

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee
5 August 2011

Report of Head of Citywide Services

Subject Licensing Act 2003:
Application for the Grant of a Premises Licence -
City Road Convenience Store 96 City Road Norwich NR1
2HG

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 City Road Convenience Store 96 City Road Norwich NR1 2HG following the receipt of Responsible Authority and Interested Party objections.

Recommendation

That Members determine the application to grant a Premises Licence in respect of City Road Convenience Store 96 City Road Norwich NR1 2HG 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.

Financial Consequences

The financial consequences for this report are nil.

Corporate Objective/Service Plan Priority

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

Contact Officer
Ian Streeter

Phone No 212439

Background Documents

The Licensing Act 2003
Guidance issued under Section 182 of the Licensing Act 2003
Norwich City Council Statement of Licensing Policy

- 2.3 A site map of the area identifying the application premises in relation to the Interested Party addresses will be available at the meeting.

3.0 Norwich City Council Statement of Licensing Policy

- 3.1 Attached at Appendix D are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

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

- 4.1 Attached at Appendix E are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

5.0 Summary

- 5.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

the prevention of crime and disorder;
public safety;
the prevention of public nuisance;
the protection of children from harm.

- 5.2 In making its decision, the Sub-Committee is also obliged to have regard to guidance issued under Section 182 of the Licensing Act 2003 (National Guidance) and the Council's own local licensing policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.

- 5.3 The Sub-Committee must take such of the following steps as it considers necessary 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

- 5.4 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 necessary in order to promote the licensing objectives.

- 5.5 The representations received from the Interested Parties appear to relate to issues that fall under all four 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 D which contain examples of factors that impact on the four licensing objectives that the applicant could

consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.

- 5.6 Insofar as the issue of licensing hours is concerned, the Sub-Committee is directed to paragraph 10.21 of the national guidance, which states that 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. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

Paragraph 13.41 of the national guidance states that licensing hours should not inhibit the development of evening and night-time local economies, and that providing consumers with a greater choice and flexibility is an important consideration. However, this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet. The Sub-Committee is also directed to paragraph 30.7 of the local licensing policy, which states that 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.

The Committee must decide whether there is a strong enough case for the restriction of licensing hours, based on the representations made, to promote the licensing objectives.

- 5.7 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.

APPENDIX A

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

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

Ability by all schedule of loyalty to help the community

b) The prevention of crime and disorder

Be alert of underage sale
Not to sell alcohol to the overdrunken
maintain Refusal Records & check ID

c) Public safety

CCTV
Fire Exit door always clear for access
Place caution boards when necessary
Check use by date.

d) The prevention of public nuisance

Not to allow Gang gathering
Not to sell alcohol to the overdrunken
proper disposal waste

e) The protection of children from harm

Check for valid ID
not to place any things on the way (floor)
proper placement heavy things beyond time neese



APPENDIX
NORFOLK
CONSTABULARY
Our Priority is You

Norwich Licensing
Norwich City Council
St Peters Street
Norwich
Date: 8th July 2011

Ref: MB/Lic/:

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Dear Licensing Team,

Application under the Licensing Act 2003

Premises: City Road Convenience Stores

Name of applicant: Mr Logeswaren

Type of application: Application for a new premises licence

The Police wish to make a representation regarding this application on the grounds that the information submitted within it gives rise to concern that the Crime Prevention and Disorder Objective could be undermined.

We also request for the following conditions are to be added to the licence:

- A roller Shutter for the front of the premises to be installed and used when the premises is closed.
- A digital CCTV system will be installed and maintained in the premises and in working order at all times. Sufficient cameras will be installed to monitor all bars and public areas within the building and outside area within the perimeter to the premises. Cameras will also be placed to monitor all entrances to the premises. Copies of images must be downloadable in a digital format and provided to police representatives on reasonable request. Images must be retained for a minimum of 28 days
- Staff training will be carried out in relation to the sale of alcohol and a record of this training will be kept on site and available to Police or Licensing Officer on request.
- A refusal book will be kept on site to record any refused sales of alcohol and this will be available on request.

