

Report to	Licensing sub committee 7 December 2012	Item
Report of	Head of citywide services	3
Subject	Licensing Act 2003: Application for the Grant of a Premises Licence - Bilan Shop 476 Sprowston Road Norwich NR3 4DY	

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a Premises Licence in respect of Bilan Shop 476 Sprowston Road Norwich NR3 4DY following the receipt of relevant representations.

Recommendation

That Members determine the application to grant a Premises Licence in respect of Bilan Shop 476 Sprowston Road Norwich NR3 4DY in accordance with the:

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

Corporate and service priorities

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

Financial implications

None.

Ward/s: All wards

Cabinet member: Councillor Driver – Environment and neighbourhoods

Contact officers

Ian Streeter, licensing manager

01603 212439

Background documents

None

Report

The application

1. The applicant is Bebak Shalli of 8 Leopard Court Norwich NR3 1NN.
2. The application seeks to allow the licensable activity of the supply of alcohol for consumption off the premises.
3. The proposed standard days and hours for the supply of alcohol is:

Supply of alcohol – (for consumption off the premises):

Monday	0700 – 2300
Tuesday	0700 – 2300
Wednesday	0700 – 2300
Thursday	0700 – 2300
Friday	0700 – 2300
Saturday	0700 – 2300
Sunday	0700 – 2300

4. The opening hours of the premises are:

Monday	0700 – 2300
Tuesday	0700 – 2300
Wednesday	0700 – 2300
Thursday	0700 – 2300
Friday	0700 – 2300
Saturday	0700 – 2300
Sunday	0700 – 2300

5. A plan of the premises together with the steps put forward by the applicant to promote the licensing objectives will be available at your meeting.

Relevant representations

6. The responses from the Responsible Authorities are as follows:

Police – no representations

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

7. Relevant representations and a petition have been received in respect of the application with concerns which appear to relate to all four of the licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm). Copies of the representations and petition are appended to the report.
8. A site map of the area identifying the application premises in relation to the relevant representation party address will be available at the meeting.

Norwich City Council Statement of Licensing Policy

9. Attached at appendix C are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

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

10. Attached at appendix D are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

Summary

11. In determining the application with a view to promoting the licensing objectives the Sub-Committee must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
 - the representations (including supporting information) presented by all the parties;
 - the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and
 - the Council's own statement of licensing policy.
12. The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

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

13. The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
14. The representations received appear to relate to issues that fall under all four of the licensing objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Sub-Committee is directed to paragraphs 20, 22, 24 and 26 of the local licensing policy at Appendix C which contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contain examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
15. It should be noted that where reference is made in the representations to those existing premises that are authorised to sell alcohol, paragraph 13.18 of the national guidance reads:

13.18 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.
16. Paragraphs 10.11 – 10.13 of the national guidance (see appendix E to the report) address the issue of opening hours. Paragraph 10.13, re-produced below, specifically addresses the sale of alcohol from shops, stores and supermarkets.

10.13 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.
17. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.

Norwich City Council Licensing Authority
Licensing Act 2003

26 JUN 2012

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

LICENSING OFFICE

Your name/organisation name/name of body you represent (see note 1)	HEATHER NOCKOUDS.
Postal address	547 SPROWSTON ROAD NORWICH NR3 4AD
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	BILAN SHOP.
Address of the premises you wish to support or object to.	476 SPROWSTON ROAD NORWICH NR3 4DY

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	THERE ARE ALREADY ISSUES WITH FIGHTS & BROKEN BOTTLES & DRUNKEN WITH THE EXISTING OFF LICENSE & PUB. ANOTHER WOULD ATTRACT MORE DRINKERS. BEHAVIO
Public safety	ISSUES WITH PARKING, ESPECIALLY WITH THE ENTRANCE TO THE BANK CAR PARK BEING SO DANGEROUS.
To prevent public nuisance	SHOUTING & DRUNKEN BEHAVIOUR.
To protect children from harm	ANOTHER OFF LICENSE COULD PROVIDE A SOURCE OF ALCOHOL TO MINORS.

Please suggest any conditions which would alleviate your concerns.	NOT HAVING ANOTHER ONLY TWO DOORS DOWN FROM THE EXISTING SHOP.
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Signed:

Date: 22/6/12

Please see notes on reverse



CORPORATE RESOURCES

26 JUN 2012

POST ROOM

Norwich City Council Licensing Authority
Licensing Act 2003Statement of support or objection to
an application for a premises licence

26 JUN 2012

Your name/organisation name/name of body you represent (see note 1)	GILLIAN BEARLEY
Postal address	4 TEMPLEMERE SPURSION ROAD NORWICH NR3 4ET (DIRECTLY OPPOSITE)
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	BILAN SHOP
Address of the premises you wish to support or object to.	476 SPURSION ROAD NR3 4DY

