

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee
30 November 2010

Item

Report of Head of Citywide Services

3

Subject Licensing Act 2003:
Application to vary a Premises Licence -
Morrisons Albion Way Norwich NR1 1WU

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 vary a Premises Licence in respect of Morrisons Albion Way Norwich NR1 1WU following the receipt of Interested Party representations.

Recommendation

That Members determine the application to vary a Premises Licence in respect of Morrisons Albion Way Norwich NR1 1WU 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 Morrisons Supermarkets PLC of Hilmore House Gain Lane Bradford BD3 7DL.
- 1.2 The premises currently hold a premises licence, the summary of which is attached to the report as Appendix A.
- 1.3 The conditions attached to the current premises licence are attached as Appendix B.
- 1.4 The application seeks to increase the hours for the sale by retail of alcohol, as shown in the table below:

- o Sale by retail of alcohol – to amend the hours as shown:

	Existing hours	Proposed hours
Sunday	10:00 – 22:30	06:00 – 23:00
Monday	08:00 – 23:00	06:00 – 23:00
Tuesday	08:00 – 23:00	06:00 – 23:00
Wednesday	08:00 – 23:00	06:00 – 23:00
Thursday	08:00 – 23:00	06:00 – 23:00
Friday	08:00 – 23:00	06:00 – 23:00
Saturday	08:00 – 23:00	06:00 – 23:00
Good Friday	08:00 – 23:00	06:00 – 23:00
Christmas Day	12:00 – 15:00	06:00 – 23:00
Christmas Day	19:00 – 23:00	06:00 – 23:00

- 1.5 The application also seeks to remove the embedded restrictions attached to the licence shown at paragraph 2 of Annex 1 to the licence (see Appendix B), namely:

2. *Where previous licence is "off licence" or "off sales" alcohol shall not be sold or supplied except during permitted hours.*

The following restrictions are not prohibited:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;*
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;*
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;*
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the*

Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces; supplied except during permitted hours.

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 have been received from three Interested Parties objecting to the application and these are attached at Appendix C to the report. The objections relate mainly to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

2.3 A site map of the area identifying the application premises is attached as Appendix D. A more detailed map of the area detailing the location of the Interested Parties will be available at your meeting.

3.0 Norwich City Council Statement of Licensing Policy

3.1 Attached at Appendix E 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 F 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 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 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 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.



NORWICH
City Council

Premises Licence Summary

Premises Licence Number

05/01457/PREMTR

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Morrisons
W M Morrisons Supermarkets Plc
Albion Way
Norwich
Norfolk
NR1 1WU

Telephone number 01603 663999

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol	Sunday	10:00 - 22:30
Sale by Retail of Alcohol	Monday to Saturday	08:00 - 23:00
Sale by Retail of Alcohol	Good Friday	08:00 - 23:00
Sale by Retail of Alcohol	Christmas Day	12:00 - 15:00
Sale by Retail of Alcohol	Christmas Day	19:00 - 22:30

The opening hours of the premises

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the Premise

Name, (registered) address of holder of premises licence

Wm. Morrison Supermarkets Plc
Hilmore House
Gain Lane
Bradford
West Yorkshire
BD3 7DL

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 00358949

Name, designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Mark Andrew Ellis

State whether access to the premises by children is restricted or prohibited

Annex 1 – Mandatory conditions

1 No supply of alcohol may be made under a premises licence -

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Where previous licence is "off licence" or "off sales" alcohol shall not be sold or supplied except during permitted hours.

The following restrictions are not prohibited:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces; supplied except during permitted hours.

3 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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)	PRUE DOBINSON
Postal address	140 WHERRY ROAD
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	MORRISONS SUPERMARKETS PLC
Address of the premises you wish to support or object to.	ALBION WAY NORWICH NORFOLK NR1 1ND

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>THIS IS ALREADY A HIGH DENSITY RESIDENTIAL AREA WHICH LIVES IN THE SHADOW OF THE REAR LEISURE FACILITIES (CLUBS, CINEMA, PUBS, RESTAURANTS, FOOTBALL GROUND) USERS..</p> <p>ALREADY BLIGHTED BY NOISE, RUBBISH + UNSAFE BEHAVIOUR ('BOY RACERS') ETC</p> <p>THIS PROPOSAL INCREASES OPPORTUNITIES FOR ADDITIONAL ALCOHOL MISUSE, AND RIGHTS OF RESIDENTS TO SOME QUIETER TIMES IE EARLY MORNING AND EVENINGS (ESPECIALLY SUNDAY)</p> <p>IT IS OUR EXPERIENCE THAT DRINKING ALCOHOL RAISES PEOPLES VOICES IN PUBLIC PLACES (BETWEEN FRIENDS, MOBILE PHONE ETC) + DECREASES RESPONSIBLE BEHAVIOUR.</p>
Public safety	
To prevent public nuisance	
To protect children from harm	
Please suggest any conditions which would alleviate your concerns.	

Signed:

Date: 12.10.10

Please see notes on reverse

RECEIVED

25 OCT 2010

Norwich City Council Licensing Authority
Licensing Act 2003

Administrative Department

25 OCT 2010

Post Room

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)	MRS KATHEEN CLARK
Postal address	41 WHERRY ROAD NORWICH. NR1 1NS
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	WM. MORRISON'S RIVERSIDE
Address of the premises you wish to support or object to.	Albion Way Norwich NR1 1WU

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 believe that this will encourage young people to purchase alcohol on their way to the leisure complex or when leaving and drink on the riverside or elsewhere nearby.
Public safety	Further potential for drinking and driving.
To prevent public nuisance	Promoting the acquisition and consumption in public place. Increased risk of disturbance as pathway between Morrisons and Leisure Complex and River through Estate.
To protect children from harm	This will also encourage migration of people up and down Wherry Road. Continuous Traffic noise Increased traffic - disruptive especially in the summer months when one would appreciate peace and tranquility in the garden at least after 8.00 PM. WM Morrisons do not extend their hours beyond what they have at present. They purchase the spare piece of land which is an eyesore near swimming pool and turn it
Please suggest any conditions which would alleviate your concerns.	

Signed:

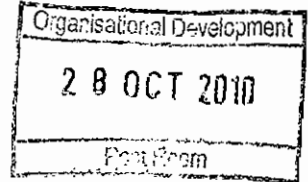
Date:

Please see notes on reverse

20th October 2010. into a pleasant area for children and families to relax

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)	LESLEY & JOHN GUY
Postal address	35 WHERRY RD NORWICH NR1 1WS
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	MORRISON'S
Address of the premises you wish to support or object to.	ALBION WAY, NORWICH NR1 1WU

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

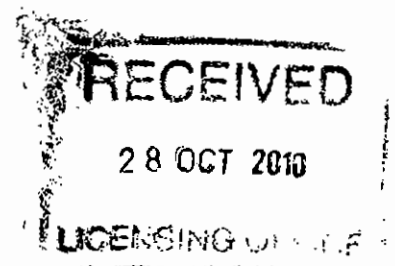
Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Increased use of alcohol & ease of access increase crime & disorder
Public safety	as above. There is more than sufficient time in the current opening hours for purchase of alcohol
To prevent public nuisance	as above. A socially responsible council should restrict the sale of cheap & under priced alcohol
To protect children from harm	Alcohol related illness and family & social disruption is already a significant problem