Please consider this letter of representation as an objection to the application as submitted.

In accordance with the current Section 182 Guidance to the Licensing Act 2003 there is the opportunity for a hearing to be dispensed with if the applicant, the Police and the Licensing Authority agree to the proposed amendments highlighted by the Police in the above text and for them to be included as conditions in the licence if it is granted.

If you feel you are able to sign an agreement to the amendment(s) please complete the form attached to this representation and send it to the Licensing Authority. If a hearing is still to go ahead the Police will attend to put their case to the Licensing Committee for consideration.

Yours faithfully,

Michelle Bartram
Licensing Officer.

(Ensure that this reply form is on a separate page – delete this instruction prior to sending / printing)

Copy to: Norwich City Council
Licensing Officer Michelle Bartram, Norfolk Police, Bethel Street Police Station.

Name of Premises:

We will answer letters within 10 working days, where information is available.
Where this is not possible, an explanation will be given for any delay.



Awarded for excellence



INVESTOR IN PEOPLE

Norwich City Council Licensing Authority
Licensing Act 2003

CORPORATE RESOURCES
30 JUN 2011
POST ROOM

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

Your name/organisation (name of body you represent (see note 1))	MR M. E. GARDNER
Postal address	65 HINDLEY STREET NORWICH NORFOLK NR1 2HF
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	CITY ROAD CONVENIENCE STORES
Address of the premises you wish to support or object to.	96 CITY ROAD NORWICH NR1 2HG

RECEIVED
30 JUN 2011
LICENSING OFFICE

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	PLEASE SEE SEPARATE SHEET
To prevent public nuisance	PLEASE SEE SEPARATE SHEET
To protect children from harm	PLEASE SEE SEPARATE SHEET.

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

Signed:

Date:

29/6/11

Please see notes on reverse

PUBLIC SAFETY

THE PREMISES IS ON THE CORNER OF A MAIN ROAD AND RESIDENTIAL STREET SURROUNDED WITH DOUBLE YELLOW LINES AND PERMIT PARKING FACILITIES IN AN AREA IN WHICH ON STREET PARKING IS ALREADY A PROBLEM FOR LOCAL RESIDENTS. AN INCREASE OF FURTHER TRAFFIC WOULD PREVENT LOCAL RESIDENTS FROM PARKING.

TO PREVENT PUBLIC NUISANCE

THE APPLICATION TO REMAIN OPEN UNTIL 23.00 IS RATHER LATE FOR THIS QUIET RESIDENTIAL AREA SURELY PERSONS WISHING TO PURCHASE ALCOHOL OR OTHER ITEMS CAN PLAN TO DO SO AT AN EARLIER HOUR OF THE DAY.

THERE ARE ALREADY SIX LOCAL CONVENIENCE STORES ALL WHICH SELL ALCOHOL AND HAVE MORE SUITABLE PARKING FACILITIES FOR CUSTOMERS IN CLOSE PROXIMITY NAMELY - THE BOTTOM OF ~~ST JOHN'S~~ LONG JOHN HILL, ST JOHN'S CLOSE, CO-OP FOOD STORES WALL ROAD, THE NEWSAGENTS CORNER WALL ROAD AND TRAFALGAR STREET, ST CATHERINES PHARM (QUEENS ROAD) AND TESCO'S ON GROVE ROAD THERE ARE ALSO THREE LOCAL PUBLIC HOUSES.

TO PROTECT CHILDREN FROM HARM

A LARGE SCHOOL (LAKENHAM MIDDLE) ON CITY ROAD SEES A LARGE NUMBER OF CHILDREN PASS THIS AREA BETWEEN TWO AND FOUR TIMES A DAY, AN INCREASE IN TRAFFIC INCLUDING LARGE DELIVERY VEHICLES WOULD INCREASE THE RISK OF AN ACCIDENT INVOLVING SCHOOL CHILDREN.