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	ALREADY GROUPS OF YOUNG PEOPLE OFTEN WITH ALCOHOL BOUGHT FROM EGS OF POLICE CALLED ASSISTANCE SHOPS
Public safety	PARKING ON DOUBLE YELLOW LINES ON CORNERS ENTRANCE INTO TEMPLEMERE TO VISIT SHOPS. DIFFICULT TO EXIT FROM TEMPLEMERE. ALREADY ACCIDENTS WILL GO ON UNTIL 11:30
To prevent public nuisance	ALL DAY INCREASED TRAFFIC & NOISE. GROUPS WILL COLLECT AS THEY DO NOW. BOTTLES/CANS ALONG ROAD & OUTSIDE BANK WHERE THEY SIT.
To protect children from harm	QUICKMARKS HAS SCHEME DEVELOPED WITH POLICE SO MINORS NOT SERVED. HOWEVER, THERE ARE SALES TO MINORS LOCALLY. PROBLEM WILL INCREASE WITH 2 OFA-LICENCES TO SELL TO THEM
Please suggest any conditions which would alleviate your concerns.	IT WOULD HELP IF HE HAD PLANNING PERMISSION. BEEN TOLD HE HADN'T. (14-06) ASSURANCE THAT POLICE WILL MAKE REGULAR CHECKS AND AMEND WHEN RESIDENTS PHONE. CHANGE COLOUR OF SHOP. ITS OPPOSITE MY KITCHEN WINDOW!

Signed:

Date:

Please see notes on reverse

22-06-12

Norwich City Council Licensing Authority
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	BABA'S KEBAB 478 SPROWSTON
Postal address	478 SPROWSTON ROAD NORWICH NR3 4DY
Email address	N/A
Contact telephone number	

Name of the premises you wish to support or object to	BILAN SHOP
Address of the premises you wish to support or object to	476 SPROWSTON ROAD NORWICH NR3 4DY

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	CCTV COULD BE PUT INTO PLACE INSIDE + OUTSIDE PREMISES TO PREVENT CRIME AND DISORDER.
Public safety	
To prevent public nuisance	
To protect children from harm	STRICT REGULATIONS CONCERNING THE SALE OF ALCOHOL TO UNDERAGE CHILDREN SHOULD BE PUT INTO PLACE. I DO ^{SHOULD} BE ASKED FOR THOSE WHO LOOK UNDER 25 YEARS OLD.

Please suggest any conditions which would alleviate your concerns.	N/A
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Signed:

Date: 25/6/12

Please see notes on reverse

IBRAHIM ÇAYGA

Norwich City Council Licensing Authority
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	FUNCUTS
Postal address	480 SPROUSTON ROAD NORWICH NR3 4DY
Email address	N/A
* Contact telephone number	

Name of the premises you wish to support or object to	BILAN SHOP
Address of the premises you wish to support or object to	476 SPROUSTON ROAD NORWICH, NR3 4DY

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	SHOP OWNER COULD WORK ALONGSIDE COMMUNITY POLICE OFFICERS IN ORDER TO PREVENT CRIME AND DISORDER.
Public safety	
To prevent public nuisance	CCTV COULD BE PUT INTO PLACE TO DETER THOSE WHO WISH TO CAUSE PUBLIC NUISANCE.
To protect children from harm	ANY CUSTOMER WHO LOOKS UNDER LEGAL AGE OF ALCOHOL CONSUMPTION SHOULD BE ASKED FOR ID.

Please suggest any conditions which would alleviate your concerns.	N/A.
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Signed:

Date: 23/6/12

Please see notes on reverse

SHALAW RASOOL

Norwich City Council Licensing Authority
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	JULIAN RAMON BLAKE LANDLORD
Postal address	484 SPROWSTON ROAD NORWICH NR3 4DY
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	BILAN SHOP
Address of the premises you wish to support or object to	476 SPROWSTON ROAD NORWICH NR3 4DY
Your support or objection must relate to one of the four Licensing Objectives (see note 2)	
Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	MAY INCREASE CRIME AND DIS- ORDER DUE TO LENGTH OF OPENING TIMES
Public safety	SAFETY MAYBE COMPROMISED AS PEOPLE DRINKING AROUND BARCLAYS BANK LATE AT NIGHT - THIS IS ALREADY HAPPENING
To prevent public nuisance	ALREADY ONE OFF LICENCE AT 484 SPROWSTON ROAD WHICH HAS INCREASED PUBLIC NUISANCE E.G. NOISE, WASTE, URINATING
To protect children from harm	

Please suggest any conditions which
would alleviate your concerns

NOT TO ALLOW ANOTHER PREMISES
TO SELL ALCOHOL WHEN THERE IS ONE
ALREADY ONLY A FEW YARDS AWAY. CUT
PREMISES OPENING TIMES.

Signed:

Date 29/6/12

Please see notes on reverse



Norwich City Council Licensing Authority
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	CENTR AHMET
Postal address	474A SPROWSTON ROAD NORWICH, NR3 4DY
Email address	XXXXXXXXXX N/A
Contact telephone number	

Name of the premises you wish to support or object to	BILAN SHOP
Address of the premises you wish to support or object to.	476 SPROWSTON ROAD, NORWICH NR3 4DY

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	PUT CCTV INTO PLACE INSIDE / OUTSIDE OF PREMISES.
Public safety	SHOP OWNER SHOULD WORK ALONGSIDE LOCAL POLICE IF ANY SAFETY ISSUES SHOULD ARISE.
To prevent public nuisance	SHOP SHOULD NOT EXCEED CLOSING TIME OF 11PM. EXCESS WASTE SHOULD BE CONTAINED + REPORTED TO COUNCIL IF REQUIRED.
To protect children from harm	ANY PERSON WHO LOOKS UNDER THE AGE OF 21 SHOULD BE ASKED FOR I.D IF ATTEMPTING TO PURCHASE ALCOHOL + TOBACCO.

Please suggest any conditions which would alleviate your concerns.	N/A.
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Signed:

Date: 1/7/12

Please see notes on reverse

Fuller, Maxine

From: The Brickmakers [r]
Sent: 10 July 2012 16:31
To: Licensing
Subject: Objection to grant of premises licence at Bilan Shop, 476 Sprowston Road, NR3 4DY
Attachments: Representationform (1).doc

Dear Sir / Madam

Please find the completed attached objection representation for the grant of premises licence for Bilan Shop, 476 Sprowston Road, NR3 4DY

We look forward to hearing from you and are happy to attend the sub-committee meeting.

Thank you for your time

Kind regards

Pam South

The Brickmakers & B2
"Rocking out since 2003!!"

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



NORWICH
City Council

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

Your name/organisation name/name of body you represent (see note 1)	The Brickmakers
Postal address	496 Sprowston Road, Norwich, Norfolk NR3 4DY
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Bilan Shop, 476 Sprowston Road, NR3 4DY
Your support or objection must relate to one of the four licensing objectives (see note 2)	
Licensing objective	Please set out your support or objections below. Please use separate sheets if necessary.
To prevent crime and disorder	Whilst patrolling our car park i have seen groups of young people behind the bank down the alley way dinking from carrier bags, only one of them with I D they will then try to enter our premises refusal leads sometimes to conflict, uncontrolled drinking leads to increased crime and vandalism.,
Public safety	Bottles and cans are constantly left on the path and roadside now, from the exsisting off license, causing obstruction broken glass etc, on the pathways etc. The public can be approached by underage drinkers to buy on their behalf, refusal could cause conflict,I have been informed this has already happened
To prevent public nuisance	Members of the public going to the takeaways may encounter difficulting parking if people are trying to park to go into the shop people hanging about outside could lead to hostility, noise from arguments etc,often large groups gathering there now
To protect children from harm	Children using the takeaways and convenience store could encounter all of the above , it is well known locally that the existing off license sells to underage drinkers.
Please suggest any conditions which would alleviate your concerns	There are none, we already have one off license there, within walking distance we have two tesco's , 2 more convenience/ liquor stores and a licenced garage, the area is saturated to the point where you could reach another shop still drinking the can bought in the previous shop[
Signed: Pamela South	Date: 10/7/12

Notes

1. In order for you to be able to support or object to an application for a premises licence you must live, work or represent a body that is in the vicinity of the premises.

2. Comments of support or objection must relate to the four licensing objectives, which are:
- to prevent crime and disorder
 - public safety
 - to prevent public nuisance
 - to protect children from harm.
3. An application for a premises licence will be notified to residents by displaying it on the premises and in the local press. Comments in support or objections must be made within 28 days of the date given in the public notice.
4. If you have made valid comments of support or objection you will be expected to attend a meeting of the authority's licensing sub-committee and any subsequent appeal proceeding. If you do not attend, the sub-committee will still consider your comments, but they may not carry the same weight as if you had attended if, for example, the contents are disputed or challenged.
5. Your comments of support or objection will be passed to the applicant to allow them the opportunity to address your concerns in line with the Licensing Act 2003. Your comments will also be published in the report to the licensing sub-committee, which is publicly available and displayed on the city council's website.
6. Please return this form when completed to:

Norwich City Council
Licensing section
City Hall
St Peter Street
Norwich
NR2 1NH
t: 01603 212761
f: 01603 212040
e: licensing@norwich.gov.uk

1 JUL 2012

Norwich City Council Licensing Authority
Licensing Act 2003

1 JUL 2012

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

Your name/organisation name/name of body you represent (see note 1)	Mr and Mrs Lawson
Postal address	537 SPROWSON ROAD. NR3 4AD
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	BILAN SHOP. 476 SPROWSON ROAD
Address of the premises you wish to support or object to.	476 SPROWSON ROAD

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	① UNDER AGE DRINKING ⑤ GRAFFITI ② ABUSIVE BEHAVIOUR ③ PARKING ON DOUBLE YELLOW LINES ④ DOG POOING BY CUSTOMERS DOGS.
Public safety	① CARS PARKING ON DOUBLE YELLOW LINES. ② DOGS LEFT LOOSE OR TIED UP OUTSIDE SHOP. ③ BICYCLES LEFT LYING ON PATH.
To prevent public nuisance	① YOUTHS IN GROUPS HANGING AROUND SHOP: INTIMIDATION + ROWDY BEHAVIOUR ② PARKED CARS WITH LOUD MUSIC BLASTING.
To protect children from harm	① DOGS LOOSE OR TIED OUTSIDE SHOPS. ② UNDER AGE DRINKING OR PURCHASING CIGARETTES.

