

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee
11 November 2009

Report of Head of Legal & Democratic Services

Subject Licensing Act 2003:
Application for the Grant of a Premises Licence -
Lincoln Convenience Store 105 Portersfield Road Norwich
NR2 3JX

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application to grant a Premises Licence in respect Lincoln Convenience Store 105 Portersfield Road Norwich NR2 3JX following the receipt of Interested Party objections.

Recommendation

That Members determine the application to grant a Premises Licence in respect of Lincoln Convenience Store 105 Portersfield Road Norwich NR2 3JX 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
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

1.1 The applicant is Nadarajan Logieswaran of 6 Trafalgar Street Norwich.

1.3 The details of the Operating Schedule are as follows:

- **Sale by Retail of Alcohol (for consumption off the premises)**

- Sale by Retail of Alcohol 07:00 – 22:00 Monday – Saturday
08:00 – 22:00 Sundays

07:00 – 22:00 Monday – Saturday
08:00 – 22:00 Sundays

2. Relevant Representations

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 Eleven objections to the application have been received from Interested Parties, with concerns relating mainly to the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. Copies of these representations are attached to the report as Appendix B. Two letters expressing support for the application have been received and these are attached as Appendix C.

- 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 Interested Party address will be available at the 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. Also included are the relevant extracts relating to representations from local councillors.

5.0 Summary

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

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

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

- 5.3 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

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

- 5.4 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

- 5.5 The representations received from the Responsible Authority and the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee is directed to paragraphs 21 and 25 of the

local licensing policy at Appendix E which contain examples of factors that impact on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.

- 5.6 Insofar as the issue of licensing hours is concerned, the Sub-Committee is directed to paragraph 13.41 of the national guidance, which states that licensing hours should not inhibit the development of evening and night-time local economies, and that providing consumers with a greater choice and flexibility is an important consideration. However, this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet. The Sub-Committee is also directed to paragraph 31.7 a) of the local licensing policy, authorising the restriction of licensing hours, where the licensing authority believes, on the basis of representations, that to not do so would exacerbate public nuisance.

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

- 5.7 The Sub-Committee is also reminded of the contents of appendices 2 and 4 of the local licensing policy (not re-produced in this report) that contain pools of model conditions relating to the prevention of crime and disorder and the prevention of public nuisance.

APPENDIX A

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

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

- CCTV
- (ALARM) SECURE ALARM

b) The prevention of crime and disorder

SAFETY ALARM
SECURITY CAMERAS

c) Public safety

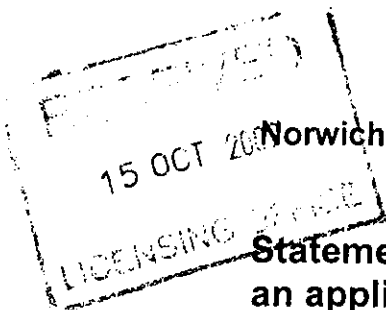
- FIRE SAFETY
- ELECTRICAL SAFETY
- SLIPS, TRIPS AND FALLS
- FIRST AID ACCIDENTS CARE.

d) The prevention of public nuisance

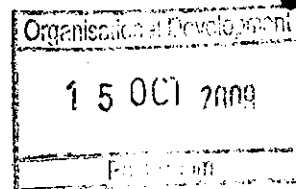
NOT SERVE DRUNKING PEOPLE
NO UNDER AGE

e) The protection of children from harm

APPENDIX B



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)	MS RACHAEL McLANAGHAN
Postal address	136 LINCOLN STREET NORWICH NR2 3LS
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	105 PORTERFIELD RD NR2 3JX
Address of the premises you wish to support or object to.	LINCOLN STORES

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

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

Please suggest any conditions which would alleviate your concerns.	RESTRICT LICENCE TIMES TO 8 AM - 6 PM
--	--

Signed:

Date: 12.10.09

Please see notes on reverse

136 Lincoln Street, Norwich NR2 3LB

Norwich City Council
Licensing Section
City Hall
Norwich
NR2 1NH

12 October 2009

Dear Sirs

Licensing Application: Shop at 105 Portersfield Road, Norwich
09/01650/PREM

I am the immediate neighbour of the above property and my house shares a party wall with the shop at 105 Portersfield Road. I wish to object to the application for a Premises Licence on the following grounds:

To prevent crime and disorder

This area, due to the high population of students and people in rented accommodation, already suffers from a high degree of late-night disturbance on Friday and Saturday nights and at the end of the university exam period. I have personally suffered anti-social behaviour when inebriated passers-by late at night have thrown bottles at my house, on one occasion breaking a window at 2 am. I am concerned that this sort of behaviour would increase should the shop at 105 Portersfield Road be granted a Premises Licence.

Public safety

Specifically:

Road safety – I am concerned about increased traffic in a very quiet residential area.

Personal safety – I am concerned that children and older people may feel insecure when walking around this area in the evenings if they encounter people who have been drinking.

To prevent public nuisance

Specifically:

Noise – I am concerned about the potential for noisy customers congregating around the shop late into the night, particularly those who have already been drinking. This is a very quiet, residential neighbourhood, with little traffic and few pedestrians in the evening.

Litter and broken glass – this neighbourhood already suffers from a litter problem and local residents, including myself, regularly pick up large amounts of litter from the streets and our gardens. There is a late night takeaway in the vicinity, which results in a significant amount of litter.

Broken glass is a constant problem. There are many cyclists and children in the area.

As far as I am aware, and I have lived in this house for 8 years, the Council policy is not to clean the streets in this area.

As this part of the country is a low rainfall area, spilt alcoholic beverages could also lead to an odour problem.

To protect children from harm

Like many parents, a large part of my decision to live in this area of Norwich was influenced by the high standard of the local schools. The premises in question are within 5 minutes walking distance of Avenue Junior School and Recreation Road Infant School. There is, therefore, a high density of families

with children in the neighbourhood of 105 Portersfield Road. I am concerned about the effects of anti-social behaviour on the local children.

Of relevance to all the points above is the fact that the Premises concerned is situated in a residential area, **not** a shopping area. The Unthank Road is a much more suitable location for off sales of alcohol. In fact, there is a perfectly adequate off licence at the other end of Lincoln Street, which serves the community well. We are also served by 2 branches of Co-op on the Unthank Road with an off sales licence and Somerfield on Recreation Road within 10 minutes walk with an off sales licence.

Yours sincerely

Ms Rachael McLanaghan

Mrs Heather Wells
110 Lincoln Street
Norwich
NR2 3LB

14th October 2009

**Objection to licensing application for convenience store at 105
Portersfield Road**

I would like to object to this application on the following grounds;

Prevention of public nuisance

The store is sited in the middle of a residential area and I do not feel that the sale of alcohol is suitable for this location, particularly because of the proposed hours for the application has been made.

The proposed sale of alcohol from 7am to 10pm 6 days a week and from 8am to 10pm on Sundays could result in a significant increase in noise and disturbance to neighbours in what is currently a quiet residential area. The problem would be aggravated if any anti-social behaviour resulted from the consumption of alcohol in the vicinity.

There are already other local outlets selling alcohol in the two nearby commercial areas i.e. Unthank Road or the Earlham Shopping Centre both of which are in busy areas with more passing trade and therefore less likely to attract anti-social behaviour.

Protection of children from harm

The area is quiet and relatively not overlooked which could make it a likely area where under-age individuals may choose to congregate and consume alcohol.

Public safety

I am concerned that if alcohol is sold on the premises there will be an increase in litter in the area, with the inherent health problems this can cause. There is also the potential for discarded bottles and broken glass, the latter being a significant hazard for the many local children using the nearby crossing to go to and from school.

Prevention of crime & disorder

Lincoln Street is a quiet residential street and although there are significant numbers of multiple occupancy properties occupied by students, there has been little or no anti-social behaviour up until now. I strongly believe that the presence of a store selling alcohol in the area will lead to a reduction in standards of behaviour in particular related to alcohol consumption, will attract

customers into the area who may have no regard for the quiet residential neighbourhood in which the premises operate. There will be a significant reduction in property values and what has been a quiet family-oriented neighbourhood could deteriorate into an area with significant problems and anti-social behaviour.

In conclusion

I strongly object to this licensing application. If approved, the sale of alcohol from this convenience store would have a major impact not only on the local residents but on the perception of the area as a pleasant and quiet community in which to live.

Heather Wells

Fuller, Maxine

From: Wells Heather Mrs (LIB)
Sent: 14 October 2009 08:45
To: Licensing
Subject: Licensing application for 105 Portersfield Road
Attachments: Licensing application 09.doc

Please find attached my objection to the above planning application

Heather Wells
110 Lincoln Street
Norwich
Norfolk
NR2 3LB

E-mail home:

Email work:

14/10/2009

RECEIVED
12 OCT 2009
LICENSING OFFICE

Norwich City Council Licensing Authority
Licensing Act 2003

Organisational Development
12 OCT 2009
Prog 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)	MRS J MASKELL
Postal address	50 PORTERSFIELD ROAD NORWICH, NR2 3JX
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	LINCOLN CONVENIENCE STORE
Address of the premises you wish to support or object to.	105 PORTERSFIELD ROAD, NR2 3JX

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	Would need to ensure that customers do not loiter outside premises drinking and eating, disturbing the residents. Alcohol can often lead to vandalism & littering.
Public safety	Lack of parking facilities may create a danger to cars and pedestrians if customers park dangerously.
To prevent public nuisance	In a predominantly residential area the extra vehicles and pedestrians will result in increase noise levels, especially at night. Littering can be a problem, especially if alcohol is involved.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Only allow opening till 20:00
--	-------------------------------

Signed:

Date: 09/10/09

Please see notes on reverse

Fuller, Maxine

From: Anna Douglas
Sent: 13 October 2009 19:11
To: Licensing
Subject: 105 Portersfield Road - new shop

Dear All

I am writing in relation to your letter regarding the plans for a convenience store (which I note is too late to object to, AND the loophole that it was originally used as a shop which meant I could not object anyway).

I do question why we need another poor quality, tacky looking and overpriced supermarket in the area (we already have Somerfield, 2 x Co-ops, and the other place at the end of Jessopp Road). A shame is couldn't have gone to a local business. I suppose I should be thankful it isn't a betting shop.

I object to them selling alchohol on the grounds of prevention of crime and disorder and prevention of public nuisance. If the store is permitted to sell alchohol, not only will we end up with empty pizza boxes strewn over Jessopp Road and into our garden (from Triangle pizza on Portersfield), but if people can also pick up beer from that end of the street, we will also have cans of stuff and broken bottles all over the place as people buy a beer to go with their kebab/pizza. Jessopp Road is commonly used as a route from the town back to people's homes and on a Saturday or Sunday morning, there is often pizza boxes on the pavement.

It is bad enough that we are having a Nisa on the street, never mind the fact that I see it potentially causing unnecessary noise and rubbish.

Yours sincerely

Anna Douglas
29a Jessopp Road

14/10/2009

Fuller, Maxine

From: Heather Meenaghan
Sent: 13 October 2009 18:21
To: Licensing
Subject: portersfield road convenience store

Deat Sir/Madam

I have just heard that the above premises have applied for a licence to sell alcohol from 0700-2200 Mon - Sat and 0800-2200 on Sundays and I am concerned about the safety.

My main concern is the probable increase in traffic along Portersfield Road which is close to three junior schools and is also used by numerous pedestrians and cyclists to the secondary schools and University.

I do hope you reconsider this proposal as it is unnecessary- there are other retailers nearby that sell alcohol.

Many thanks

Heather Meenaghan

Fuller, Maxine

From: Ifeoma Muotune
Sent: 14 October 2009 09:24
To: Licensing
Subject: RE:Portersfield convenience store plan

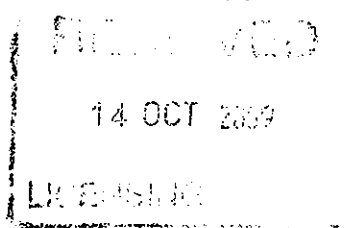
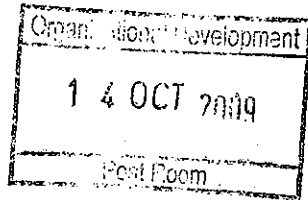
To whom it may concern,

I am a resident (House owner) of Lincoln street and I write concerning the opening of the new convenience store on Portersfield road. Firstly, I am relieved that this is not going to become a takeaway store as I feel that the negatives regarding a takew away shop outweigh the positives which this could have potentially brought . What I fail to understand is the necessity of a convenience shop when there are an abundance of shops & takeaways on Unthank road and Colman road?? However, regarding wheter this shop should be licensed I am against such an application, simply due to the fact of preventing noise and public nuisance. Naturally people gather & hang around shops. So far, I have not had any safety concerns at my home to date yet and I would like it to stay that way. If people would like to purchase alcohol , then why not take a walk down to Unthank road and get some? I am in favour of a non-licensed convenient store.