Norwich City Council Licensing Authority
Licensing Act 2003

1 JUL 2011
LICENSING

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 A.M. BIRD
Postal address	90 CITY ROAD NORWICH, NR1 2HG.
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	CITY ROAD CONVENIENCE STORES
Address of the premises you wish to support or object to.	96 CITY ROAD, NORWICH, NR1 2HG

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	<p>PLEASE SEE SEPARATE DOC.</p>
Public safety	
To prevent public nuisance	
To protect children from harm	

Organisational Development
1 JUL 2011
Post Room

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

Signed:

Date: 25. JUNE .2011.

Please see notes on reverse

Additional Supporting document of statement of Objections to application of Convenience Store and premises licence at 96 City Road Norwich NR1 2HG

As a neighbouring property owner I object to the application of a premises licence due to the close proximity of residential properties and the local school.

I consider the operating times submitted are totally inappropriate for the community area. Currently the area is quiet once the commuter traffic and school collection times have passed. It is therefore, my belief that this proposal will result in increased noise disturbance / pollution from the additional traffic. Also with two young children living within very close proximity, I am concerned for their well being and worry that they will be disturbed by the increased noise during the night operating hours.

The area is also currently controlled by permit parking and the shop frontage will not support very many vehicles, this will no doubt lead to disregard of the parking restrictions and permit parking areas. This will restrict safe manoeuvres at the junction of Lindley Street / City Road and put the safety of vehicle occupants and pedestrians at greater risk.

And finally I have obvious concerns with the fully documented issue of anti social behaviour and crime associated with alcohol that the proposal could attract to the community area.

I understand the need to occupy vacant premises, but I consider the needs of the community are already fully met, with three local shops (sited within dedicated shopping precincts) within 300 metres of the proposed location.

Mr A M Bird

25. JUNE . 2011 .

Organisational Development
 - 1 JUL 2011
 Post Room

Norwich City Council Licensing Authority
 Licensing Act 2003

RECEIVED
 - 1 JUL 2011
 LICENSING OFFICE

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

Your name/organisation name/name of body you represent (see note 1)	GRAHAM AITKEW
Postal address	59 Lindley Street NORWICH NR1 2HF
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	City Rd Convenience Stores
Address of the premises you wish to support or object to.	96 City Road NR1 2HG

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	objection - para 2 on sheet
Public safety	objection para 3 on sheet
To prevent public nuisance	objection loss of amenity para 2, 3, 4
To protect children from harm	objection para 2, 3, 4, 5 ie local school

Please suggest any conditions which would alleviate your concerns.	This premises was and has been a business which trades 9 to 5 not until 11:00pm and Sunday
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Signed: _____ Date: 29/June/2011

Please see notes on reverse

P.S I also have photos of the public notices posted incorrectly and the recent one with a different closing date.

Graham Aitken
59 Lindley Street
Norwich
29th June 2011

I object to alcohol sales at the premises as this will cause anti-social behaviour in the immediate vicinity of Lindley street and City Road. There are already sufficient outlets selling alcohol at; Long John Hill, St John's Close, Cooperative on Hall Road and Stuarts. All within easy reach of Lindley streets. This area of the city doesn't need any more especially in the light of known social and health problems caused by excess alcohol. Lakenham is already a hot spot for poor health and there have been several campaigns run by local Surgery's to reduce alcohol consumption. There is also a local walled recreation ground nearby with bowling green and tennis courts. I fear a combination of alcohol sales in close proximity to the park may lead to anti-social behaviour in the park, screened by the high walls. This is certainly the case at the local Tesco Express on Grove road where there is a persistent problem with police moving on people dependant on alcohol who also pester and beg from passing pedestrians.

Anti-social behaviour and Crime: The local police statistics show this part of Lakenham is a low crime area. I fear the opening of this business with alcohol sales will increase the crime rate and anti social behaviour. If you review the statistics of a similar area near Stuart's convenience store (a very similar outlet) you will find a much higher crime rate including knife crime and many calls from the police to this premise. Please check this with local Police SNAP team and also their views. Using Stuart's as an example, they sell individual cans of alcohol (split up multi-packs) which further encourages those people who have alcohol dependency and cannot afford to buy four packs etc from supermarkets.

