

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee

22 May 2009

Report of Head of Legal & Democratic Services

Subject Licensing Act 2003:
Application for the Variation of a Premises Licence -
DPGS Limited, T/A Domino's Pizza, 29 St Augustine's
Gate, Waterloo Road, Norwich, NR3 3BE

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 DPGS Limited, T/A Domino's Pizza, 29 St Augustine's Gate, Norwich following the receipt of objections Interested Parties.

Recommendation

That Members determine the application to vary a Premises Licence in respect of DPGS Limited, T/A Domino's Pizza, 29 St Augustine's Gate, Norwich 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 Officers

Ruth Kemp

Phone No 212760

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 DPGS Limited T/A Dominos Pizza of SK Group, Runnymede Malthouse, Malthouse Lane, Egham, Surrey, TW20 9BD.
- 1.2 The premises operate as a fast-food outlet, with the majority of orders being delivered to customer's homes. The rest are collected from the premises for consumption elsewhere.
- 1.3 The premises currently hold a premises licence, the summary of which is attached to the report as Appendix A.
- 1.4 The conditions attached to the current premises licence are attached as Appendix B.
- 1.5 This variation application seeks to amend the current permitted hours for Late Night Refreshment to:

Late Night Refreshment (Indoors and Outdoors)
Everyday 23:00 – 03:00

It is also proposed to amend the current Opening Hours to:

Everyday 07:00 – 03:00
- 1.6 The conditions suggested as additions to the Operating Schedule are attached to the report as Appendix C.

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 There have been five Interested Party objections to the proposals and the responses are attached to the report as Appendix D. The responses 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 E. A more detailed map of the area detailing the Interested Parties' residences will be available at your meeting.

3.0 Norwich City Council Statement of Licensing Policy

- 3.1 Attached at Appendix F 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 G 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 objective 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 F which contain examples of factors that impact on the licensing objective of 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.



NORWICH
City Council

Premises Licence Summary

Premises Licence Number

09/00573/PREM

Premises Details

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

DPGS Limited
29 St Augustines Gate
Waterloo Road
Norwich
Norfolk
NR3 3BE

Telephone number 01603 622977

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Sunday	23:00 - 23:30
Monday to Thursday	23:00 - 23:30
Friday and Saturday	23:00 - 00:00

The opening hours of the premises

Monday	11:00 - 23:30
Tuesday	11:00 - 23:30
Wednesday	11:00 - 23:30
Thursday	11:00 - 23:30
Friday	11:00 - 00:00
Saturday	11:00 - 00:00
Sunday	11:00 - 23:30

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

Name, (registered) address of holder of premises licence

DPGS Limited T/A Dominos Pizza
SK Group
Runnymede Malthouse
Malthouse Lane
Off Hummer Road
Egham
TW20 9BD

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

Registered Business Number 2888940

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

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

Annex 2 – Conditions consistent with the Operating Schedule

- 1 **General - all four licensing objectives**
- 2 The premises will be adequately staffed so as to allow proper management of the premises and supervision of those who visit it.
- 3 The pizzas will be supplied in closed cardboard boxes, the nature and size of which make it conducive to be taken home for consumption rather than being eaten whilst walking along.
- 4 **The Prevention of Crime and Disorder**
- 5 The licence holder will actively co-operate with the police to ensure he is aware of any particular problems which affect the area and may affect the store.
- 6 The licence holder will not countenance the use or supply of illegal drugs and the staff will inform the police immediately of any such suspected activity on or in the vicinity of the store.
- 7 The premises will not use or supply glassware.
- 8 All staff employed will be reputable and professional.
- 9 **Public Safety**
- 10 The premises will comply with all requisite health and safety legislation.
- 11 Regular health and safety risk assessments will be carried out.
- 12 Management will take measures to avoid the premises becoming overcrowded.
- 13 **The Prevention of Public Nuisance**
- 14 Doors and windows will be kept closed at night.
- 15 Patrons who visit will be asked to leave the premises quietly and with due consideration for our neighbours.
- 16 Delivery drivers will be instructed to enter and leave their vehicles quietly and considerately, not to leave engines running, to park considerately, and at all times to have in mind the premises' neighbours (particularly residential occupiers).
- 17 Patrons who regularly leave the premises in a noisy fashion will be banned.
- 18 Equipment in the premises will be properly sound insulated and operated strictly in accordance with manufacturer's requirements, guidelines and tolerances.
- 19 The air extraction system will ensure there is no escape of cooking smells to neighbouring properties.

Annex 3 – Conditions attached after a hearing by the licensing authority

- 1 The licence holder shall provide a clear and legible notice on the exit requesting patrons to leave the premises having regard to the needs of local residents and any other person who might be affected by the departing customer's behaviour.
- 2 Last orders for late night refreshment are to be taken no later than 15 minutes prior to the end of the permitted hours for the licensable activity.
- 3 The licence holder shall provide a large refuse bin secured to the premises outside the premises and will ensure it is regularly emptied.
- 4 The licence holder shall take all necessary steps during the hours of operation, and in particular at the close of business each day, to clear rubbish and detritus arising from the business from outside the front of the licensed premises.

THE STEPS WE INTEND TO TAKE TO PROMOTE THE FOUR LICENSING OBJECTIVES

A. General - All Four Licensing Objectives

The store is a franchise of the worldwide Domino's home delivery pizza chain. Domino's has been in business for more than 40 years and during that time, has developed a system of business which primarily involves a home delivery services. Whilst it is possible to collect our products from the store, the vast majority of our business is delivering pizzas and other products we sell, to people's homes. We are governed by the rigorous standards set out in the Domino's Franchise Agreement and these relate to all aspects of operating the business, from the preparation of ingredients right through to the manner in which the product is delivered to our customers. We are mindful of our obligations to our staff, our customers, and others (e.g. local residents) who may be affected by the operation of our business. Our store is adequately staffed so as to allow the proper management of the premises and supervision of those who visit them. The Domino's system does not allow the sale of alcohol. Where customers visit the store, our pizzas are supplied to them in closed cardboard boxes and the nature and size of the product is conducive to being taken home for consumption, rather than being eaten whilst walking along.

B. The Prevention of Crime and Disorder

We will actively co-operate with the local police to ensure that we are made aware of particular problems which affect the area and which may potentially affect our store.

We will not countenance the use or supply of illegal drugs and our staff will inform the police immediately of any such suspected activity on or in the vicinity of the store.

Our employment policies are designed to ensure we recruit professional and reputable staff.

We do not use or supply glassware.

C. Public Safety

The premises comply with all requisite health and safety legislation.

We carry out regular health and safety risk assessments and are required to do so under the terms of our Franchise Agreement.

In the most unlikely event that a greater number of people congregate in the premises than is conducive to public safety, we will not hesitate to ask people to leave the store and we will always encourage them to take advantage of our

home delivery service, which is the primary way in which we serve our customers.

D. The Prevention of Public Nuisance

Our doors and windows will be kept closed at night to prevent transmission of noise.

Our stores have very few customers who visit to buy our product to take away, but those who do visit will be asked to leave the premises quietly and with due consideration for our neighbours.

Music will not be played in the premises.

Our delivery drivers are instructed to enter and leave their vehicles quietly and considerately, not to leave engines running, to park considerately, and at all times to have in mind our neighbours (particularly residential occupiers).

We would have no hesitation in banning people who visit the store and regularly leave the premises in a noisy fashion.

Our equipment is properly sound insulated and operated strictly in accordance with manufacturers' requirements, guide lines and tolerances.

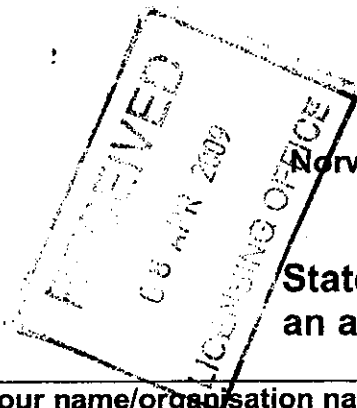
All our air extraction system complies with Building Regulations requirements and is designed to ensure that there is no escape of cooking smells to neighbouring premises.

We neither use nor supply glassware.

E. The Protection of Children from Harm

Our store is not licensed for the sale of alcohol.

Because of the nature of the licence for which we are applying and the nature of our business generally, it is most unlikely that a child unaccompanied by an adult would visit our store during the hours for which we are licensed.



Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development
8 - APR 2009
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)	GILLIAN STEVENSON
Postal address	14 AYLHAM ROAD NORWICH NR3 3HG
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	DPGS LIMITED T/A DOMINOS PIZZA
Address of the premises you wish to support or object to.	29 ST. AUGUSTINES GATE, WATERLOO RD NORWICH NR3 3BE

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	PLEASE SEE ATTACHED SHEET
Public safety	
To prevent public nuisance	"
To protect children from harm	"

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

Date: April 4th 2009

Please see notes on reverse

To prevent crime and disorder: I strongly object to any change to the licensing agreement currently held by DPGS Limited - T/A Domino's Pizza. Domino's Pizza already encourages drunks returning home late at night to wait in the street while their pizzas are being prepared. Frequently, individuals as well as groups, drink on the pavement as they are waiting, as evidenced by the broken bottles along the pavement. This is already an area where the bus shelter is frequently vandalised and covered in graffiti, often by drunken youths returning from a night out in the city centre, whom it would appear are Domino's proposed target market.

To prevent public nuisance: There is already a lot of noise outside Dominos while people wait for pizzas - noise from both standing about in groups and from cars parking and waiting illegally along Aylsham Road with music blaring. I object to any changes made to the current licensing agreement held Dominos. We are already woken frequently by their customers as well as by their delivery trucks who park along Aylsham Road and deliver during the night or in the very early hours of the morning. These deliveries make a lot of noise as trolleys are mechanically manoeuvred and then lifted from the huge delivery truck and wheeled through the front door of the building. Domino's are happy to do business in the area but do not even provide a bin for the trash created by their products or make any effort to clear the pizza boxes left by their customers.

To protect children from harm: My son who is autistic, is already woken and upset by both the noise from waiting customers and by the delivery truck on a regular basis. I object most strongly to any extension of hours in this residential area, which will impact the quality of life for not just my son, but all who are within hearing of the noise caused by Dominos Pizza.

This is a residential area. Domino's, having got a foothold are now attempting to make residents lives miserable by extending their business hours. If Domino's are allowed to extend their hours to encourage drunks to stand and wait, or to consume the pizza they have purchased in Aylsham Road it will encourage anti-social behaviour, to which I object most strongly, and which I believed until this point Norwich City Council was also against.

Apr 1 4th 2009

Norwich City Council Licensing Authority
Licensing Act 2003

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

Organisational Development
15 APR 2009
Post Room

Your name/organisation name/name of body you represent (see note 1)	Mr James Babb
Postal address	10 Alma Terrace Norwich NR3 3EE
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	DPGS limited - TRA Dominos Pizza
Address of the premises you wish to support or object to.	29 St. Augustines Gate Waterloo Road Norwich NR3 3BE

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	<ul style="list-style-type: none"> - Drunk People being noisy and damaging + littering the Car Park. - Noise from delivery Drivers in car park.
Public safety	<ul style="list-style-type: none"> - Delivery Drivers Careless Driving in the Car Park.
To prevent public nuisance	<ul style="list-style-type: none"> - Same - Noise from Delivery Drivers
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	<ul style="list-style-type: none"> - No Deliveries Past 10pm but Main Shop open t.i.l 03:00 for people on foot.
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Signed:

Date: 8/4/09

Please see notes on reverse

Your Ref. 09/00573 / PREM

RECEIVED

14 APR 2009

LICENSING OFFICE

Norwich City Council Licensing Authority
Licensing Act 2003

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

Organisational Development

14 APR 2009

Post Room

Your name/organisation name/name of body you represent (see note 1)	MR & MRS C. BURLING
Postal address	12 AYLSHAM ROAD NORWICH NR3 3HQ
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	DPGS LTD - T/A DOMINOS PIZZA
Address of the premises you wish to support or object to.	29 ST AUGUSTINES GATE WATERLOO ROAD NORWICH NR3 3BE