Please suggest any conditions which would alleviate your concerns.	Restrict sale of alcohol to current hours which are more than adequate.
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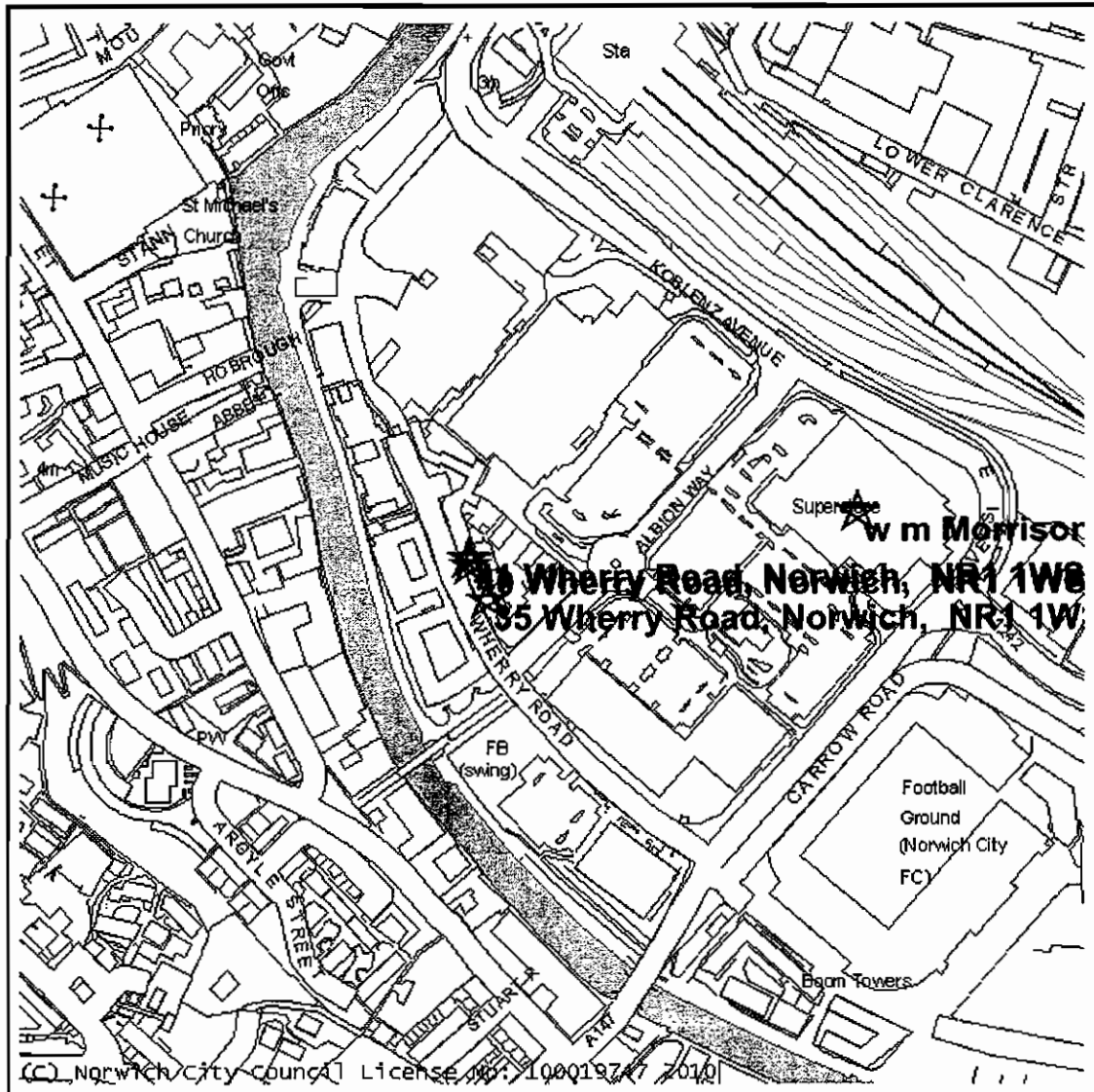
Signed:



Date: 25.10.10.

Please see notes on reverse



APPENDIX D



 <p>NORWICH City Council</p>  <p>Morrisons Albion Way</p> <p>Scale 1:4265</p>	<p>NOTES</p>
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APPENDIX E

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.

(a) 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.

3.0 Applications for Licences

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

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

4.0 Representations

4.1 "Responsible Authorities" 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. Representations, 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

i)

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 level of likely car parking demand on principal roads and surrounding residential streets and its effect on local residents, in comparison with the existing situation, and the effect on residential parking and emergency access;
- 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.

a. SECTION E - Hours of Trading

31.7 The policy options which will be applied to applications for premises licences where the sale or supply of alcohol for consumption on the premises is proposed, are as follows:

- a) **The Council will consider restricting the hours if it believes, on the basis of representations made, that not doing so would lead to or exacerbate problems of crime, disorder or public nuisance.**
- b) Where no relevant representations are received from either a responsible body or an interested party, the application will be granted in accordance with the terms of the operating schedule.
- c) Where relevant representations are received from either a responsible body or an interested party, and those representations relate to the hours of trading then subject to (a) above, the Council will consider restricting the hours in relation to any of the licensable activities for which a licence is being sought, provided it is considered necessary to do so in order to promote one or more of the licensing objectives which may not be achieved without such restrictions. The Council may impose different restrictions on hours for different licensable activities and for different days of the week.

APPENDIX F

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

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."

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.

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."

The Scope of the Licensing Act 2003

- 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."

Licensing Law and the Control of Anti-Social Behaviour

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."

Licensing Hours

Extended Opening 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."

Consideration for Residents

13.41 "...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."