Parking:

There are no 1 to 2hr customer parking bays close to this business address. The surrounding area is Zone Y permit parking. This reinforces the original premises had no requirement for lots of customer parking because it was a low volume wholesale tool hire business. In fact this was the case when permit parking was introduced in the mid nineties into the area. So at no point in the past 16 years did the businesses at this premises require other than low volumes of traffic so did not need to apply for customer parking bays. ie. All parking in the area is Zone Y household parking and yellow lines.

Opening Times: I object to the extended opening times and the nuisance caused by customers hanging around the shop, additional traffic in a residential street and reduction in amenity of the area. The original tool hire business (from 1992) was open 9 to 5 weekdays and Saturday mornings. The proposed changes are a huge increase in business hours and will change the very quiet nature of the street. I suspect that if alcohol sales are allowed this increase in customers will be predominately in the evening and late at night.

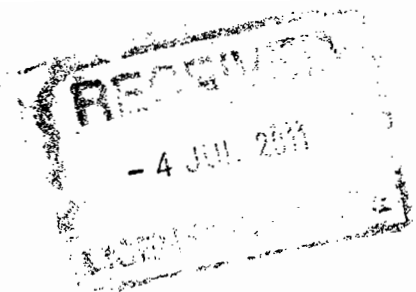
Road Safety:

Turning right from Lindley street into City Road (opposite from this premise) is currently extremely dangerous as the road to the left is on a brow of a hill which disappears off to the right. The view is further obstructed by parked cars (Zone Y household parking). Any increase in traffic and poor customer parking will increase the likelihood of further road traffic collisions. This risk is also further increased by the local primary school (60 metres north) opening and closing times with a large number of pedestrians and resultant road traffic. I would suggest the committee attend the premises to see the geography of the area and these potential risks.

I'm also concerned that due process has not been followed as the original public notice on the premise door was incorrect. It had no date and referred to Wensum Convenience Store on Wensum Street. Also opening hours until 01:00am. I contacted the licensing department who asked the applicant to correct it and re-post. At best this was an over sight by the applicant and at worse a deliberate attempt to confused local residents. I received a letter from the council the following day with the normal mail shot licence application with a closing date of the 4th July. This does not correspond with the new public note posted on the premises door. Therefore residents supporting or opposing the application may be working to the wrong deadline. Also residents in Meadowbrook close were not included in the mail shot from the licensing department. This is directly opposite the premises and I would have thought they would have been included to make sure all households in the immediate vicinity were notified.

I hope these few short paragraphs will be taken into account during the license hearing and that the committee strike the right balance and this peaceful residential area can continue to be just that, peaceful.

Norwich City Council Licensing Authority
Licensing Act 2003



Organisational Development
04 JUL 2011
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)	PAULINE PHILLIPS
Postal address	55 LINDLEY STREET NORWICH
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	CITY RD CONVENIENCE STORES
Address of the premises you wish to support or object to.	96 CITY ROAD NORWICH NR1 2HG

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	THE OFF-LICENCES IN THE AREA: STUARTS ON TRAFALGAR ST, TESCO'S GROVE RD & ONE IN ST JOHNS CLOSE ATTRACT A NUMBER OF PEOPLE LOITERING OUTSIDE - THOSE ARE NOT SO
Public safety	THERE IS A PROBLEM AND BLIND SPOTS WHEN TRYING TO TURN RIGHT INTO CITY ROAD FROM LINDLEY ST. THERE IS NO PARKING NEAR THIS STORE. FEARFUL PEOPLE WILL STOP ON YELLOW LINES THEREBY CAUSING OBSTRUCTION TO THIS SITE IS
To prevent public nuisance	THE HOURS PROPOSED ARE TOTALLY RIDICULOUS. THIS IS A 'RESIDENTIAL AREA'. IF THE LICENCE IS GRANTED THE HOURS MUST BE CUT TO 10PM AT LATEST.
To protect children from harm	AS MENTIONED ABOVE, THERE IS NO ABILITY TO PARK. FEAR CARS WILL PARK ON CORNER THEREBY OBLITERATING VIEWS. THERE IS A SCHOOL NEARBY. FEAR CHILDREN COULD BE INJURED.