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	Currently Domino's customers are noisy and intrusive whilst waiting for their orders, and having eaten discard the cartons on the ground or in surrounding hedges and gardens. Bottles and cans are regularly removed & thrown onto cars or into gardens.
Public safety	The bus shelter is also regularly vandalised.
To prevent public nuisance	Delivery lorries frequently wake us during the night as they park illegally on Aylsham Road, making much noise with loading & unloading. The noise is already horrendous and sometimes frightens when a fight occurs. The debris & vandalism are disgusting.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Domino's do not even provide trash bins for the refuse (although these would probably be dumped in peoples gardens unless fixed).
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Signed:

Date:

9-4-09

Please see notes on reverse

We strongly object to any change to Domino's agreement. The idea of tables & chairs outside until 3am fills us with horror.
Finally - We have lived here for 32 years and have never known such noise and vandalism as there is now.



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)	NIGEL HARTLEY
Postal address	7 ALMA TERRACE, NORWICH
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	OBJECT: DOMINOS PIZZA
Address of the premises you wish to support or object to.	2A SE AUGUSTINES GATE WATERLOO RD NORWICH

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	CAUSING GROUPS OF DRUNK EX-CLUBBERS / PUBS TO GATHER LATE AT NIGHT IN A RESIDENTIAL AREA
Public safety	COULD LEAD TO PUBLIC SAFETY ISSUE DUE TO ALCOHOL CONSUMPTION AND NOISE ISSUES LATE AT NIGHT
To prevent public nuisance	NUISANCE CAUSED BY NOISE, EXCESSIVE TRAFFIC, DELIVERY DRIVERS NOISE IN CAR PARK OPPOSITE ALMA
To protect children from harm	TERRACE, LITTER, AND PEOPLE NOT LEAVING THE AREA QUIETLY.

Please suggest any conditions which would alleviate your concerns.	NOT OPENING UNTIL 3 AM AT NIGHT. THIS IS NOT A NIGHTLIFE AREA ITS RESIDENTIAL. PIZZA CAN BE OBTAINED PRINCE OF WALES ROAD LATE AT NIGHT
--	---

Signed:

Please see notes on reverse

4/4/09

Kemp, Ruth

From: Ruth Kemp
Sent: 14 April 2009 21:31
To: Licensing
Cc: Mr Streeter
Subject: 09/00573/PREM DGPS Limited - T/A Dominos Pizza, 29 St Augustines Gate, Waterloo road, Norwich NR33BE

Attachments: Council Letter - Dominos Saint Augustines gate.doc



Council Letter -
Dominos Saint...

Mr Streeter

Thank you for giving us the opportunity to object to the following application for a premises licence - variation;

DGPS Limited - T/A Dominos Pizza, 29 St Augustines Gate, Waterloo road, Norwich NR33BE.

Please see attached word file with my objections and suggestions. I will be working away for the next two weeks but should be contactable by email should you need clarification of any of the attached.

Many thanks and best regards

Sam McNamara
8 Alma Terrace
Norwich
NR3 3EE

09/00573/PREM

DPGS Limited – T/A Dominos Pizza 29 Saint Augustines Gate Waterloo Road
Norwich Norfolk NR3 3BE

“We are very concerned about this late night licence, please don’t make our community suffer anymore, we have had enough problems with dominos staff with noise, verbal abuse and threatening behaviour in the past, these people are not capable of keeping order until 3 am. I will be happy to speak to the council on this matter”

To prevent crime and disorder

There has been a history of drink related problems in this area. People have been known to urinate in the car park and discard alcohol bottles up Alma Terrace (by throwing and smashing them) and placing rubbish in the bushes rather than putting them in the bin provided by the bus stop, whilst in protest to this behaviour I have been threatened with violence outside my home by drunken and sober people alike and have to walk away from my house to avoid any later reoccurrence of ‘anti social behaviour’ and have been forced to come back at a later time, this is not acceptable more alcohol or later serving times would only serve to exaggerate this problem and I feel we are already made to feel under siege in our homes due to trouble makers and people who really don’t care about their actions and the effect it has on others.