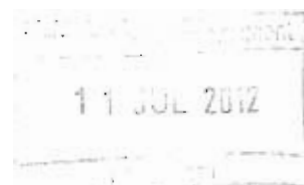
Please suggest any conditions which would alleviate your concerns.	Not to have an off licence at all, we already have a shop which sells alcohol, cigarettes ect: Why another one?
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Signed:

Date: 06.06.2012

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003



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

Your name/organisation name/name of body you represent (see note 1)	TERRI fish
Postal address	476A Sproston Road, NORWICH NR3 4DY
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Bilan shop
Address of the premises you wish to support or object to.	476 Sproston Road, Norwich NR3 4DY

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

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

Please suggest any conditions which would alleviate your concerns.	
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Signed:

Date: 23/6/2012

Please see notes on reverse

Objection to new off licence Sprowston Road

Prevent crime and disorder

In this area of the Sprowston road, drunken disorder is an issue today; with a new off license this will only bring more disorder and more issues with the brickmakers pub having users bringing their own cheap alcohol to this venue. Also the opening hours from 0700-2300 will mean more opportunity for people to buy and consume alcohol in the area increasing crime, violence and anti-social behaviour making this worse for all local residents. My self and other locals regularly have to call the police for drunken persons in the area; we want to improve the local community not make the life for all of us worse.

Public safety

Many outbreaks of fighting and drunk driving already happen in the area, this is a regular occurring from Friday to Sunday, more alcohol and cheaper alcohol will only make this worse for members of the public and local residents. Living in this area for 2 ½ years the area which is now slowly improving will no doubt again if this off licence opens will bring the whole area back into a negative and poor area to live. I live directly above the new store and already have had issues with the new persons leasing the store, with building works being undertaken on Sundays and weekdays after 21:00 with also the personal intimidations from them to make me hand over my rented flat to them.

To prevent public nuisance

Already due to having over 5 public house in the area and three convenience stores also in the local area that all sell alcohol this new request for a large off licence advertising cheap alcohol will only make the situation of drunks, violence and crime worse. I already suffer from the bad effects of the many drunks around late at night and during the day with people being sick and urinating in my drive with smashed glass bottle on the pavements.

To protect children from harm

This area contains many young families, myself being one of them. I will be living directly above the new store, which I only have one exit from my flat, the store below also has only one exit point and the fire risk for me will no doubt be high due to the flammable alcohol that will be stored in the new shop below. I have a 6 months old baby and also 4 months pregnant, my access stairs are directly above the new stores location. Young children who do try to get alcohol and are under age do get declined service at the many local pubs but this may not be the case with this new off licence.

Conditions to alleviate my concerns

To have this request for a new off licence declined and a better location selected

Norwich City Council Licensing Authority
Licensing Act 2003

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

12 JUL 2012

Your name/organisation name/name of body you represent (see note 1)	MISS J ROSE
Postal address	2 TEMPLEMERE, SPROWSTON NR3 4EF
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	BILAN SHOP
Address of the premises you wish to support or object to.	476 SPROWSTON RD NR3 4EF

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	THERE ARE TOO MANY DRINK RELATED INCIDENTS HAPPENING ALREADY. THE POLICE DON'T NEED ANOTHER BUSINESS TO MAKE THINGS WORSE.
Public safety	HOW CAN SELLING ALCOHOL FROM 7-11PM BE GOOD FOR PUBLIC SAFETY IT WON'T TAKE LONG BEFORE THE PUBLIC ARE AT RISK OF SERIOUS INJURY & CRIME
To prevent public nuisance	HOW CAN PEOPLE LEARN TO DRINK RESPONSIBLY WHEN THERE ARE TOO MANY PLACES THAT SELL ALCOHOL WITHIN A 2 MILE RADIUS ALREADY
To protect children from harm	LOTS OF SCHOOL CHILDREN PASS BY THEY DON'T NEED TO ^{SEE} THAT THEY CAN BUY ALCOHOL FROM 7AM - 11PM. NOT A VERY GOOD IMPRESSION AS GROW UP.

Please suggest any conditions which would alleviate your concerns.	THE ONLY THING IS NOT TOO OPEN AN OFF LICENSE AT SUCH INCREDIBLY STUPID OPENING HOURS AT ALL. HOW CAN THIS EVEN BE CONSIDERED ITS TOTALLY UNBELIEVABLE.
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Signed:

Date: 9/7/12

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003



16 JUL 2012

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

Your name/organisation name/name of body you represent (see note 1)	MR + MRS A HOWARD
Postal address	28 BLAKES COURT NR3 4DS.
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	BILAN SHOP
Address of the premises you wish to support or object to.	476 SPROWSTON ROAD. NR3 4DY.

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	We object on the disorder part from persons being drunk and using Blakes Lake as a public convenience, shouting, swearing and causing general mayhem.
Public safety	Throwing cans and bottles over garden fences. Leaving rubbish on paths and passage ways.
To prevent public nuisance	As first one.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Along Sproston Rd, we have 3 public houses and 2 shops that sell alcohol. Needless to say do we really need another licensed premises!!!
--	--

Signed:

Date: 12/7/12.

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003



16 JUL 2012

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

Your name/organisation name/name of body you represent (see note 1)	MR & MRS D. WHITE
Postal address	26 BLAKES COURT NORWICH
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	BILAN SHOP
Address of the premises you wish to support or object to.	476 SPROWSTON ROAD, NCH. NR3 4DY

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	We object to the granting of a licence to sell alcohol at Bilan Shop, 476 Sprowston Road Norwich on the following grounds:- We already have late night and early morning noise etc. from people, some of which are under age, using Blakes Loke for drinking etc. especially at weekends. The amount of empty beer cans and bottles left there is ample proof of this. Most of these are brands sold by the existing off licence which is only one shop away from applicant. Blakes Loke is also used as a urinal by drinkers, this occurs in daytime also in an area used by local people and children. As we already have a very well run public house in close proximity to existing off licence, we see no reason to allow another business retailing alcohol in the same area as we believe this will add to the disturbances that occur especially at weekends.
Public safety	
To prevent public nuisance	
To protect children from harm	
Please suggest any conditions which would alleviate your concerns.	