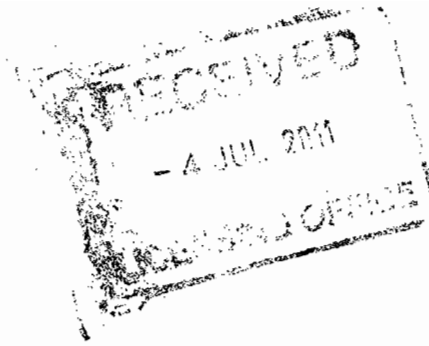
Please suggest any conditions which would alleviate your concerns.	For licence not to be granted. If it is then hours must be reduced to 10pm at latest. They also need parking & Lindley St needs to become 24 hr permit parking
--	--

Signed:

Date: 1/7/2011

Please see notes on reverse

To become 24 hr permit parking



119 City Road
Norwich
NR1 2HE

2 July 2011

Norwich City Council
Licensing Section
City Hall
St Peters Street
Norwich
NR2 1NH



Dear members

Statement of Objection to an Application For Premises Licence

City Road Convenience Stores - 96 City Road Norwich NR1 2HG

We are objecting to the application for a licence on a wide range of grounds.

When we moved to our home, 96 City Road was operating as an off licence under the name of Augustus Barnett. The store carried out little trade for a wide variety of reasons, and, what little trade there was, seemed to be through teenagers. After a couple of years the premises were closed, some time before the chain was liquidated. Since then, the premises have struggled under a variety of guises - not surprisingly in our view as there is no "draw" to attract customers to the site. There are no facilities for customer parking in what is designated by the City Council a "Residents Only" parking area and no other retail draw in what is a residential area.

Since the premises failed as an off licence a number of factors have combined to make trading even more marginal on the site.

- 1) The liberalisation of the licensing laws means that there is now very significant local competition. Oasis Stores on Long John Hill, Smiths Convenience Stores on Queens Road, St Johns News in St Johns Close, Stuarts Newsagents on Hall Road and The East of England Co-Operative store also on Hall Road are all within a 5 minute walk of the premises. We believe that they are all licensed to sell alcohol and trade until 10pm 6 nights a week. Casting a slightly wider net, Tesco Express store on Grove Road and the Queens Road Sainsburys supermarket are within a 10 minute walk providing even stiffer competition on price and choice.
- 2) The provision of residents only parking in the area mitigates against the use of the premises by passing trade.
- 3) The general downturn in the purchase of alcohol from retailers other than supermarkets makes the market even more difficult.

It therefore seems clear to us that there is very little demand for such a store in this location. In an ideal world these premises would best be returned to residential use. However, we recognise that such an act is outside the remit of the Council - as is scrutinising the proposed store's Business Plan. However, it must be clear that any business operating out of this site is going to be marginal at best.

There are already issues of anti-social behaviour on Jubilee Park and around the Jubilee Centre some 200 or 300 yards down Long John Hill that affect residents of Longmead and Ingram Court from time to time. While we live far enough away from the area not to be directly affected, we understand that there is often a gathering of school-age teenagers in the area. We are concerned at the possibility of them having access to a supply of alcohol from the above-named premises - possibly obtained by a third party. Currently, these youngsters seem to congregate in the area and indulge in high spirited activity out of boredom. However, we believe that the possibility of adding alcohol to the mix merely heightens the risk of their activities crossing the border into low level criminal activity (criteria 1). We believe that this risk should be minimised at all costs. We also believe that refusing the application would help to protect these children from harm (criteria 4).

We have already referred to the Residents Only Traffic Order prevailing in the area - indeed the road immediately adjacent to the premises has double yellow lines - the nearest available public parking is outside Lakenham Primary School. If a licence were to be granted, we believe that there would need to be adequate provision made for any occasional public parking. As matters stand, we are concerned at the prospect of a commuter stopping at the shop (say to buy a snack on the way to work) and adding to the already unhealthy mix of fast moving traffic and young school children that we already see in the mornings. We consider that the mix of protected and open parking spaces, provision of double yellow lines and speed limit would need to be revisited. City Road is one of the few areas of the City where school children are subjected to traffic that can move legally at 30 miles an hour immediately outside the school gate. In our view, there is already a pressing need for a 20 mile an hour speed restriction along this section of City Road. We believe that this must be revisited if this application were to be granted as the prospect of mixing short term parking, rapidly moving traffic and school children would pose a major threat to road safety (criteria 2).

