

<b>Report to</b>	Licensing sub committee 6 March 2013	<b>Item</b>
<b>Report of</b>	Head of citywide services	<b>4</b>
<b>Subject</b>	Licensing Act 2003: Application for the Grant of a Premises Licence – 32 St Benedicts Street Norwich NR2 4AQ	

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## **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a Premises Licence in respect of 32 St Benedicts Street Norwich NR2 4AQ following the receipt of relevant representations.

## **Recommendation**

That members determine the application to grant a Premises Licence in respect of 32 St Benedicts Street Norwich NR2 4AQ 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.

## **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

## **Financial implications**

None.

Ward/s: All wards

Cabinet member: Councillor Driver – Environment and neighbourhoods

## **Contact officers**

Ian Streeter, licensing manager

01603 212439

## **Background documents**

None

# Report

## The application

1. The applicant is Thuraivan Kalaifarasy of 195 Belgrave Road Coventry CV2 5BL. The general description of the application premises is an off-licence shop where people are able to purchase alcohol to consume away from the premises.
2. The application seeks to allow the licensable activity of the supply of alcohol for consumption off the premises.
3. The proposed standard days and hours for the supply of alcohol is:

Supply of alcohol – (for consumption off the premises):

Monday	0000 – 0300 0600 - 0000
Tuesday	0000 – 0300 0600 - 0000
Wednesday	0000 – 0300 0600 - 0000
Thursday	0000 – 0300 0600 - 0000
Friday	0000 – 0300 0600 - 0000
Saturday	0000 – 0300 0600 - 0000
Sunday	0000 – 0300 0600 - 0000

4. The opening hours of the premises are:

Monday	0000 – 0300 0600 - 0000
Tuesday	0000 – 0300 0600 - 0000
Wednesday	0000 – 0300 0600 - 0000
Thursday	0000 – 0300 0600 - 0000
Friday	0000 – 0300 0600 - 0000
Saturday	0000 – 0300 0600 - 0000
Sunday	0000 – 0300 0600 - 0000

5. A plan of the premises, together with the steps put forward by the applicant to promote the licensing objectives, is attached at appendix A to the report.

### **Relevant representations**

6. The responses from the Responsible Authorities are as follows:

Police – Representations received (attached at appendix B)

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

7. Relevant representations have been received in respect of the application with concerns which appear to relate to all four of the licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm). Copies of the representations are attached as appendix C to the report.
8. A site map of the area identifying the application premises in relation to the relevant representation party address will be available at the meeting.

### **Norwich City Council Statement of Licensing Policy**

9. Attached at appendix D are the elements of the city council's local Licensing Policy which are considered to have a bearing upon the application:

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

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

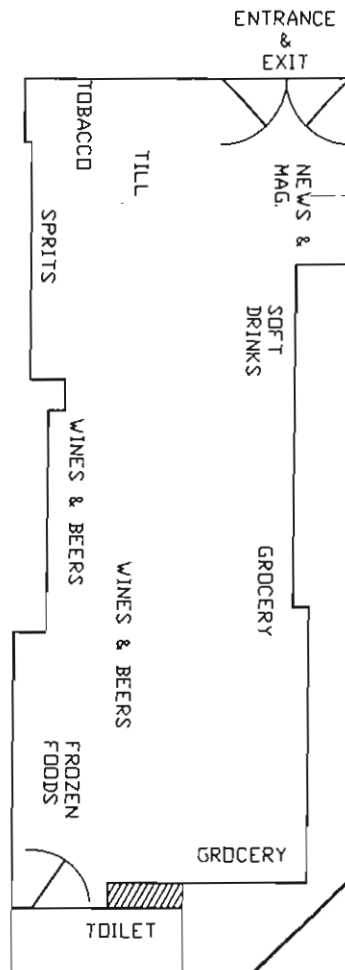
### **Summary**

11. In determining the application with a view to promoting the licensing objectives the Sub-committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
  - the representations (including supporting information) presented by all the parties;
  - the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and
  - the council's own statement of licensing policy.