Signed: _____

Date: 12.7.2012

Please see notes on reverse

TEMPLEMERE RESIDENTS' ASSOCIATION LTD.

Registered in England no. 1132774
75, Templemere, Norwich, NR3 4EG
Tel:

16 JUL 2012

Norwich City Council
Licensing Section
City Hall
Norwich
NR2 1NH

CORPORATE RESOURCES

16 JUL 2012

POST ROOM

13th July 2012

Dear Sirs,

Re: Bilan Shop, 476 Sprowston Road, Norwich, NR3 4DY.

Objections to an application for a premises license.

I am writing on behalf of Templemere Residents' Association Ltd., which owns the freehold to the 162 flats and maisonettes of Templemere, adjacent to the site in question. Those particularly affected are in the 2 blocks 1 - 4 Templemere NR3 4EF & 165 - 168 Templemere NR3 4EE.

To prevent crime & disorder: Objection:

The nationally known Brickmakers Pub immediately adjacent has many music events, some of which are aimed at a younger audience. These people are not able to purchase alcohol at the pub and there is concern from neighbours opposite on Templemere that youths who congregate in the vicinity will have access to alcohol at this shop, particularly if it turns out not to be well controlled or staffed by temporary workers not familiar with age restrictions on sale of alcohol. This could lead to anti social behaviour on a bigger scale than at present which could affect the local neighbourhood, which is really a high-density residential area (there are 162 flats/maisonettes on Templemere, 50 on Windmill Court, and many on Shipfield), as well as the terraced houses and flat dwellers opposite and above this shop and neighbouring ones. The leaseholders of Templemere are concerned about upholding the appearance of the area so that the value of properties is not affected. There is already concern about the amount of litter dropped on the Sprowston Road & on Templemere, and that often results from those who frequent the existing takeaway establishments too.

To point out the obvious - there are already the "Sprowston Shopper" (next door but one to 476) and the pub where alcohol can be purchased so the proposed use of these premises does not offer anything extra to the neighbourhood and can only affect the viability of existing businesses. In the short term if there is an increase in crime and disorder and that is then followed by this premises or others becoming unviable and shutting up shop then this neighbourhood will decline and the whole area will be an encouragement to crime and disorder.

.....cont

Public safety: Main objection:

The committee of the Residents' Association decided to make representation on this application for a grant of a license on behalf of the leaseholders and residents of the flats 1 - 4 (inclusive) and 165 - 168 (inclusive) Templemere which are directly opposite 476 Sprowston Road as well as all the other leaseholders of Templemere due to the concerns about public safety. These arise due to the Templemere/Sprowston Road junction (not light controlled); the pedestrian crossing lower down the Sprowston Road and the speed of cars coming off the roundabout on the Ring Road junction.

The premises in question were originally a card shop which mostly generated foot traffic. It is expected that an off-license will generate more car movements from 7 am until 11pm as proposed. 3/5/12 there was a fatal road traffic accident at this part of the Sprowston Road where a young man resident on Templemere was knocked off his bike while crossing the road in the early evening. Any resident of Templemere (whether on foot, in a car or on a bike or motorbike) could therefore be at risk from increased traffic movement at a point where the speed of traffic is already a concern (there is supposed to be a 30 mph limit). On behalf of the committee (and as suggested by our local PCSO) I have already contacted highways at Norwich City Council with a request for action to improve road safety.

Furthermore, as the parking outside 476 is "30 minute waiting" it is thought that, as for the other premises opposite, the staff at 476 will park on Templemere as it is not permit-controlled. This already creates a problem during opening hours in that cars are parked at the Templemere entrance, making it effectively only one carriageway, which affects the flow of traffic and the visibility at the Templemere/Sprowston Road junction (which is the only vehicular access for the 162 flats/maisonettes on Templemere and the 50 flats of Windmill Court). On the Templemere side of the Sprowston road there are yellow lines which are not enforced.

This objection would apply to any use of these premises which is likely to give rise to increased car movement.

To protect children from harm: Objection:

As stated above younger children do attend events at the Brickmakers pub and they should not have any opportunity to purchase alcohol.

Suggest any conditions which would alleviate your concerns:

As this is a residential area neighbours will be affected if any after hours deliveries are made so these should be avoided.

The Association requests that the application be refused so that another application could be sought from someone who would use the premises to the benefit of local residents rather than passing customers in cars.

Please keep the Association informed of progress with this application.