We re-iterate our outright opposition to granting a licence for these premises. However, we wish to make it clear that, if a licence were to be granted it should be for the shortest period possible and that serious consideration be given as to how to provide safe public parking at the premises.

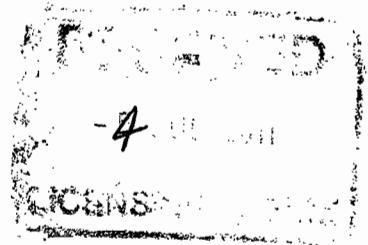
Yours sincerely

Sue Whitaker

Mick Hardy

Very local residents

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)	Anthony Fan
Postal address	47 Lindley Street, Norwich, NR1 2HF
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	City Road Convenience Stores
Address of the premises you wish to support or object to.	96 City Road, Norwich, NR1 2HF

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	I object to this application as I feel it would create more noise + potentially inappropriate behaviour in the vicinity. I feel there is an inadequate outlet which sells alcohol (e.g. Co-op) nearby + granting another shop with this licence may attract people whose intention is to over consume alcohol which could lead to anti-social behaviour - something the local community wants to avoid and in line with local policing priorities, as part of the safer neighbourhood police agenda.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Restrict the sale of alcohol between the hours of 0700 - 1800, 7 days a week. , so it can only be purchased
--	--

Signed:

Date: 3/7/11

Please see notes on reverse
Organisational Development

05 JUL 2011
Post Room

From: Councillors
Sent: 07/07/2011 21:02:07
To: Cominox
CC:
Subject: FW: Licensing application for 96 City Rd

From: Cllr Fairbairn, David
Sent: 07 July 2011 21:02:36
To: Councillors
Subject: Licensing application for 96 City Rd
Auto forwarded by a Rule

from Councillor David FAIRBAIRN
Lakenham ward

Dear Sir

Licensing application for 96 City Road, City Rd Convenience Store

I wish to object to the application for a licence to sell alcohol at the times given, from the above premises. The notification at the shop gives times of 7am till 11pm Mon-Sat and 8am till 11pm Sunday. Even these shop operating hours seem too wide ranging to me, besides having an alcohol licence too. I am concerned about the likelihood that such liberal opening hours will attract boisterous and noisy young people, especially in the evenings, to the annoyance and disturbance of local residents.

These premises sit at the intersection of City Rd and Lindley St, in the centre of a quiet residential area. If this shop can sell alcohol till 11pm, there is likely to be more disturbance in the evenings. I am concerned about the tranquility of the area being upset by people who buy alcohol from the shop and might then consume it in the street, or in the nearby Jubilee Park.

Whilst I am not against there being a small convenience store at these premises, it is the wide ranging permission to sell alcohol, (if that is what is being asked for), that I object to..

Yours
Cllr David Fairbairn

14 JUN 2011

Norwich City Council Licensing Authority
Licensing Act 2003

CORPORATE RESOURCES
14 JUN 2011
POST ROOM

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

Your name/organisation name/name of body you represent (see note 1)	Mr + Mrs D. King
Postal address	58 Lindley street
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	96 City Rd. Norwich NR1 2 HG
Address of the premises you wish to support or object to.	City Rd 'Convenience' Stores.

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 already have 'issues' with late night 'persons'. Noise is becoming an issue. Cars have been scratched/damaged. We don't need more!
Public safety	
To prevent public nuisance	People from flats etc in hakenham will no doubt use this as a place to get drinks and 'hangout' etc This is a residential area. We have the Corp. if we need it (up to a reasonable hour)!
To protect children from harm	

There are ally way etc all around - Not good site given this!