Many thanks,

Ifeoma Muotune (118 Lincoln St)

14/10/2009



39 Dover Street
NORWICH
NR2 3LG

13th October 2009

Dear Sir or Madam

I am writing regarding the application for a licence for **105 Portersfield Road, Norwich, NR2 2JX**.

I have noticed that the premises is hoping to become a convenience store, which it has been on previous occasions, and has applied to sell alcohol on the premises as well.

I am concerned about this application, as the selling of alcohol could attract groups of people to the store to buy alcohol, particularly late in the evening which could then lead to an increase in noise and possibly anti-social behaviour. As this is a quiet residential area, the residents are keen to keep noise and litter to a minimum. The hours that the shop proposes to open seem unduly long, especially for the selling of alcohol, and again could cause a disturbance for the people living close by.

I am also surprised to see that the new owners have had a large fan erected on the outside of the building. Again, this could cause a considerable amount of noise to the local residents when it is operating. When the premises was a convenience store in the past, a fan was not necessary, even though the shop had a number of fridges and freezers. It makes me wonder what long-term plans the new owners have for the shop.

I have lived in the area for a number of years and have noticed an increase in noise and drink-related incidents as the area has had an increase in student households and let properties. As there are premises selling alcohol on the Unthank Road, it does not seem necessary to allow smaller outlets in residential areas to sell alcohol as well.

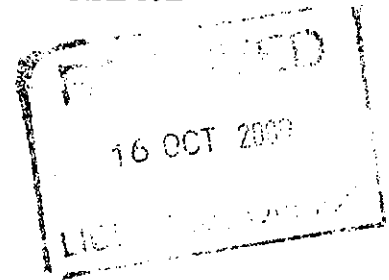
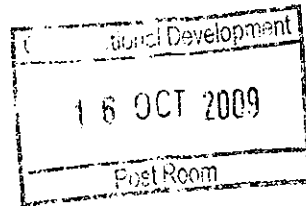
Yours faithfully

P E Malone

Telephone:

Derek Pardey
127 Lincoln Street
Norwich
NR2 3JZ

Licensing Department
Norwich City Council
City Hall
Norwich
NR2 1NH



14 October 2009

re: Application to Sell Alcohol – 105 Portersfield Road.

I am writing to register my opposition to the application for a licence to sell alcohol at a shop at the above address.

This is predominantly a residential area, with a mixed population of older people, families with young children, students and other short-term residents.

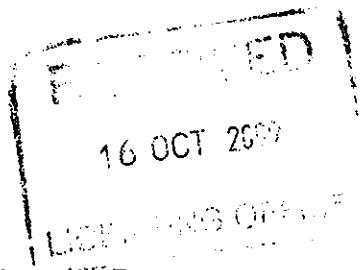
Even before opening, this convenience store is advertising the sale of alcohol, with a window display featuring colourful pictures of bottles of vodka and cointreau. Quite apart from assuming that the appropriate licence will be granted, this suggests that the sale of alcohol may be expected to play a major role in the shop's trade.

It seems very likely that the selling of alcohol in this residential area would lead to some or all of the following problems:-

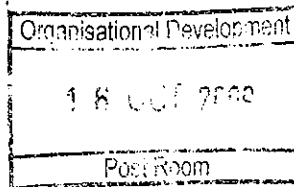
- i) increased noise and disturbance, especially in the late evening.
- ii) increased litter in the vicinity of this corner site, including in the nearby passageway between the back gardens of Lincoln Street and College Road
- iii) general public nuisance and potential disorder

Taking the above points into account, I believe that this convenience store should not be granted a licence to sell alcohol.