12. The sub-committee must take such of the following steps as it considers appropriate 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
13. 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 appropriate in order to promote the licensing objectives.
14. The representations received appear to relate to issues that fall under all four of the licensing objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The sub-committee is directed to paragraphs 20, 22, 24 and 26 of the local licensing policy at appendix D which contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
15. It should be noted that were reference is made in the representations to those existing premises that are authorised to sell alcohol, paragraph 13.18 of the national guidance reads:
- 13.18 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.*
16. Paragraphs 10.11 – 10.13 of the national guidance (see appendix D to the report) address the issue of opening hours. Paragraph 10.13, re-produced below, specifically addresses the sale of alcohol from shops, stores and supermarkets.
- 10.13 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.*
17. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.

REVISION RECORD			
ISSUE	CHANGE DESCRIPTION	DATE	BY
A	ORIGINAL RELEASE	02/01/13	AJ

APPENDIX  
A



RECEIVED  
- 3 JAN 2013  
LICENSING OFFICE

PERMANENCES UNLESS STATED

500	±	5
IR 500-2000	±	8
IR 2000-5000	±	15
IR 5000	±	25

ARUL JEYASEELAN RESERVES PROPRIETARY RIGHTS TO THIS DRAWING AND THE DATA SHOWN THEREON AND IS SUBMITTED IN CONFIDENCE ONLY. SAID DRAWING AND/OR DATA ARE NOT TO BE USED OR REPRODUCED FOR ANY PURPOSE WITHOUT THE EXPRESSED WRITTEN CONSENT OF ARUL JEYASEELAN.

TITLE: SHOP BASE PLAN

PROPERTY DETAIL:

32 St BENEDICTS STREET  
NORWICH  
NR2 4AQ

DRAWN: L. JEYASEELAN M. Eng(Hons) -72 HUMBER ROAD VENTRY ST MIDLAND CV3 1BA	DATE:	DO NOT SCALE DRAWING. ALL DIMENSIONS ARE IN MILLIMETRES	THIRD ANGLE PROJECTION	DWG. NO: 2013/01/A	ISSUE A
	02/01/13				
		SCALE: 1: 100			

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

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

carefully check the age to prevent  
selling under age  
stop selling for over drinking people.  
don't allow any one to consume alcohol  
inside the shop

b) The prevention of crime and disorder

If a customer got suspicious behaviour  
as they can misuse the cans and bottles  
try to avoid to sell them  
24 hours CCTV monitoring inside and outside  
the premises  
effective partnership with police and other local  
organizations to reduce the crime and disorder.

c) Public safety

strictly stop selling unauthorised time

d) The prevention of public nuisance

If we know a customer is drinking  
outside the shop and disturbing the  
public we don't sell them.

e) The protection of children from harm

If we know a customer buying prohibited products for under age kids don't sell them.  
 children must be unable to access alcohol, drugs or cigarettes  
 provide safe environment of physical, moral, psychological welfare.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☐
- I have enclosed the plan of the premises. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☐
- I understand that if I do not comply with the above requirements my application will be rejected. ☐

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

**Part 4 – Signatures** (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).  
 If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	02/01/2013
Capacity	

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	



**NORFOLK**  
CONSTABULARY

*Our Priority is You*

Mr Ian Streeter  
Licensing Manager  
Norwich City Council  
Norwich  
NR2 1NH

Date: 29<sup>th</sup> January 2013

The Licensing Team

Floor 4 Vantage House  
Fishers Lane  
Norwich  
NR2 1ET

Tel:

Fax: 01603 276025

Email:

[www.norfolk.police.uk](http://www.norfolk.police.uk)  
Non-Emergency Tel: 101

Dear Mr Streeter

**Application for a new Premises licence for 32 St Benedict's St**

I can confirm that the Police have received a copy of the premises licence application for 32 St Benedict's Street, Norwich, NR2 4AQ to allow for the sale of alcohol.

The Police wish to make representation to this application due to the location of the premises and the fact that Police are working with the Licensing Authority to reduce the amount of alcohol related crime in the area.