The Spar shop on the corner of Saint Augustines Gate has had a problem with drunken customers in this area in the past. There was an instance where one member of staff was attacked at work with a knife by a drunken woman, the attacker was caught and sent to prison and I believe vowed to get her revenge on the her victim when she gets out of prison, subsequently the member of staff left her job and was unable to return. We cannot have people of this manner drinking readily to the small hours ready to attack us or our homes or both.

The Spar shop used to have a window to allow late night access, this was stopped due to the abuse suffered by staff members during this services and it was seen as too dangerous to continue. People on this road buying food late at night will cause a nuisance and make our lives in an already troubled times a complete misery.

Alcohol induced noise would be a regular part of this establishment, as a pizza restaurant I believe that this would be unacceptable and unmanageable.

Public Safety

Other than the anti social behaviour as detailed within sections of this letter, I would like to object on the grounds that this is not a pedestrian friendly area, there are no crossings for ‘sober’ pedestrians over Waterloo Road, Magpie Road, St Augustines or Aylesham Road. How can drunken people be expected to cross without causing an accident and harming themselves and others in the process? IT IS ALREADY AN ACCIDENT WAITING TO HAPPEN, PLEASE TAKE ACTION HERE BEFORE SOMEONE IS HURT ON THE ROAD OR WORSE!! In the event of people crossing Aylesham Road outside the dominos shop there is a bus stop that partially blocks

view if there is a bus there and its very dangerous for all road users especially those on foot.

Dominos staff have been known to use Alma Terrace as a public road (or a better term would be short cut) and use it dangerously and at an unacceptable speed to deliver their pizzas and avoid the lights at the bottom of Waterloo road. It is as I understand an 'access only' road for residents and emergency services. In the past I have been threatened by staff at Dominos who I have raised the issue of speed and access with and I have made two complaints to the management of dominos to stop their drivers using the road as a short cut and to slow down, the outcome was that the man in question would then beep his horn loudly as he sped past our homes and this too was reported to the manager. With dominos members of staff being known to threaten their local resident "customer's" how can they put in a position to serve people until the small hours around our modest homes.

Fighting and damages to property (already a problem on Aylesham Road) would be another problem that would be forced on to hardworking residents as customers (drunken and sober) left the premises and used our road/ neighbourhood as a short cut and a lavatory, as well as a rubbish dump and boxing ring. Again we object to this late night 'nightmare' for residents.

To prevent Public Nuisance

Delivery staff from Dominos have been know to play their car stereos at very loud volumes in the car park at the rear of the business, this is unacceptable and shows a level of contempt by staff for those living in the area, this attitude would be truly frightening if it is communicated or passed on to drinking/sober late night customers as ia an acceptable attitude and treatment of residents. I do not believe that the staff of this establishment are able or genuinely willing to stop any trouble occurring and this will effect the balance of our protection in this already troubled neighbourhood and object on these grounds also.

These shops are very noisy in the rear areas and especially so following closing time when they empty their bins into larger bins following. This can happen as late as 11:30 and no attempt is made to avoid any disturbance to locals trying to get some sleep whist emptying bins. Further to this point of objection an NHS Nurse who works varying (day/night and weekend) 12 hour shifts at the hospital, lives in our house and her bedroom (where she gets her much needed sleeps) in the upstairs front room of this house and it over looks the rear of the shops directly by Dominos pizza bins. We would object on the grounds that when a shift ends at whatever time of the day and she need to sleep to get ready for her next shift the noise (especially during the small hours) from bins being emptied or drunken/ sober revellers being asked to leave the premises at 3 am would be plainly an unacceptable level of noise and not suitable for someone in this difficult position taking care of others or indeed not even suitable to anyone like myself with more 8:30 – 5:30 hours.