Derek Pardey



Licensing Department,
City Hall,
Norwich NR2 1NH



SIMONE CHIMOWITZ
127 Lincoln Street
Norwich Norfolk
NR2 3JZ

13th October 2009

Plans for a convenience store at 105 Portersfield Road

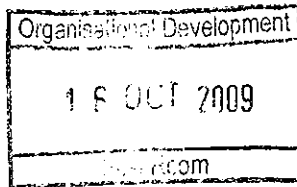
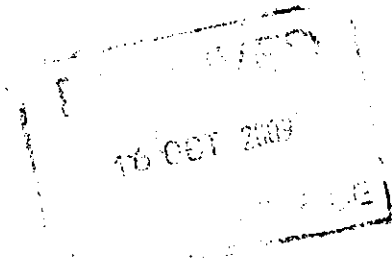
I am writing to oppose the granting of a licence to sell alcohol at the soon-to-be-opened convenience store premises on this site. The store is situated in a mixed residential area with a population including older people, families with young children, students and other short-term residents.

In recent weeks there has been an increase in late-night noise. Lincoln Street is already troubled by night-time noise from those coming home from pubs. The store would make easier accessibility to cheap alcohol. There is a very tempting alleyway very close-by where drinkers could go to consume their alcohol, once out of the shop

Please do consider the above points and **not** grant the store a licence to sell alcohol.

With best wishes,
Yours sincerely,

Simone Chimowitz (Ms.).



Dear Sir,
Regarding the Lincoln Convenience Store
I wish to complain about the licence to
sell alcohol on Monday to Saturday from 0400
to 22.00 and on Sunday from 08.00 to 2200.

We have many students living in this
area and last Saturday a party of 20 were drinking
in the street. This went on until midnight.

Therefore it would be too easy for them
to obtain drink during the evening.

I therefore disagree with granting this licence.

Yours sincerely,

13.10.09

24 Recreation Rd

Nonisich WR2 3F



Dear Sir,

15 OCT 2009

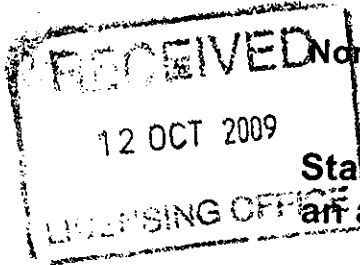
We are writing requesting the
licensing application for Lincoln
Convenience Store.

We have a great many young
people living in this area - we feel
that it would be undesirable to have
alcohol available from 07.00 - 22.00
Monday to ~~Friday~~ ^{Saturday} - 08.00 - 22.00 on
Sundays. We have already suffered
broken car windows several times as
a result of groups of youngsters returning
from public houses - believe that
access to more cheap liquor could lead
to more crime & disorder.

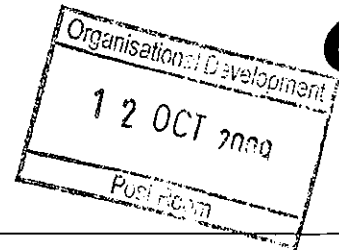
We hope this application will be
refused.

Yours sincerely

APPENDIX C



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)	Ruth Wilson
Postal address	145 Lincoln St NR2 3JZ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	Lincoln convenience store
Address of the premises you wish to support or object to.	105 Portersfield road NR23JX

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

Licensing Objective	Please set out your <u>support</u> or <u>objections</u> below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	
To protect children from harm	A local shop on a quieter street is a good idea as will mean children do not have to cross the busy Unthank Rd to make a purchase
Please suggest any conditions which would alleviate your concerns.	No I have no concerns with the shop being able to sell alcohol + cigarettes. In fact, would welcome this.

Signed: ;

Date: 09/10/09

would welcome this.

Please see notes on reverse

Fuller, Maxine

From:

Sent: 15 October 2009 09:57

To: Licensing

Subject: Application for Alcohol license 195 Portersfield Road Norwich

Dear Sir,

I am writing to support the alcohol license applied for by the proposed store at 195 Portersfield Road Norwich.

At present the nearest shop for many residents in the area is on Earlham Road which involves either a long walk or having to use their car. A shop at Portersfield Road would mean that local people would not have to walk as far or pollute the environment by using their cars.

I hope that the Licensing Committee will grant this application.

Yours faithfully,

45, Jessopp Road, Norwich

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APPENDIX D



NORWICH
City Council

Norwich City Council
City Hall Norwich
NR2 1NH

Tel: 01603 212212
info@norwich.gov.uk

Lincoln Convenience Stores



(C) Norwich City Council License No: 100019747 2009

Scale: 1:1250

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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.

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

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.

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)

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 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."