**The Police request that the sale of alcohol hours and opening hours are amended to:**

- 0600 – 0100 hrs daily

The Police also request that the following conditions are added:

- A CCTV system shall be installed and operating at all times when the premises is open for business and maintained in good working order. CCTV will be recorded and stored for 28 days and be available on request to Police or Licensing Authority.
- A Burglar Alarm will be fitted to the premises.
- Challenge 21 Policy to be in use
- Staff will be trained in relation to the sale of alcohol and a record of this training will be available on-site to Police and Licensing Authority on request.
- A refusal book to be kept on the premises to record all refused sales of alcohol. This will be available on-site to Police and Licensing Authority on request.
- An incident book to be kept on the premises and be maintained by staff. This will be available on-site to Police and Licensing Authority on request.



- The premises will not stock or sell any beers or ciders that are over 6.5% alcoholic volume.

With these Conditions added to the licence, the Police have no objections.

Yours faithfully,

Sue Woods  
Licensing Officer

## Norwich City Council Licensing Authority Licensing Act 2003



**NORWICH**  
City Council

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

<b>Your name/organisation name/name of body you represent (see note 1)</b>	Prim Vintage Fashion
<b>Postal address</b>	14 St Benedicts Street NR2 4AG
<b>Email address</b>	
<b>Contact telephone number</b>	
<b>Address of the premises you wish to support or object to</b>	I would like to object to 32 St Benedicts Street, NR2 4AQ
<b>Your support or objection must relate to one of the four licensing objectives (see note 2)</b>	
<b>Licensing objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary.</b>
<b>To prevent crime and disorder</b>	We already have a number of homeless/alcoholic/drug dependent people who frequent the street. As a business owner I am only too aware of the amount of trouble this already causes for the local police and emergency services.
<b>Public safety</b>	My fear is that this could become a hang out area for after hour drinking on the street at closing time for the already mentioned many licenced premissis.
<b>To prevent public nuisance</b>	We already have one offlicence and on St benedicts street and 11 licenced premissis. Having a premissis open untill 3am selling alchohol to the public which could then be consumed on the street and surrounding streets/ allyways is asking for trouble.
<b>To protect children from harm</b>	The street has come along way in the last few years and has become a more family friendly area which holds regular street faires. We would rather work to improve this and not to invite trouble and put families off visiting.
<b>Please suggest any conditions which would alleviate your concerns</b>	My suggestion would be to not grant a licence.
<b>Signed:</b> James Nisbet	<b>Date:</b> 15/01/13

**RECEIVED**

16 JAN 2013

Norwich City Council Licensing Authority  
Licensing Act 2003

Organisational Development

16 JAN 2013

Post Room

Statement of support or objection to  
an application for a premises licenceYour name/organisation name/name of  
body you represent (see note 1)

RAPHAEL JEWELLERS.

Postal address

33, ST. Benedict Street.  
Norwich, Norfolk, NR2 4PF.

Email address

Contact telephone number

Name of the premises you wish to -  
support or object to32, St. Benedict St. Norwich,  
Norfolk NR2 4AQ.Address of the premises you wish to  
support or object to.

As above.

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	As you must know we have one issue in St. Benedict St. with street drinkers, a situation which has been improving.
Public safety	Noise, sleep deprivation,
To prevent public nuisance	I feel this may increase the amount of street drinking on the street & begging & damage to shops & cars.
To protect children from harm	People live on this street. Opening after 10.30 p.m. is too late for the noise levels. This is a residential street.

Please suggest any conditions which  
would alleviate your concerns.

We already have an off licence about 50 metres from this address and two so close together is not ideal. I have previously attended meetings on the subject of off licensing in the street. Are we talking about opening hours of 3a.m. or p.m. Also I believe you cannot sell alcohol before 8a.m.

Signed:

Date: 10.01.13

Please see notes on reverse

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21 JAN 2013

Norwich City Council Licensing Authority  
Licensing Act 2003

LICENSING OFFICE

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

Organisational Development

21 JAN 2013

Post Room

Your name/organisation name/name of body you represent (see note 1)	DON POPE RESTAURANT
Postal address	26 ST BENEDICTS STREET
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	32 ST BENEDICTS STREET NR24 1JQ
Address of the premises you wish to support or object to.	SAME

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	IT WILL INCREASE CRIME IN THE STREET I OBJECT
Public safety	IT WILL MAKE PEOPLE FEEL UNSAFE I OBJECT
To prevent public nuisance	IT WILL BRING MORE NUISANCE TO THE STREET I OBJECT
To protect children from harm	I WOULD LIKE TO BE SAFETY FOR EVERYONE I OBJECT

Please suggest any conditions which would alleviate your concerns.	WE DO NOT NEED THIS IN THE STREET. AS THERE IS PLenty FACILITIES
--	--

Signed:

Date: 15. 1. 2013

Please see notes on reverse

# Cookes Pianos & Organs

19 St. Benedicts Street, Norwich, Norfolk NR2 4PE

Est. 1887

Tel:

email:

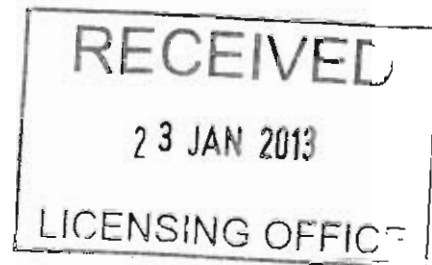
www.cookespianos.co.uk

## Pianos

- Bechstein
- Kawai
- Kemble
- Petrof
- Steinbach
- Hoffmann

22<sup>nd</sup> January 2013

The Licensing Team  
Norwich City Council  
City Hall  
St. Peter's Street  
Norwich  
NR2 1NH



## Organs

- Hammond
- Johannes
- Makin
- Viscount

Dear Sir or Madam,

**Re: No. 32 St. Benedicts Street - License Application for Alcohol Off-Sales**

We wish to object in the strongest terms to the above-proposed application.

Like many businesses in St. Benedicts, we have had our share of alcohol related anti social problems. In particular, the consumption of alcohol outside our premises on St. Lawrence Little Steps; Offensive behaviour, bad language, urinating in our doorway etc. This awful anti social behaviour is distressing to for both our staff and our customers. We have had cause to call the Police on numerous occasions for the offenders to be moved on – with them often returning later to continue their drinking.

The thought of yet another outlet in St. Benedicts selling alcohol fills us with dread for the consequences.

For the sake of all the residents and businesses in the area, we ask that this, and any subsequent variation of license be rejected.

Yours sincerely

Steven Battle  
Director

## Keyboards

- Yamaha
- Kawai
- Korg
- Casio

## Accordions

- Weltmeister
- Hohner
- Pearl River

## Harmonicas

- Suzuki
- Lee Oskar
- Hohner
- Weltmeister



A.W. Cooke & Son (Music) Ltd

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**Fuller, Maxine**

**From:** Michael Leftwich  
**Sent:** 23 January 2013 15:13  
**To:** Licensing  
**Subject:** No. 32 St benedicts st - PLEASE DO NOT GRANT LICENSE

Hello.

PLEASE DO NOT ALLOW AN ALCOHOL OFF-SALES LICENCE TO 32  
ST BENEDICT'S STREET.  
I HAVE BEEN A RESIDENT FOR MANY YEARS AND DO NOT WANT  
MORE DISRUPTION TO OUR LOVELY STREET.  
MANY OF THE LOCAL RESIDENTS FEEL THE SAME WAY. PLEASE DO NOT RUIN OUR  
LOVELY STREET.

Michael  
18 st Senedicts Street  
Norwich  
Norfolk  
NR24AQ

**Fuller, Maxine**

**From:** jayneraffles  
**Sent:** 23 January 2013 15:39  
**To:** Licensing  
**Subject:** re 32 st benedicts street

Dear licensing team

we as owners of St Benedicts and Pinocchios we are formally objecting to the sale of off license alcohol from the former cookes music shop

St Benedicts is a very pleasant street with a high number of fully let shops and by selling alcohol very late and night will only encourage drunken behavior which in turn will discourage customers. I am surprised that the application has gone in and hope that many of the businesses in and on St benedicts will object