Yours faithfully,

V Shepherd (Ms)
Managing Agent

Norwich City Council Licensing Authority
Licensing Act 2003

17 JUL 2012

CORPORATE RESOURCES
17 JUL 2012
POST ROOM

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

Your name/organisation name/name of body you represent (see note 1)	Faye Page
Postal address	472 SPROWSTON ROAD NORWICH NR3 4DY
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	MILAN SHOP
Address of the premises you wish to support or object to.	476 SPROWSTON ROAD, NORWICH NR3 4DY

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	I can see no good reason for alcohol needing to be sold at such an early time in the morning. The only
Public safety	people this is aimed at is those with a drink problem. It will encourage anti-social drinking, which will be a public nuisance, cause more crime in the area
To prevent public nuisance	and be a worry to public safety. Already drunk people can sometimes be seen vomiting in the street during the day. I see this as increasing the problem.
To protect children from harm	Having young teenage children I feel that it will encourage drunks/alcoholics to the local area, which could be harmful.

Please suggest any conditions which would alleviate your concerns.	I feel the area is already well served for those needing alcohol within sociable drinking hours, as the small shop 2 doors away already sells it.
--	---

Signed:

Date: 13.7.12

Please see notes on reverse

Having lived here for more than 11 years I feel the local residents should have a say in our area.

Norwich City Council Licensing Authority
Licensing Act 2003

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

MELBA MCGUIRE

1 TEMPIERERE NR3.4EF.
BILAN SHOP

Your name/organisation name/name of body you represent (see note 1)	MELBA MCGUIRE 1 TEMPIERERE NR3.4EF. BILAN SHOP
Postal address	476 SPROWSTON ROAD
Email address	NORWICH NR3 4DY
Contact telephone number	

Name of the premises you wish to support or object to	BILAN SHOP
Address of the premises you wish to support or object to.	AS ABOVE

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	There are enough public Houses in this Area and already enough OFF LICENCES in this Area
Public safety	A LOT OF ELDERLY PEOPLE LIVE in this area, it would not be safe on street for them
To prevent public nuisance	It would encourage Underage DRINKING & YOUNGADS MAKING A NOISANCE OF THEMSELVES
To protect children from harm	There ARE A LOT OF CHILDREN in this Area, it would be unsafe FOR THEM

Please suggest any conditions which would alleviate your concerns.	DON'T LET THE OFF LICENCE OPEN
--	--------------------------------

Signed:

Date: 2-7-12.

Please see notes on reverse

I live opposite the said Premises

Above, and I see what goes on, when the public Houses close, there are always arguments & Fighting OUTSIDE BAA BAAS the TAKE AWAY SHOP which is only.

OBJECTION FOR A NEW OFF LICENCE IN
SPROWSTON

(BILAN SHOP, 476, SPROWSTON ROAD, NR3 4DY NORWICH)

M. Bothwell - 101-Shipfield NR3 4DT.

Name	Address	Signature
R. Smith	41 ship field	
S. GUNTER	26 Templemead	
H. GUNTER	131 Templemead	
D. SMITH	10 TEMPLEMEAD	
J. GUNTER	19 Templemead	
J. PAUL	81 Shipfield	
D. PENGILL	567 SPROWSTON RD	
ANDREW WRIGHT	143 Templemead	
H. ROSSANDS	90. Cromwell Rd	
H. ROSSANDS	91. CROMWELL RD	
Lee Dagless	476a Sprowston RD	
TOMY LEE	107 SHIPFIELD	
W. MULL	5091 Sprowston Rd	
Kennedy	128 Templemead	
one 12 also	123 Templemead	
George Wile	76 Cromwell Road	

(BILAN SHOP, 476, SPROWSTON ROAD, NR3 4DY NORWICH)

NAME	ADDRESS	SIGNATURE
S. HARRIS	TEMPLEMEAD	
M. Jones	School Lane	
W. Jones X	Templemead	
	" "	
C. F. FRIEDMAN	Glenham	
T. L. J.	22 BLAKES CT	
E. Jones	38 Templemead	
J. MICHEL	50A Templemead	
R. WARD	1 TEMPLEMEAD	
Queen Harris	37 Templemead	
R. Beves	23 Wroxham Rd Blakes ct	
D. Davidson	B. Gember	

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

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

Your name/organisation name/name of body you represent (see note 1)	A. DASZAK
Postal address	165 TEMPLEMEERE NORWICH
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	SPROWSTON SHOPPER
Address of the premises you wish to support or object to.	484 SPROWSTON ROAD, NORWICH.

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	• see below. • several drunken fights a month as it is unwell & people.
To prevent public nuisance	• LATE OF PARKING SPACES, & already have people on double yellow all the time, and many near misses, accidents & one death as a result.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	NONE
---	------

Signed:

Date: 3.7.12

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	Shane Brock
Postal address	541 Sproston Road Norwich
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	476 Sproston Road Bilan Shop
Address of the premises you wish to support or object to.	484 Sproston Road

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder (OBJECTIONS)	They will sell the alcohol earlier and it will increase the disputes and crimes
Public safety "	If the new off-licence have chance to sell the bad or damaged (or) Expired goods to the public and it affect
To prevent public nuisance "	It is a small shop, that not enough for the convenience store. So people may find-up always. the Public Health and safety
To protect children from harm "	They may sell the alcohol to the gangsters that will affect the future Britain's

Please suggest any conditions which would alleviate your concerns.	In this premise NO CCTV / NOT Fire Exit door and NO Alarm also Public Liability - NOTHING -
--	---

Signed:

Date:

Please see notes on reverse

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

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

Your name/organisation name/name of body you represent (see note 1)	C A. SUMMERS
Postal address	PLOT 87 SHOWMAN'S GUILD SITE HOOPER LANE SPROWSTON NORWICH
Email address	
Contact telephone number	

Name of the premises you wish to support object to	476 SPROWSTON RD NORWICH
Address of the premises you wish to support or object to.	484 Sprouston Rd Norwich NR3 4DY

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	WE HAVE ALREADY 1 PUBLIC HOUSE ALSO 1 OFF LICENCE
Public safety	WHY DO WE NEED ANOTHER PLACE TO GAIN ALCHOL. PARKING WOULD GET WORSE.
To prevent public nuisance	WHY DO YOU NEED TO MAKE DRINK MORE READY FOR PEOPLE WITH DRINK PROBLEMS EASIER.
To protect children from harm	TRouble AT HOME WITH MORE DRINK PARKING, CHILDREN RUNNING OUT ON THE ROAD DRUNKS!!!

Please suggest any conditions which would alleviate your concerns.	NONE WE DO NOT NEED IT.
--	-------------------------

Signed:

Date:

3/7/12

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	MARK A PHILLIPPO SPROWSTON TOWN COUNCIL
Postal address	NR7 8DP 22 ALBION DRIVE SPROWSTON
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	484, SPROWSTON RD
Address of the premises you wish to support or object to.	476 SPROWSTON RD

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	1 OFF LICENCE IS ENOUGH
Public safety	MORE DAMAGE AND YOUNG LADS HANGING AROUND LEAVING CANS
To prevent public nuisance	I CAN FORSEE IT BEING A PROBLEM AREA IN THE EVENINGS
To protect children from harm	AND NO UNDER AGE DRINKING.

Please suggest any conditions which would alleviate your concerns.	More June people getting drunk.
--	---------------------------------

Signed:

Date:

29/6/12

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	REEVES
Postal address	NRS LDS
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	SPROWSTON SHOPPER
Address of the premises you wish to support or object to.	476 SPROWSTON RD

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Too Close - Many kids trying Buying Alcohol. Becomes New shop.
Public safety	NO PARKING SPACES DONT WANT ANOTHER SHOP SELLING ALCHOL
To prevent public nuisance	TO MANY HOURS OPEN ADD TO MORE DRUNK ON THE Road
To protect children from harm	SELLING UNDER AGE DRINKS TO CHILDREN.

Please suggest any conditions which would alleviate your concerns.	DO NOT NEED ANY MORE SHOPS SELLING THE SAME ITEMS, and doing all our local SHOPS out of business
--	---

Signed:

Date: 30-6-11

Please see notes on reverse

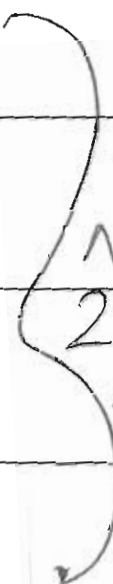
**Norwich City Council Licensing Authority
Licensing Act 2003**

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

Your name/organisation name/name of body you represent (see note 1)	DANIEL NABARRO
Postal address	22 BLAIVES COURT SPROWSTON, NORWICH NR3 4DS
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	SUPPORT = SPROWSTON SHOPPER
Address of the premises you wish to support or object to.	OBJECT = SHOP 2 DOORS AWAY

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	 TO PREVENT UNDER AGE DRINKING. NO NEED TO HAVE 2 SHOPS SELLING ALCOHOL.
Public safety	
To prevent public nuisance	
To protect children from harm	

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

Signed: _____

Date: 5-7-2012

Please see notes on reverse

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

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

Your name/organisation name/name of body you represent (see note 1)	Mrs. J. Bakeringham.
Postal address	484 Sparrow Rd. NR3 4DY
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Sparrow Road/Unit
Address of the premises you wish to support or object to.	476 Sparrow Road Bilu Shop.

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Many off licence. Means many people drinking Alcohol.
Public safety	Two many large people being by Alcohol and drink in the Road. put The end Road can Ex. All Damage public.
To prevent public nuisance	Not Look after public and Save Every body Because of many its not good for public. Broken the Law
To protect children from harm	Man School children pass in 2 on The way to school. Its being by to be Alcohol. Because New people / new shop.

Please suggest any conditions which would alleviate your concerns.	Many large age people. try by Alcohol. passing under age people. Alcohol. It's not good for public.
--	---

Signed:

Date:

Please see notes on reverse

Norwich City Council Licensing Authority
Licensing Act 2003

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

Your name/organisation name/name of body you represent (see note 1)	STEPHEN MOORE BARCLAYS BANK.
Postal address	406 SPROWSTON RD NR3 4DT
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Bilan Shop
Address of the premises you wish to support or object to.	476 SPROWSTON RD.

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	there is already considerable litter, cars, bottles + polystyrene blowing around.
To protect children from harm	

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

Signed: _____

Date: 22/6/12

Please see notes on reverse



Bellman C. -

557 Sprouson Road

Notices

N23 - 4A7

13th July 2012

CORPORATE RESOURCES

17 JUL 2012

POST ROOM

Dear Sir/Madam

RE: Licence Application. Jan - 11 PM
Swami. Bilal Shop 476 Sprouson Road

I am writing as a concerned business person and resident at the above address.

There is already one off licence two shops away at Sprouson Shopper plus licensed premises at the Brickmakers Public House. We do not have a problem with the pub but the attraction of cheap alcohol and other related items will only fuel more problems especially with young underage persons.

Every weekend cars, bottles take away food containers are left in the gutter on the paths in the bank and Pub Carparks and residents private properties another favourite dumping ground.

This creates severe environmental and safety issues which never seems to get

addressed.

There is also a huge problem being caused by inconsiderate parking on double yellow lines and obstructing bus stops and access to the bank.

This licence application is absolutely absurd and granting it would make our Council plan for a healthier and better to live in City a complete mockery.

Thank you for taking time to consider this objection on behalf of myself and a great many of our customers a number who ^{are} elderly and frightened by seeing what these type of shops bring to the area.

Yours Sincerely

APPENDIX C

Local Policy considerations

1.0 Introduction

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

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

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

2.0 Consultation and Links to other Policies and Strategies

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

3.0 Applications for Licences

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

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

4.0 Representations

4.1 "Responsible Authorities" (see Appendix 7) will be asked to consider all applications and to make representations to the Council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be

evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.

- 4.2 The Council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation, will only be accepted by the Council if it is ‘relevant’, ie it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the Council.
- 5.0 Conditions attaching to Licences
 - 5.1 Where relevant representations are made, the Council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
 - 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are appropriate for the promotion of the licensing objectives.
- 8.0 The Impact of Licensed Premises
 - 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
 - the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
 - the proposed hours of operation;
 - the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
 - the means of access to the premises including the location of customer entrances and exits;
 - the provision of toilet facilities;
 - the frequency of the licensable activity.

With any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed.

13.0 Management of Licensed Premises

- 13.1 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a premises supervisor must be designated (designated premises supervisor) and such person must be in possession of a current personal licence. The licensing authority will normally expect the designated premises supervisor [DPS] to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the licensing authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
- 13.2 The act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times and have a duty to comply with the terms of the licensing act and any conditions, including the matters set out in the premises' operating schedule, in order to promote the licensing objectives. To that end, the licensing authority will be mindful of the guidance issued by the secretary of state, which recommends that a personal licence holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the act and the designated premises supervisor/personal licence holder remain ultimately responsible for ensuring compliance with the act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement.

The licensing authority will therefore expect that where the personal licence holder/DPS does not have the premises under their immediate day to day control, written authorisations will be issued to staff acting on their behalf, such authorisations being made available for inspection by a responsible Officer of the licensing authority or the police upon request.

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

- 20.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the City Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 20.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.

20.3 When addressing the issue of crime and disorder, the applicant should demonstrate that all those factors that impact on crime and disorder have been considered. These include:

Underage drinking

Drunkenness on premises

Public drunkenness

Keeping Illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.

Preventing disorderly and potentially violent behaviour on and outside the premises.

Reducing Anti-social behaviour and Disorder inside and outside the premises

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

Guard against glasses and bottles being used as weapons or causing accidents.

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

Effective and responsible management of premises;

Training and supervision of staff;

Employ sufficient numbers of staff to keep numbers down of people awaiting service;

Provide sufficient seating for customers;

Patrols of staff around the premises;

Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity;

Introduce an entry policy – making people aware of it – and apply it consistently and fairly;

Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises;

Implement effective management of entrance queues – incorporating barriers if necessary;

Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against

Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;

Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;

Provision of effective CCTV in and around premises;

Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;

Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;

Provision of toughened or plastic drinking vessels and bottles;

Provision of 'bottle bins' inside the premises and near exits;

Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;

Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;

Provision of litterbins and other security measures, such as lighting, outside premises;

Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;

Responsible advertising;

Distribution of promotional leaflets, posters etc;

Drug Seizure Kits (available from Norfolk Police Operation Enterprise);

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

Ban known offenders and share information with other licensed premises in the area;

Implement a dispersal policy;

Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

22. Objective – public safety

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

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

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

These include:

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

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

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

24.0 Objective - prevention of public nuisance

24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.

24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.

24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.

24.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.

24.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
- the hours of opening, particularly between 11pm and 7am

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

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

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

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

26. Objective – protection of children from harm

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

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

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

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

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

26.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the

individual style and characteristics of their premises and the licensable activities for which a licence is being sought.

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

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

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

26.9 The following examples of control measures are given to assist applicants

and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

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

These examples can be adopted in any combination.

26.10 In the case of film exhibitions, licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act should implement measures that restrict children from viewing restricted films classified

according to the recommendations of the British Board of Film Classification or the council.

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

SECTION E - Hours of Trading

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

APPENDIX D

National Guidance

(issued under section 182 of the Licensing Act 2003)

CRIME AND DISORDER

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

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

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

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

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

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

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

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

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

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

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

PUBLIC SAFETY

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

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

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

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

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

FIRE SAFETY – SPECIAL PROVISIONS IN RESPECT OF LICENSED PREMISES

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

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

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

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

PUBLIC NUISANCE

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

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

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

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

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

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

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

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

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

PROTECTION OF CHILDREN FROM HARM

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

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

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

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

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

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

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

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

PROPOSED CONDITIONS

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

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

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

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

CONSISTENCY WITH STEPS DESCRIBED IN OPERATING SCHEDULE

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

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

IMPOSED CONDITIONS

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

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

Proportionality

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

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

Hours of trading

10.11 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.12 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this

would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.13 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

THE NEED FOR LICENSED PREMISES

13.18 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.