Please suggest any conditions which would alleviate your concerns.	None. We don't need or want it - it will bring drinkers etc into our streets.
--	---

Date:
10/6/11

Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development
21 JUN 2011
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)	
Postal address	63 LINCOLN ST. NORWICH. NR1 2AF
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	CITY ROAD CARAVANS ST.
Address of the premises you wish to support or object to.	96 CITY RD, NR1 2HG

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	SELLING ALCOHOL AT ALL HOURS MORNING TILL NIGHT.
Public safety	AS ABOVE
To prevent public nuisance	AS ABOVE LIMITED PARKING.
To protect children from harm	

RECEIVED
21 JUN 2011

Please suggest any conditions which would alleviate your concerns.	No alcohol sold on premises
--	-----------------------------

Signed:

Date: 20.6.11

Please see notes on reverse

Organisational Development
 27 JUN 2011
 Post Room

Norwich City Council Licensing Authority
 Licensing Act 2003

RECEIVED
 27 JUN 2011
 LICENSING OFFICE

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 S KARN
Postal address	117 CITY ROAD NORWICH NR1 2HL
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	CITY ROAD CONVENIENCE STORE
Address of the premises you wish to support or object to.	96 CITY ROAD NORWICH NR1 2HG

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	THERE IS A PRIMARY SCHOOL LESS THAN 100M FROM THE PROPOSE SITE. WITH ONLY PERMIT & DOUBLE YELLOW LINES THERE WILL BE VERY LITTLE PARKING THIS WILL CAUSE A REAL DANGER TO THE SMALL CHILDREN.

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

Signed:

Date: 24-6-2011

Please see notes on reverse

- 8 JUL 2011

PETITION

Licensing Act 2003: Application to Norwich City Council for grant of Premises Licence

Reference: 11/01067/PREM

Location: City Road Convenience Stores, 96 City Road, Norwich, NR1 2HG

REC'D
- 8 JUL 2011
LICENSING OFFICEWe the undersigned **OBJECT** to the above application under the Licensing Act 2003 on the following grounds:

- **Over provision in the locality:** There are already outlets at Long John Hill, St. Johns Close, Hall Road (2) and St. Catherine's Plain, all within a few hundred yards of Lindley Street.
- **Likelihood of anti-social behaviour:** Experience with similar premises nearby and elsewhere in the city suggests the possibility of a higher crime rate and more alcohol related anti-social behaviour.
- **Health implications:** Lakenham is already a hot-spot for poor health with local surgeries having to run campaigns aimed at reducing alcohol consumption. Another shop here can only exacerbate the problem.
- **Opening hours and adverse impact on local amenity:** The late opening times are likely to cause significant nuisance to local residents through noise, traffic, parking and associated activities in an otherwise quiet residential area.
- **Parking and road safety:** The business is likely to generate considerable passing trade, creating parking problems in an existing controlled parking area, and compromising road safety at a point where there are three road junctions in close proximity, impaired visibility and significant traffic volumes at peak times especially related to the local school nearby.

NAME (Please print)	ADDRESS	SIGNATURE
✓ Nick Hobbs	10 SMITHFIELD ROAD	
✓ Hannah MOSS	90 CITY ROAD	
✓ Emma Pugh	92 City Road	
MIKE GARDNER	65 LINDLEY ST	
✓ June Ward	9 Stratford Drive	
✓ Jonathan Ward	9 " "	
Susan Whitaker	119 City Road	
Mick Hardy	119 City Road	
M. Kason	117. City Rd.	
✓ S ANDERSON	94. CITY ROAD	
✓ V. Roberts	5. Lindley St.	
✓ Steve Bloom	35 " "	
✓ E G Henry	45 Lindley St.	
I. Houghton	" "	