Yours sincerely

Jayne Raffles  
Raffles Restaurants  
[www.rafflesrestaurants.co.uk](http://www.rafflesrestaurants.co.uk)

Norwich City Council Licensing Authority  
Licensing Act 2003

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

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24 JAN 2013

LICENSING OFFICE

Your name/organisation name/name of body you represent (see note 1)	Anna Holland
Postal address	7 Maude Gray Court, St Benedicts Street, Norwich, NR2 4PA
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	32 St Benedicts Street
Address of the premises you wish to support or object to.	32 St Benedicts Street

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

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

Please suggest any conditions which would alleviate your concerns.	None
--	------

Signed

Date: 21/01/13

Please see notes on reverse





Flat 7, Maude Gray Court  
St Benedict's Street  
Norwich  
Norfolk  
NR2 4PA

20<sup>th</sup> January 2013

Norwich City Council,  
Licensing,  
Legal & Democratic Services,  
City Hall,  
St Peter's Street,  
Norwich,  
NR2 1NH.

Your ref: 13/00035/Prem

Dear Sir/ Madam

Re: Planning application for 32, St. Benedict's Street

Thank you for your recent communication about the application for No. 32 to be granted a licence to off-sale alcohol at all hours of the day and night.

I have to object. Ever since I bought this flat I have had problems with people who frequent the existing Off License, Reds. I have lost count of the times I have come home to alcoholics congregating in our private yard/car park, often sheltering from the weather under my verandah. Invariably they are uncooperative, often abusive and quite honestly, they scare me when I come home in darkness. I have complained to the police on numerous occasions and the Land Agents, Bush Management. Bush's have put up notices, installed (dummy) cameras but nothing seems to make much difference. They buy their alcohol from 'Reds Convenience Store'. We certainly don't need another one who will be open even longer hours.

Currently, St Benedict's offer a nice mix of restaurants, bars and businesses. As I'm sure you must realise, it is one of the nicest and most interesting old streets of Norwich. A business who's sole interest is to sell takeaway alcohol is not needed.

Yours faithfully



Anna Holland

## Fuller, Maxine

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**From:** Norwich City Council  
**Sent:** 25 January 2013 09:47  
**To:** Licensing  
**Subject:** Fw: Alcohol licensing-Objection to an application [<AX22995>]

**Attachments:** ATT589902.htm



ATT589902.htm (3  
KB)

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EMail from Customer  
Date: 25 January 2013 09:44:04  
From:  
To: EMOther

Subject: Alcohol licensing-Objection to an application

Dear/Sir/Madam

Please accept this email as an objection to the granting of an alcohol license for an additional premises in St Benedict's street Norwich.

Reds Newsagent has been working tirelessly to improve standards within the area with regard to "On the street" drinking. They have removed from sale many key products that the roaming drunk community consume and barred the worst offenders. With the help of other local businesses we have help police to evict drinkers from the churchyards and alleyways surrounding our stores.

I feel that this new business will bring those vagrants back to our area.

There really is no need for another alcohol license to be granted as we also have within a stones throw The dereham road garage, Majestic wines, Get a Round, Tesco, Reds plus the numerous pubs and restaurants who all sell alcohol.

If this council is really concerned with our current on the street drinking policy which was a concern for the police last summer then they should seriously look into this application and wether it is neccessary for the community.

--

Andrew Bushell  
Sales manager  
Cash Converters Music Norwich

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)	P. MILLS
Postal address	28 ST Benedicks Street
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	OBJECT to 32 ST Benedicks
Address of the premises you wish to support or object to.	Norwich NR2 4AQ

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 NO TOO	Street drinking, street drunks Damage to cars, shops late night street drinking!
Public safety NO TOO	Aggressive behavior Loud NOISE Extended hours street drinking
To prevent public nuisance NO TOO	Noise after 11pm late night drinking brings violence
To protect children from harm NO TOO	NO MORE PLACES TO BUY Alcohol on ST. Benedicks Street.

