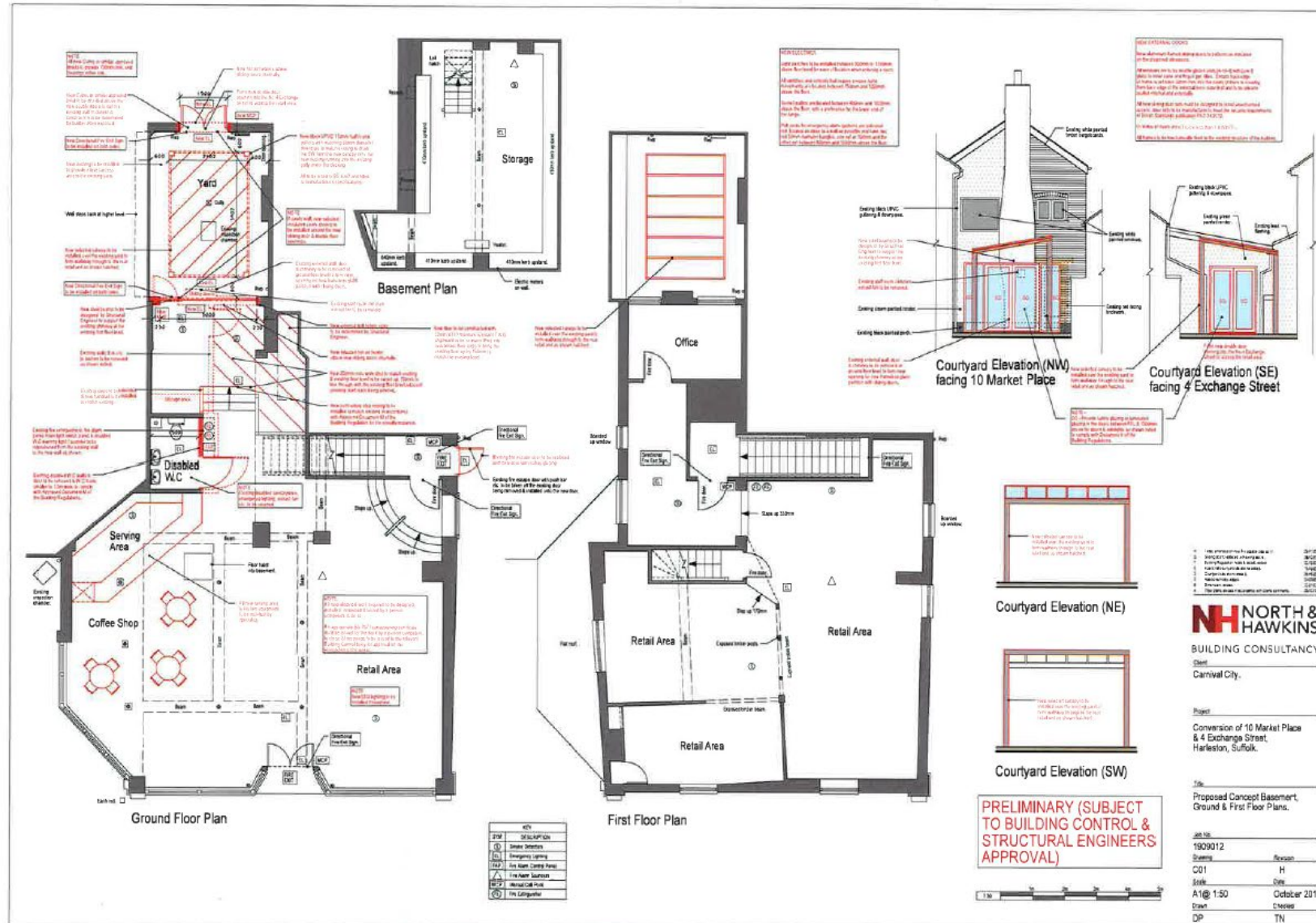
Name (please print)

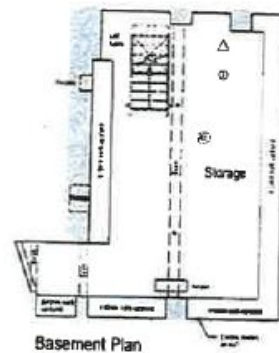
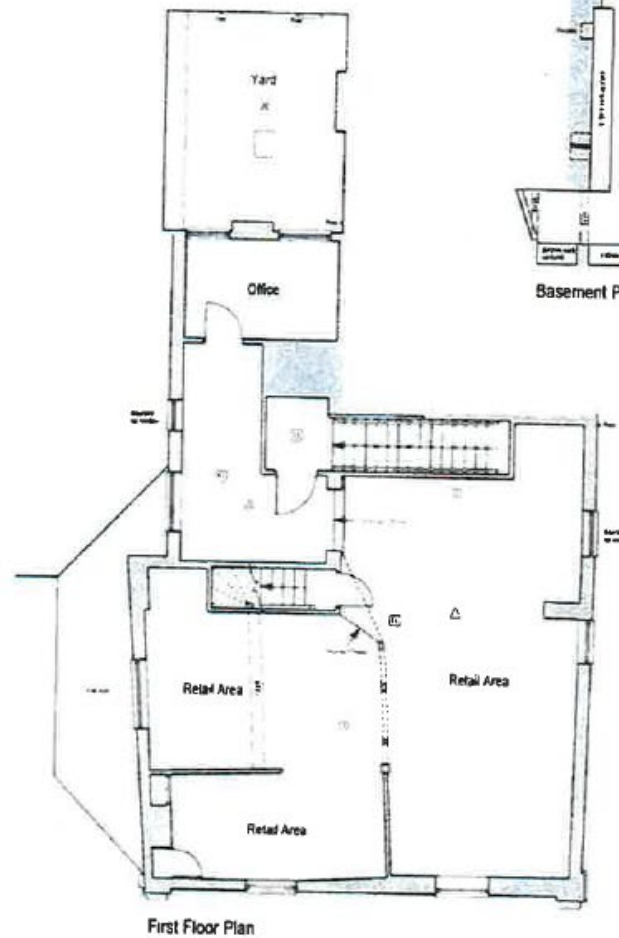
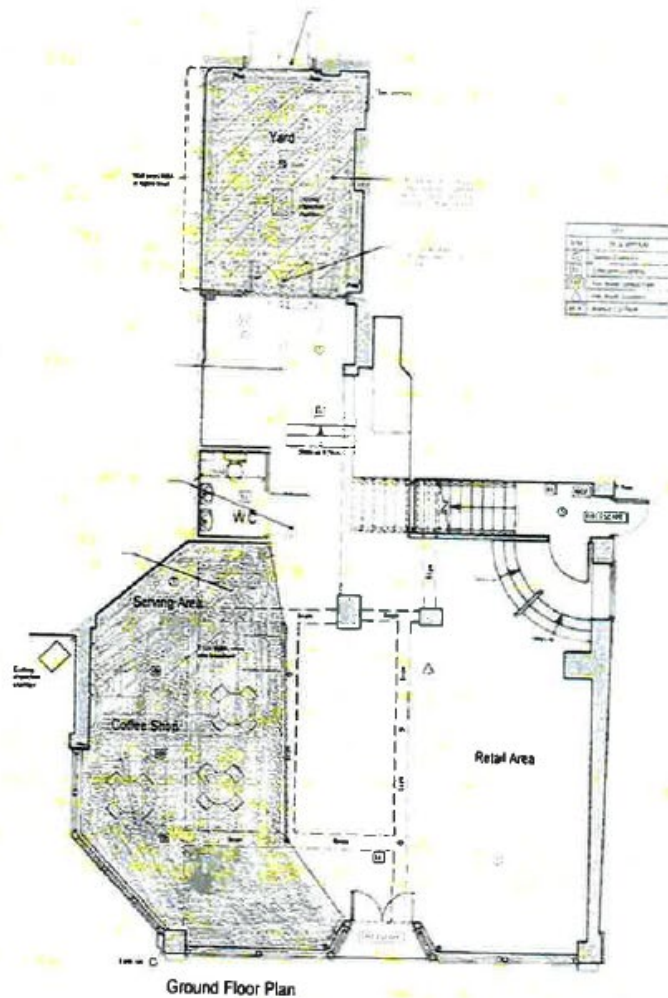
Nicholas Atkins

Date

16th December 2020

Appendix 2: Proposed site plan





KEY



-Bistro / Alcohol area

NH NORTH & HAWKINS
BUILDING CONSULTANCY
City
Canterbury

Conversion of 10 Market Place
& 4 Exchange Street,
Hartford, Suffolk

Proposed Concept Basement,
Ground & First Floor Plans

Ref:	1908012
Drawing:	Rev:
CD1	A
Scale:	Date:
A1@ 1:50	October 2019
Drawn:	Checked:
DP	TN

Appendix 3: Amendment to hours

Dear Amanda,

Thank you for your email. Apologies for the delay in response, I can confirm that takeaways will not include alcohol.

Please let me know if you need anything else.

Many thanks,
Michael

Michael Redhead

On 14/01/2021 10:14, 'Amanda Cox' wrote:

Good morning,

Following my email dated the 8th January, I do not appear to have received a reply. Please can you kindly respond as a matter of urgency and prior to the 17th January, otherwise the application will be determined as submitted with consumption on the premises only.

Many thanks,

Amanda Cox
Licensing & Enforcement Officer

From: Amanda Cox
Sent: 08 January 2021 14:14
To:
Cc: Rosie Setford, Bartram, Michelle
Subject: Carnival City, 10 Market Place, Harleston

Good Afternoon,

Unfortunately Rosie Setford is presently off sick and in her absence I have picked up the application for a new premises licence for 10 Market Place, Harleston.

I note you have requested the provision for the sale of alcohol for consumption on the premises, however I note in the description of the premises that you make reference to takeaway. Please can clarify that this is just with regard to food as to

authorise takeaway alcohol you would need to request the consumption on and off the premises.

Many thanks,

Amanda Cox
Licensing & Enforcement Officer

From:

Sent: 18 December 2020 15:12

To:

Subject: Re: New Premises Licence – Carnival City Ltd, 10 Market Place, Harleston

Dear Rosie,

Thank you for getting back to me. I can confirm that opening hours on a Sunday are 10:00 – 16:00.

I have attached the plan of the premises. The areas of the floor plan that are shaded in grey are the areas where the alcohol sales will be made.

As requested, I have attached a copy of a passport to confirm right to work in the UK.

Please let me know if you need anything else.

Many thanks,
Michael

Appendix 4: Amendment to operating schedule conditions

Amanda,

Yes i am happy with the changes.

Okay, I will prepare a plan and application in the summer if i decide to go down that route. There is no new name as of yet but i will be the supervisor. Im arranging the aplh through poppleston.

Adam

On Fri, 6 Nov 2020, 16:10 Amanda Cox, wrote:

Dear Adam,

I have no issue with Under 18's being permitted given the hours proposed on your application. Please can you confirm in writing that you wish me to remove the condition – Under 18s to be accompanied with family.

With regard to the premises boundary, this is clearly identifiable by the plan submitted with the application and therefore please confirm in writing that you wish to remove the condition – Customers to be kept on the premises

From: Adam Lees
Sent: 06 November 2020 15:24
To: Amanda Cox
Cc:
Subject: Re: 15B Market Hill, Diss

Amanda,

Amendment – Having refined the model of the restaurant with a finer grain, I think under 18s should be allowed to dine in and takeaway in the restaurant (without alcohol), is this acceptable ? Is there anything I need to be aware of in this regards ?

Query – The piece of land from the shop front to the curb is council i believe as it does not come under the premises plan, I dont think I can prevent customers from smoking on this land. I would like to at some point speak to the relevant authority to discuss whether it would be acceptable to have tables and chairs in front in the summer but for now business will only be conducted on the premises – sorry this wasnt clear.

Let me know if you have more queries, thanks for your time.

Thanks

Adam

On Fri, 6 Nov 2020 at 15:06, Amanda Cox wrote:

Dear Mr Lees,

I am writing with regard to your current application for a new premises licence at 15B Market Hill, Diss which is presently under consultation.

As stated in the Revised Guidance issued under section 182 of the Licensing Act 2003:-

10.5

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

In light of the conditions proposed by yourself and my colleagues Adrian Nicholas and Michelle Bartram and to avoid duplication I suggest and query the following:-

Amendment to condition

Install necessary safety apparatus and mark emergency exit routes = A fire risk assessment will be undertaken and adhered to.

Under 18s to be accompanied with family = Any person under the age of 18 years must be accompanied by an adult – do you want to make specific reference to it being a family member, that's very tricky to enforce?

Query of condition

What is meant by customers kept on the premises? Are they prevented from being outside? How is this managed? Smoking area?

I look forward to hearing from you prior to the close of consultation on the 12th November.

Kind regards

Amanda Cox
Licensing & Enforcement Officer



NORFOLK

CONSTABULARY

Our Priority is You

Licensing Department
South Norfolk District Council
Swan Lane
Long Stratton

Friday 15th January 2021

Dear Sir/Madam

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR21NN

Tel:

Fax:

Email: _____

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Application for a new premises licence - 10 Market Place, Harleston

Norfolk Police have been in consultation in relation to the application for a premises licence for 10 Market Place, Harleston

This application is requesting the sale of alcohol for consumption on the premises 0900-1900 hrs Monday-Saturday and 1000-1600 hrs Sundays.

The opening hours reflect this, with the exception of Sundays which mentions 0400 hrs but I believe this to be an error. The operator will need to consider a drinking up period when serving alcohol prior to closing so patrons have time to consume alcohol before closing.

The operating schedule within the application offers measures to promote the licensing objectives such as CCTV, Incident book, no customers permitted to take open containers off the premises and staff patrols.

We would ideally prefer that the CCTV is able to record for a minimum of 28 days and available to Police or Licensing Officer on request and that there is a condition relating to staff training records.

- **CCTV cameras to cover the main public areas including the courtyard to record for a minimum of 28 days and be available to Police or Licensing Officer on request.**
- **Staff will be trained in relation to the sale of alcohol and a record of this training to be kept and available to Police or Licensing Authority on request.**

With these conditions added to the premises licence, there are no objections to this application

Yours faithfully,

Michelle Bartram - Licensing Officer



NORFOLK
CONSTABULARY
Our Priority is You

Licensing Department
South Norfolk District Council
Swan Lane
Long Stratton

Tuesday 26th January 2021

Dear Sir/Madam

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR21NN

Tel:

Fax:

Email: _____

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Application for a new premises licence - 10 Market Place, Harleston

Norfolk Police have been in consultation in relation to the application for a premises licence for 10 Market Place, Harleston

This application is requesting the sale of alcohol for consumption on the premises 0900-1900 hrs Monday-Saturday and 1000-1600 hrs Sundays.

The opening hours reflect this, with the exception of Sundays which mentions 0400 hrs this has now been confirmed as an error and should be 1600 hrs. The operator will need to consider a drinking up period when serving alcohol prior to closing so patrons have time to consume alcohol before closing.

The operating schedule within the application offers measures to promote the licensing objectives such as CCTV, Incident book, no customers permitted to take open containers off the premises and staff patrols.

We would ideally prefer that the CCTV is able to record for a minimum of 28 days however I understand that the CCTV has already been installed and that the courtyard will be included. Due to the premises being open during daytime hours rather than late, I am happy to agree that this CCTV records for 14 days providing that this footage is available to Police or Licensing Officer on request. I would also like a condition confirming staff training records.

- **CCTV cameras to cover the main public areas including the courtyard to record for 14 days and be available to Police or Licensing Officer on request.**
- **Staff will be trained in relation to the sale of alcohol and a record of this training to be kept and available to Police or Licensing Authority on request.**

With these amendments agreed, I no longer have an outstanding representation to this application.

Yours faithfully,
Michelle Bartram - Licensing Officer

Hi Michelle,

Thank you for your email below and the attached letter.

By way of a response, please received the answers as follows:-

- Sunday should say 16.00 hours (4pm in the afternoon). Apologies for the confusion
- CCTV for 14 days would be better for us
- We are planning on covering our courtyard

Would it be possible to incorporate the answers above in the Letter of representation?

Many thanks,
Michael

On 15/01/2021 17:56, Bartram, Michelle wrote:

Hello Michael

Apologies for contacting you,

I notice on the application that it mentions a 0400 hrs closing on a Sunday, I am assuming this is wrong. Can you confirm this?

I thank you for offering a number of proposals to promote the licensing objectives.

We usually request the CCTV to record for 28 days in line with home office guidance, however if your current capacity is only 14, I will reconsider my request.

I don't know if you are planning on covering the courtyard area also but this would be beneficial.

If you can look at my letter attached and let me know your thoughts.

Thanks

Michelle Bartram

Licensing Officer

Norfolk Police

Norwich

This e-mail carries a disclaimer

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

3 Duplication

- 3.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 3.2 The licensing authority will arrange for protocols with Norfolk Constabulary to enable reporting to the authority responsible for transport matters on the need for the swift and safe dispersal of people from the town centres within the district to avoid concentrations of people, which can produce disorder and disturbance.
- 3.3 The licensing authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes. Whilst having regard to the planning regime the licensing authority recognises that there should be a clear separation of the planning and licensing regimes. The licensing authority will endeavour to minimise the burden of legislation on small businesses.
- 3.4 However, some regulations do not cover the unique circumstances of some entertainment. Where relevant representations are received the licensing authority will consider attaching conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.
- 3.5 This policy recognises that:
The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between those who share a protected characteristic and those who do not.

Classification or the licensing authority itself (see paragraphs 10.59 to 10.60).

Integrating strategies

- 14.63 It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

Planning and building control

- 14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

Promotion of equality

- 14.66 A statement of licensing policy should recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 14.67 Public authorities are required to publish information at least annually to demonstrate their compliance with the Equality Duty. The statement of licensing policy should refer to this legislation, and explain how the Equality Duty has been complied with. Further guidance is available from Government Equalities Office and the Equality and Human Rights Commission.

Administration, exercise and delegation of functions

- 14.68 The 2003 Act provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by its licensing committee (except those relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it). The licensing committee may delegate these functions to sub-committees consisting of three members of the committee, or in

Appendix 6: Representation from a local business

From: J D Young
Sent: 14 Jan 2021 11:29:58
To:
Subject: jds

Good Afternoon,

Re: Carnival City, 10 Church Place, Harleston

We would like to object to the licensing application for Carnival City for the following reasons.

The prevention of crime and disorder:

We run a very tight ship but quite often we have encountered very drunk and abusive men fighting/screaming on the town square that have not been our customers. We find drinking establishments that are managed by inexperienced operators are very rarely able to control these issues and we do not want local people believing incorrectly that we have failed them or a situation getting out of hand.

Public Nuisance:

We already have an issue where people shopping in the town use our small car park leaving our customers having to park elsewhere. As the card shop does not have a car park, parking for both them and us will be a major issue.

Kind Regards

JD Young Hotel

10. Conditions attached to premises licences and club premises certificates

General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they, should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

From:

Sent: 17 December 2020 12:53

To:

Subject: Conditions for Carnival City Ltd

The prevention of crime and disorder:

CCTv will be installed, operated and maintained.

All images must be retained for a minimum of 14 days and be produced on the reasonable request of the police or Licensing Officer (recording media must be set to 25 frames per second) – remove

The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the police will be informed as soon as possible. Details of the malfunction must be recorded in the premises incident book.

Warning notices will be displayed in public areas of the premises and at all entrances advising that CCTV is in operation.

A Crime prevention policy will be in place.

An incident book will be maintained within which full details of all incidents and refused alcohol sales at the premises and will made available on reasonable request to the police or Licensing Authority.

No one carrying open vessels or sealed bottles or glasses will be admitted to the premises at any time.

Customers will not be permitted to take open vessels containers of alcoholic or soft drinks from the premises.

c) Public safety:

The standards for the management of responsible drinks promotions including 'happy hours' produced by the British Beer and Pub Association will be complied with.

The licence holder or people authorised will check the premises before it opens to the public to ensure there are no risks to patrons and that all safety precautions are in place.

All staff in the relation to the sale of alcohol will receive training about emergency and general safety precautions and procedures.

Ensure all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

All bottles and glasses and rubbish to be removed from public areas on a regular and frequent basis.

The electrical system at the premises, including portable appliances, will be inspected and tested annually by a competent person and a satisfactory safety report obtained.

The gas system, including appliances, will be inspected annually and tested by a Gas Safe Registered engineer and a satisfactory Gas Safety Certificate obtained.

Any oil fired boilers and appliances installed on the premises or installed in the future will be inspected and tested annually and an OFTEC certificate of inspection must be obtained.

All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.

The premises licence holder will ensure that a Fire Risk Assessment is in force and kept and maintained at the premises

An adequate and appropriate supply of first aid equipment and materials will be made available on the premises.

d) The prevention of public nuisance:

staff will regularly patrol the premises both indoors and outdoors to supervise the orderly conduct of patrons.

Prominent, legible notices requesting people to leave the premises and the area quietly will be displayed at all exits.

All external doors and windows will be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or any other type of entertainment.

Outside area to be provided for the use of patrons facilities for the disposing and collecting of litter.

Provide litter bins both inside and directly outside the premises.

During opening hours, and at the close of business, arrangement will be made for litter from the business to be collected from the immediate vicinity and stored inside the premises pending collection.

Drinks consumed in outdoor areas will be served in plastic or toughened glass.

e) The protection of children from harm:

A proof of age policy will be enforced.

A challenge 25 policy will be employed where those individuals who appear to be under the age of 25 attempting to purchase alcohol will be asked for identification.

The only type of ID that will be accepted is PASS accredited ID, passport or driving licence

Rosie Setford

Licensing & Enforcement Officer