There is already an unacceptable level of rubbish in and around our neighbourhood, most of this emanates for the shops on Saint Augustines gate and drunken revellers filling a gap on their way home. Someone has recently (2 months ago) been fly tipping in the car park and litter is dropped regularly in our road after purchase of fast

food. I thought I could help here and at the time I genuinely thought I was doing someone a favour by reporting this to the property management company in charge of Saint Augustines Gate, this was due to the vacant property where block busters once was and that the place looked so awful no-one in their right mind would think about renting it... so I made a call to the property management company who runs the site, when I said I was a saint Augustine's gate resident and said the place needed a bit of a clean he demanded my name and address, so he could in his words come straight round and evict me and 'sort me out' in the process, I believe that this is an unacceptable level of violent conduct and in fear of reprisals immediately reported this to the police and contacted environmental health who despite their best efforts have not been able to get the management company to move the fly tipped furniture, an incredibly understanding and helpful council member of staff stated that they (the management company) have been asked to have it removed (the fly tipped furniture must be a good nest for Rats and other vermin that have been seen regularly myself and by other residents at the back of these business by the bins). It is still there after my actions and I would object on the grounds that if the management company (based in London) don't care about the hygiene of our local residents and businesses how can we expect drunken people leaving this premises to be fair to us too and when anyone drops litter is not picked up by anyone at any sensible level of hygiene and tidiness! If a request for a decent level of hygiene is a cause to make threatening actions, I would object as this management company would have more to 'not clean up' and the council is powerless to help us from this happening, we are the real losers here and this is going to make us feel like victims (again)... I would further also like to point out that the fly tipping is directly (10m) outside the rear entrance to dominos (where there staff park) and if they have not complained about it (and they really should), how can these people be trusted to sensibly serve alcohol late a night with no clear consideration for others in the area.

Have you seen the state of the bollards outside dominos shop recently? the plastic covers have been removed by revellers and placed on top of the tree guards outside dominos, a respectable shop with conscientious staff would have reported this and cleaned it up immediately, this happened two weeks ago and is still a mess right outside dominos. Not to mention the broken glass.

To protect Children from Harm

All of the above will have an effect on the local children, however I feel that especially with binge drinking being a popular subject of late how can a pizza restaurant selling drinks to all until 3 on their doorstep be an be a good lesson in life in general.

Please suggest any conditions that would alleviate your concerns.

Proper road system at St Augustine's/waterloo road/ Aylsham road with crossings (we need this anyway) . Proper road cleaning, notable police presence and a sense of community spirit (not alcohol late night spirits) to where we live.

Sam McNamara
8 Alma Terrace
Norwich

NR33EE

208

APPENDIX F

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.

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.**

3.5 **The Council will not accept any application that is incomplete or fails to satisfy the requirements of the Act or the regulations. Incomplete applications will be returned with an explanation of why it is incomplete.**

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
- 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

23.0 Objective - Public Safety

- 23.1 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.**
- 23.2 The occupancy capacity for premises, and events, is also considered to be an essential factor in the achievement of Public Safety (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **Applicants should address the issue of occupancy capacity, where necessary, within an applicant's operating schedule and, in most instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule and on the opinion of the Responsible Authorities.**
- 23.3 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Applicants must consider other factors when assessing the appropriate capacity for premises or events. These include:
- the nature of the premises or event
 - the nature of the licensable activities being provided
 - the provision or removal of such items as temporary structures, such as a stage, or furniture

- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation

23.4 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, including means of escape in the event of fire
- 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 (e.g. 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

23.5 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 (e.g. 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

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.

27.0 Objective - Protection of Children from Harm

27.1 *The Council will consult with the appropriate Area Child Protection Committee for consideration of all applications for licences.*

27.2 *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)*

27.3 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.

- 27.4 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.
- 27.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving for example; 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 16.
- 27.6 **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.**
- 27.7 Whilst 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, and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 27.8 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.**
- 27.9 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 (e.g. 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, e.g. 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.

27.10 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. In the case of a film exhibition that has not been classified, the licensee should conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.

27.11 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

31.5 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 G

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

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."

- 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 individual's 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."