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NAME (Please print)	ADDRESS	SIGNATURE
✓ J. MINNS	25 MEADOWBROOK CLOSE	
✓ R. FISK	27 MEADOWBROOK CLOSE	
✓ C. J. MINNS	25 MEADOWBROOK CLOSE	
✓ K. PECK	24 MEADOWBROOK CLOSE	
✓ L. PECK	24 MEADOWBROOK CLOSE	
✓ M. S. FIDDES MR.	31 MEADOWBROOK CLOSE	
✓ P. AMIES	29 MEADOWBROOK CLOSE	
✓ M. AMIES	29 MEADOWBROOK CLOSE	
✓ D. AMIES	29 MEADOWBROOK CLOSE	
✓ S. NICHOLS	26 MEADOWBROOK CLOSE	
✓ J. NICHOLS	26 MEADOWBROOK CLOSE	
✓ J. A. WISOW	28 " " "	
✓ M. WARD	15 MEADOWBROOK CLOSE	
✓ J. WARD	" "	

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NAME (Please print)	ADDRESS	SIGNATURE
✓ ANGELA COX	22 MEADOWBROOK CLOSE NR1 2HT	
✓ VALERIE SEDGWICK	23 MEADOWBROOK CLOSE NR1 2HT	
✓ PAULA SEDGWICK	23 MEADOWBROOK CLOSE NR1 2HT	
✓ G. TOOKE	17 MEADOWBROOK CLOSE	
✓ A. MIDDLETON	"	
✓ KESLEY BLYTH	13 MEADOWBROOK CLOSE	
✓ CLIFFORD BLYTH	"	
✓ C. MALE	3. Stratford Drive	
✓ G. COSSET	11 STRATFORD DRIVE, NORWICH	
✓ C SUTTON	121 CITY ROAD	
✓ T. HIRD	53 UNDLEY STREET	
✓ I GRINT	16 MEADOWBROOK CLOSE	
✓ D GRINT	16 MEADOWBROOK CLOSE	

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NAME (Please print)	ADDRESS	SIGNATURE
✓ MRS MACK Newman	18 Meadowbrook	
✓ MRS M BURKE	6 Meadowbrook Close	
✓ MR SJ BURKE	6 Meadowbrook Close	
✓ MR C MAJOR	12B Meadowbrook Close	
✓ MR ED ROSE MISS WOODHEAD	10 MEADOWBROOK CLOSE 10 M	
✓ H. Wilkinson	14 Meadowbrook Close	
✓ BARRY WILKINSON	14 MEADOWBROOK CLOSE, NORWICH	

APPENDIX D

Local Policy considerations

- 1.0 Introduction
- 1.4 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the four licensing objectives. These are:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 1.5 The 2003 Act also requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 2.0 Consultation and Links to other Policies and Strategies
- 2.7 So far as possible, the Council will avoid duplication with other regulatory regimes, and will not to use its powers under the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation and other enforcement agencies. As an example, the council will not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.
- 3.0 Applications for Licences
- 3.2 Applicants must address the four licensing objectives in their operational plan. The operating plan must have regard to the nature of the area where the premises are situated, the type of premises, the licensable activities to be provided, operational procedures and the needs of the local community. The operating schedule must demonstrate how the premises will be "good neighbours" both to residents and to other venues and businesses.**
- 3.3 Applicants must provide evidence that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style, location and characteristics of their premises and activities. They must also 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 necessary 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 E

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

Proposed Conditions

10.7 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs 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 of opening.

10.8 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. This would allow for proper liaison before representations prove necessary

Imposed Conditions

10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

10.12 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

Proportionality

10.13 The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues. For example, charities, community groups, voluntary groups, churches, schools and hospitals which host smaller events and festivals will not usually be pursuing these events commercially with a view to profit and will inevitably operate within limited resources.

Hours of trading

10.19 In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed

premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises.

10.20 However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.

Hours of trading

10.21 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. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

Fundamental principles

13.16 "...licensing is about regulating licensable activities on licensed premises...and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity."

13.17 "...whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case."

13.18 "...licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises."

Standardised Conditions

13.20 "...statements of policy should make it clear that a key concept underscoring the 2003 Act is for conditions to be tailored to the specific premises concerned. This effectively rules out standardised conditions...However, it is acceptable for licensing authorities to draw attention in their statements of policy to pools of conditions which applicants and others may draw on as appropriate."

Licensing Hours

13.41 "...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies...providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet."