

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee
16 June 2010

Report of Head of Citywide Services

Subject Licensing Act 2003:
Application for the Grant of a Premises Licence -
Tesco Stores 84 Unthank Road Norwich NR2 2RW

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 to grant a Premises Licence in respect of Tesco Stores 84 Unthank Road Norwich NR2 2RW following the receipt of Interested Party objections.

Recommendation

That Members determine the application to grant a Premises Licence in respect of Tesco Stores 84 Unthank Road Norwich NR2 2RW 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

1.0 The Application

- 1.1 The applicant is Tesco Stores Limited.
- 1.2 The application premise is a supermarket selling a range of goods and services, including sales of alcohol for consumption off the premises.
- 1.3 This grant application seeks to allow the supply of alcohol for consumption off the premises only.
- 1.4 The details of the Operating Schedule are as follows:
 - 1.4.1 The Licensable Activity is:
 - Supply of Alcohol (for consumption off the premises)
 - 1.4.2 The proposed standard days and hours for the licensable activities are:
 - Supply of Alcohol 06:00 – 23:00 Sun - Mon
(for consumption off the premises)
 - 1.4.3 The opening hours requested are:

06:00 – 23:00 Sun – Mon
 - 1.4.4 The steps proposed by the applicant to support the Licensing Objectives are attached to the report as Appendix A.

2. Relevant Representations

- 2.1 The responses from the Responsible Authorities are as follows:
- Police – No representations.
Environmental Services – No representations.
Fire Officer – No representations.
Planning Officer – No representations.
Area Child Protection Committee – No representations.
Trading Standards – No representations.
- 2.2 Representations objecting to the application have been received from Interested Parties with concerns relating mainly to the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. Copies of these representations are attached to the report at Appendix B.
- 2.3 A site map of the area identifying the application premises is attached as Appendix C. A more detailed map of the area detailing 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 Responsible Authority and the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee is directed to paragraphs 21 and 25 of the local licensing policy at Appendix D which contain examples of factors that impact on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance 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 13.41 of the national guidance, which 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 31.7 a) of the local licensing policy, authorising the restriction of licensing hours, where the licensing authority believes, on the basis of representations, that to not do so would exacerbate public nuisance.

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 and 4 of the local licensing policy (not re-produced in this report) that contain pools of model conditions relating to the prevention of crime and disorder and the prevention of public nuisance.

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)

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision/refresher materials are reviewed regularly. All stores currently comply with our 'Think 25' policy, this is brought to customer's attention through point of sale material within the store. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.

b) The prevention of crime and disorder

The premises will have digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine, should we be successful with our application. Images will be retained for a minimum of 21 days and made available on enforcement request. Ordinarily, a member of the Management team will be on the premises all the time the store is open. A person will have responsibility for the premises whilst the premises are open.

c) Public safety

A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.

d) The prevention of public nuisance

We intend to be an active member of the community.
We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.

e) The protection of children from harm

All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol.
A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.
The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

APPENDIX B

Norwich City Council Licensing Authority
Licensing Act 2003

RECEIVED

17 MAY 2010

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)	MARTIN SLEEDW, EMMA WILLIAMSON (AND TWO CHILDREN)
Postal address	7 TRINITY STREET NORWICH NR2 2BQ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	TESCO
Address of the premises you wish to support or object to.	84 UNTHANK ROAD, NORWICH NR2 2RW

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

Licensing Objective	Please set out your support or <u>objections</u> below. Please use separate sheets if necessary
To prevent crime and disorder OBJECTION	THERE IS A VERY HIGH LIKELIHOOD OF ALCOHOL PURCHASED BEING CONSUMED ON THE STREETS IN VICINITY OF THE TESCO STORE RESULTING IN DRUNKENNESS IN PUBLIC AND RELATED CRIME & DISORDER VERY EARLY IN THE MORNING AND LATE AT NIGHT.
Public safety OBJECTION	THREAT TO PUBLIC SAFETY FOR THE REASONS STATED ABOVE.
To prevent public nuisance OBJECTION	VERY HIGH THREAT OF PUBLIC NUISANCE FOR THE REASONS STATED ABOVE. THIS IS A RESIDENTIAL AREA. TESCO ARE LIKELY TO SELL ALCOHOL AT VERY HIGH DISCOUNT.
To protect children from harm OBJECTION	VERY HIGH THREAT OF HARM TO CHILDREN FOR REASONS STATED ABOVE, AND FROM CHILDREN ILLEGALLY DRINKING CUT PRICE ALCOHOL. MANY CHILDREN LIVE IN THIS AREA.

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

Date: 15 MAY 2010

Please see notes on reverse



19 MAY 2010

Post Room

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

Your name/organisation name/name of body you represent (see note 1)	EMILIE VINCE
Postal address	127 TRINITY STREET NORWICH NR2 2BQ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	TESCO, 84 UNTHANK ROAD, NORWICH NR2 2RW
Address of the premises you wish to support or object to.	"

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	- There will be increased drunkenness, leading to increase in noise levels and anti-social behaviour, violence etc.
Public safety	- Frequent delivery lorries will make the road more congested and dangerous. - Increased availability of alcohol will lead to increased littering, danger of broken glass, pots of vomit etc.
To prevent public nuisance	- Licensing hours will lead to increase of anti-social behaviour, see above. - Also a threat to small businesses in the area.
To protect children from harm	- Extended licensing hours will expose children to threat, particularly re. crime, anti-social behaviour, littering.

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

Date: 13/05/10

Please see notes on reverse

21 MAY 2010

Post Room

Norwich City Council Licensing Authority
Licensing Act 2003

RECEIVED

21 MAY 2010

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)	LIZ ROWLES TERENCE WOOLLER
Postal address	6 TRINITY ST NORWICH NR2 2BA
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	TESCO METRO UNTHANK RD
Address of the premises you wish to support or object to.	84 UNTHANK 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	Availability of in-expensive alcohol may attract antisocial behaviour from very early in the day to late in the evening
Public safety	Availability of alcohol over an extended period of time 6-11 thereby increasing traffic (both motor + pedestrian) at a dangerous junction.
To prevent public nuisance	There is the potential for an increase in antisocial behaviour & noise levels in & around the site related to the sale of alcohol.
To protect children from harm	Potential for harm to children due to increased levels of traffic & antisocial behaviour.

Please suggest any conditions which would alleviate your concerns.	Alcohol is not permitted for retail sale. If a permit is granted that the hours of sale be restricted (i.e 6pm-10pm)
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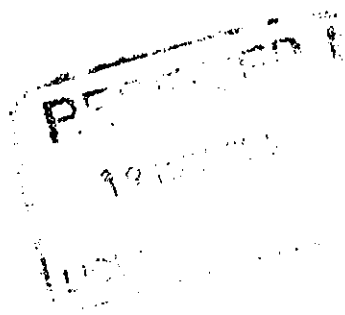
Signed:

Date: 19/5/10

Please see notes on reverse

Licensing Office
Norwich City Council
City Hall
Norwich
NR2 1NH

83 Mill Hill Road
Norwich
NR2 3DR



Application to sell alcohol at Tesco, Unthank Road

17.5.2010

Dear Sir/Madam

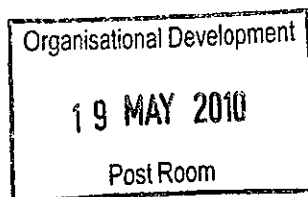
I would like to register my objection to the application made by Tesco to sell alcohol at the new shop at 84 Unthank Road, Norwich.

In my opinion, there are more than enough outlets for the sale of alcohol in the vicinity as well as a Public House directly opposite where customers are able to sit outside the premises. Naturally, there are occasional incidents of drunkenness. Although I live perhaps 200 metres away, I have to pass this location frequently.

I believe that to grant this licence would be contradictory to the aims of the licencing laws in that it would contribute significantly to disorder and public nuisance.

Yours faithfully

Ian Shephard



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. A. CARROLL
Postal address	2D TRINITY STREET NORWICH NR2 2BA
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	TESCO
Address of the premises you wish to support or object to.	84 UNTHANK ROAD, NORWICH NR2 2RU

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 am objecting to the sale of alcohol from 6.00 AM. It will attract people from the surrounding area & on street drinking again.
Public safety	
To prevent public nuisance	My objections are as above. 6.00 AM is too early to allow consumption of premises. It will attract on street drinking & public nuisance.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	The limiting of the commencement time to be in line with other retail establishments in the area who are also licensed to sell alcohol. 12.00 AM - 11.00 PM MON - SAT. + 10.00 AM - 10.30 PM SUN.
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Signed:

Date: 8 May 2010

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)	JOEL RODGER (RESIDENT)
Postal address	11 TRINITY ST, NORWICH, NR2 2BQ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	TERCO
Address of the premises you wish to support or object to.	84 UNTHANK ROAD, NR2 2RW

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	Anti-social behaviour on the surrounding streets will be increased. The sale of alcohol will encourage intimidating groups of people to assemble.
Public safety	The premises will encourage larger groups of people which will add to congestion, noise, anti-social behaviour and the risk of car accidents.
To prevent public nuisance	Noise and anti social behaviour will increase.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	To not sell any alcohol or limit the sale of alcohol until 6pm in the evening.
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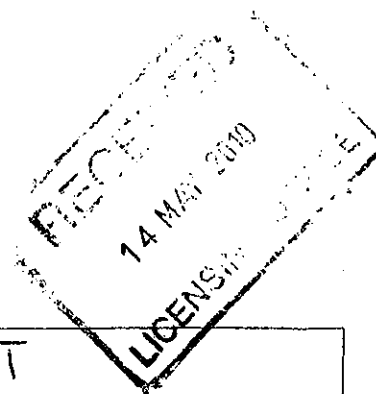
Signed:

Date: 1.5.10

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)	MELODY WRIGHT
Postal address	11 TRINITY STREET
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Texco
Address of the premises you wish to support or object to.	84 Urtham Rd. NR2 2RW

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	Drink + crime + disorder so often goes together esp. on w/e's among young people. Don't encourage this. Texco claims to be working for the community (see posters on their ^{over} →)
Public safety	This site was refused permission for a supermarket several times. The lorry traffic situation is already dangerous. To increase the availability of alcohol could result in a fatality. It's a risk too great to take in this situation.
To prevent public nuisance	There is no parking on this site so 'drop in' shoppers will presumably park on double lines
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Texco has unlimited funds to fight for what they want. I don't have any confidence in the system but perhaps the licence could be limited to end at 6pm.
--	--

Signed:

Date: May 2 10

Please see notes on reverse

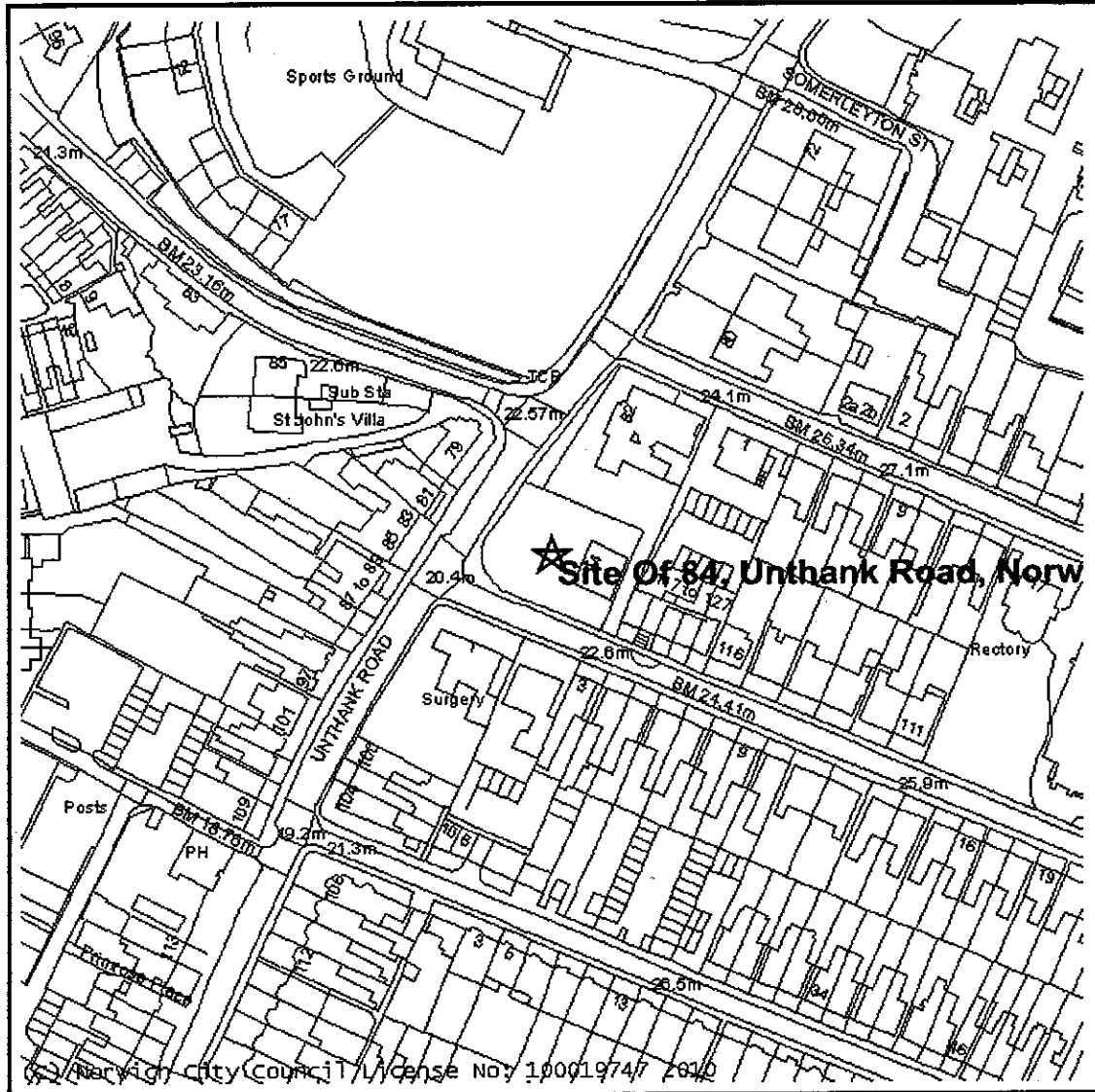
Organisational Development

14 MAY 2010

Post Room

site now. Real community support would be not to
sell alcohol at all + for once think of the
wellbeing + safety of the local people who
live near this store. There is a High
probability that yet another outlet
for drink would increase drunken
behaviours. ~~And people would go to
the shop to buy alcohol to the extent
that it would be a disaster.~~

APPENDIX C



NORWICH
City Council



Tesco Stores Ltd 84 Unthank Road

Scale 1:1523

Licensing Act 2003: application for grant of a premises licence

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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" 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.
- 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', in that it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representation's, which 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 A Premises Supervisor must be specified in the Operating Schedule for a premises, in which alcohol will be sold ('Designated Premises Supervisor' DPS). The DPS will have responsibility for running the premises on a daily basis. They should normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, they should either undergo additional training, or to be able to demonstrate they have the experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

13.2 There must be proper management arrangements in place in all licensed premises, whether or not alcohol is sold or not, which will ensure there is an appropriate number of responsible, trained/instructed persons at the premises to provide the proper management of the premises, the activities taking place and compliance with all statutory responsibilities and the terms and conditions of the premises licence.

LICENSING OBJECTIVES

21.0 Objective - Prevention of Crime and Disorder

21.1 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.

21.2 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.**

21.3 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.

21.4 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

25.0 Objective - Prevention of Public Nuisance

25.3 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.

25.7 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 23.00 and 07.00
- 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

25.8 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, e.g. 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 (e.g. garden areas) of premises, including such matters as deliveries i.e not too early in the morning
- Adoption of best practice guidance (e.g. 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 2-3 hours before licensable activities finish.
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

SECTION E - Hours of Trading

31.2 In determining its policy on the hours of trading, the council has given full consideration to those parts of the Secretary of State's Guidance to the Act which relate to hours of trading.

(iv) 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.

(v) 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.

APPENDIX E

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

LICENSING OBJECTIVES

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 may be carried on. 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 CDRP, as recommended in paragraph 1.21 of this Guidance.

Public Safety

- 2.19 Licensing authorities and responsible authorities should note that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. There will of course be occasions when a public safety condition could incidentally benefit health, but it should not be the purpose of the condition as this would be ultra vires the 2003 Act. Accordingly, conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

Public Nuisance

- 2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary 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 impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Protection of children from harm

- 2.41 The protection of children from harm includes the protection of children from moral, psychological and physical harm, and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.

Where representations are made

- 9.4 "...it is for the licensing authority to decide in the first instance whether or not representations are relevant. This may involve determining whether they have been made by an interested party and whether or not, for example, an individual making a representation resides or is involved in business "in the vicinity" of the premises concerned."
- 9.5 "...licensing authorities should consider whether the individuals residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises."

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

- 13.40 "...flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance."
- 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."

13.42 Statements of licensing policy should indicate that shops, stores and supermarkets, are 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. Statements of licensing policy should therefore reflect this general approach.