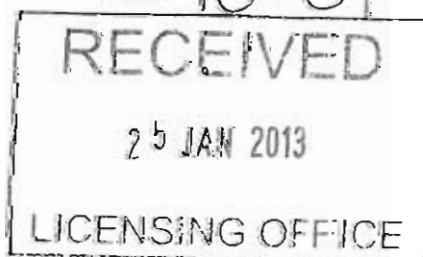
Please suggest any conditions which would alleviate your concerns.	Please don't give licence for alcohol to be sold on the street after 11pm. There will be no control on drunk people buying more on their way home.
--	--

Signed:

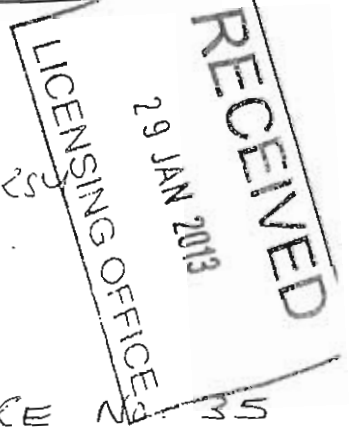
Date:

10.01.2013

Please see notes on reverse



TUESDAY JANUARY 29 2013



TO, LICENSING TEAM

REGARDING THE APPLICATION FOR MRS. KALAMARSKY  
NO. 32 ST BENEDICT STREET NORWICH NR2 4AQ.

I AM THE PROPRIETOR OF REDS CONVENIENCE STORE NO. 35  
ST. BENEDICTS STREET NORWICH NR2 4PF. AND FEEL I HAVE  
TO RAISE CONCERNS ABOUT THIS APPLICATION.

I HAVE BEEN AT REDS FOR FOURTEEN YEARS. I TOOK OVER  
THE BUSINESS FROM SOMEONE WHO BASICALLY WAS  
STAYING IN BUSINESS BY CATERING FOR THE SERIOUS  
DRINKERS AND DRUG USERS OF THE TIME WHICH IN TURN  
CAUSED PROBLEMS FOR MYSELF MY STAFF OTHER BUSINESSES  
IN THE STREET AND LOCAL RESIDENTS.

I TOOK IT UPON MYSELF TO DISCONTINUE SELLING  
THE CHEAP CIGARS IE: WHITE LIGHTNING, FROSTY JACK,  
OMEGA. IN ALL FORMATS 500ML 1 LITRE + 2 LITRE AS WELL  
AS CHEAP SHERRIES AND CHEAP BEERS IN A BID TO  
DISCOURAGE THE SERIOUS DRINKERS AND DRUG USERS.

AFTER TAKING A HARD STANCE ON THE TYPE OF  
PEOPLE USING THE SHOP FOR DRINK OVER A PERIOD OF  
TIME THINGS GOT BETTER AND ALL CUSTOMERS, RESIDENTS  
AND OTHER SHOP OWNERS COMMENTED ON IT AND IN  
TURN OUR TRADE GOT BETTER. WE NOW SELL NO  
CHEAP ALCOHOL OR OTHER ANY DEALS ON ALCOHOLS ETC.

MY CONCERNS ARE THAT SOMEONE HAS SEEN THIS AS  
AN OPPORTUNITY AND ONCE A LICENCE HAS BEEN GRANTED  
MAY NOT TAKE THE SAME STANCE AS MYSELF OVER  
THE CHEAP ALCOHOL ISSUE AND WHAT HAS TAKEN  
A PERIOD OF TIME TO RID THE STREET OF THE  
MAJORITY OF THESE DRINKERS MAY WELL BE PUT IN REVERSE  
AND MYSELF MY STAFF CUSTOMERS LOCAL RESIDENTS AND  
BUSINESS OWNERS DO NOT WANT TO SEE THIS HAPPEN.

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)	HARRIET CARTER
Postal address	14A ST. BENEDICT'S STREET NORWICH NR2 4AG
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	RETAIL SHOP SELLING ALCOHOL 32 ST BENEDICT'S NR2 4AG
Address of the premises you wish to support or object to.	

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

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

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

Signed:

Date: 3 February 2013

Please see notes on reverse



**Statement of Objection to an application  
for a premises licence at  
32 St. Benedict's Street, Norwich, NR2 4AG**

from Harriet Carter  
14A St. Benedict's Street, Norwich, NR2 4AG

**Licensing Objectives: 1) To prevent crime and disorder 2) Public Safety**

Unfortunately alcohol, as well as being an age-old means of relaxation, is also a scourge of our society. It can give rise to the illness of alcoholism, as well as to public nuisance, disorder, crime and expense. People needing to buy alcohol as late as 3am or as early as 6am are likely to be ill, distressed or addicted. While such people need help (and while I support the existence of agencies in the area offering such help) I believe that an outlet for alcohol open for 147 hours a week counteracts the efforts of those organisations and in general is not conducive to a peaceful community. No-one can predict that such a shop WILL threaten public safety and lead to crime and disorder, but I imagine there must be adequate research studies indicating that the presence of such a shop raises the chances.

**Licensing Objectives: 3) To prevent public nuisance**

The area of St Benedict's and Pottergate is not only a commercial area of small shops, but also a *residential area*. The City Council has spent a great deal of thought and money in creating a mixed community of business-owners and residents called 'The Lanes', in order to attract shoppers and tourists. The proposed alcohol shop contradicts the essence of that community and threatens to cause a public nuisance. It is one thing to have occasional weekend disturbance from people leaving local restaurants at night, quite another for people to be buying alcohol from 6 every morning to 3am the following day, "for consumption Off the premises only".

**Licensing Objectives: 4) To protect children from harm**

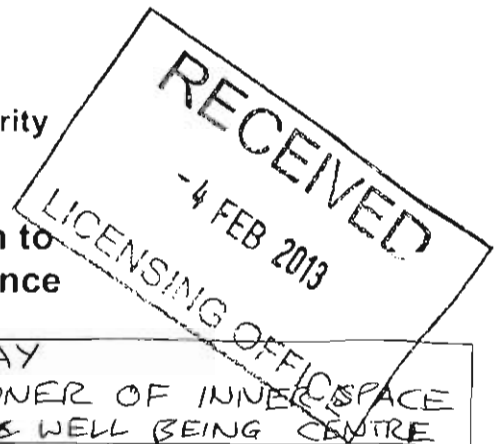
While there is no school in the immediate area other than the provision of private lessons (in music, for instance), St. Benedict's Street has a considerable foot-traffic, day and night, of people of *all* ages and vulnerabilities. Our progress may well be threatened, physically or emotionally, by the proposed establishment.

Signed: \_\_\_\_\_

Date: 3 February 2013

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)	CHRISTINE WAY RESIDENT & OWNER OF INNER SPACE NATURAL HEALTH & WELL BEING CENTRE
Postal address	8 MAUDE GRAY COURT ST BENEDICTS STREET NORWICH NR2 4PA
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	32 ST BENEDICTS STREET
Address of the premises you wish to support or object to.	32 ST BENEDICTS STREET NR2 4AQ

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

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

Signed:

Date:

1/2/13

Please see notes on



## **To prevent crime and disorder**

We have one off-licence on St Benedicts Street as well as several establishments selling alcohol and the licencing of another will exacerbate the problems caused by alcohol abuse that already exist. Although the drinking of alcohol on the street is prohibited it still occurs in areas such as Maude Gray Court and St Lawrence Little Steps where the perpetrators frequently cause disturbance for those of us who live and work in the area with their loud and often abusive language and distasteful habits such as urinating in our grounds and against our premises. I have raised the issue at SNAP meetings and had to call the police on several occasions when drinkers have been noisy, fighting or disorderly outside my premises.

## **Public safety**

St Benedicts Street is already a busy area with such narrow pavements that pedestrians have to walk in the road. Delivery vehicles to such premises are often large and would obstruct the road and pavements even further. More vehicles and more drunkenness on the street can only exacerbate the problem especially at night.

## **To prevent public nuisance**

As well as being a commercial area St Benedicts Street is also a residential area where residents are entitled to the peaceful enjoyment of their homes throughout the day but especially in the evenings and after 11pm. The licencing of premises at the hours stated on this application will increase both vehicle and foot traffic causing added disturbance to those who live in the area, especially at night when residents wish to sleep undisturbed. Added to this disturbance would be the noise of crates of bottles being delivered and collected.

I run a Natural Health and Well Being Centre which requires a calm and peaceful environment. Many women arrive at the centre on their own. However, some feel uncomfortable when faced with drunken people hanging around in the area and some have been too frightened to return. The noise from drinkers often disturbs those attending classes such as yoga and relaxation or those receiving treatments such as massage and acupuncture. The increased availability of alcohol in such close proximity to the centre could damage my business even further.

## **To protect children from harm**

Those who abuse alcohol are also likely to drink in the home where children may be present and could be harmed both emotionally and physically.

## **Please suggest any conditions which would alleviate your concerns**

We do not need or want another off-licence on St Benedicts Street but if a licence must be granted then there should be a condition that not only restricts the opening hours but also restricts delivery times to 9am – 5pm Monday – Saturday.



**Fuller, Maxine**

**From:** John Field  
**Sent:** 04 February 2013 16:19  
**To:** Licensing  
**Subject:** 32 St Benedict's Sreet Application

John Field Formal Hire  
30 St. Benedict's Street  
Norwich NR2 4AQ

3<sup>rd</sup> February 2013

Your reference 13/00035/PREM-

Dear Mr Ian Streeter,

As the owner of John Field Formal Hire at 30 St. Benedict's Street Norwich NR2 4AQ I wish to object to the proposed new shop at 32 St. Benedict's Street Norwich NR2 1NH. We have been established in St.Benedicts Street for nearly five years.

I accept that the street has many colourful characters, but there is an element of unsavoury people both male and female who are often under the influence of alcohol and drugs. At times the language offered leaves a lot to be desired.

As a business we have suffered with some of these people staggering into our shop, not only causing a nuisance but also leaving beer bottles and cans in our shop doorway, not only during shop hours but also at night.

To have an off licence open next door to us will be detrimental to our business as well as others on the same street. We are also concerned about the long opening hours of the proposed business as possible damage may occur to our property.

St Benedict's Street already has a convenience store that sells alcohol 200 yards away from my premises, so surely there is no need for another?

St Benedict's Street also has several pubs and several upmarket restaurants selling alcohol so I do not feel that another shop will bring any further benefit to the street. In fact, I personally feel that this will lower the tone of the street. This in my opinion is not a viable proposition and I wish to object to the proposed shop in the strongest terms.

Yours sincerely

John A. Field  
Managing Director

John Field

Norwich City Council Licensing Authority  
Licensing Act 2003

CORPORATE RESOURCES

04 FEB 2013

POST ROOM

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

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- 4 FEB 2013

LICENSING OFFICE

Your name/organisation name/name of body you represent (see note 1)	BRETT MILLS SARNA INTHORN
Postal address	32A ST BENEDICT'S STREET NORWICH NR2 4AQ
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	32 ST BENEDICT'S STREET
Address of the premises you wish to support or object to.	32 ST BENEDICT'S STREET

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

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

Signed:

Date: 1/2/13

Please see notes on reverse

## Statement of Support or Objection to an Application for a Premises Licence

<b>Your names</b>	Brett Mills Sanna Inthorn
<b>Postal address</b>	32A St Benedict's Street Norwich NR2 4AQ
<b>Email addresses</b>	
<b>Contact telephone numbers</b>	



<b>Name of the premises you wish to support or object to</b>	32 St Benedict's Street Norwich NR2 4AQ
<b>Address of the premises you wish to support or object to</b>	32 St Benedict's Street Norwich NR2 4AQ

<b>Licensing Objective</b>	<b>Please set out your support or objections below</b>
<b>To prevent crime and disorder</b>	<p>Granting the licence as it has been requested would:</p> <ol style="list-style-type: none"> <li>1. Increase the potential for disorderly and potentially violent behaviour on and outside the premises;</li> <li>2. Increase litter, and much of this is likely to be glass, which can be used as a weapon or cause accidents;</li> <li>3. Increase public drunkenness in the St Benedict's Street area and encourage drunkenness on the premises;</li> <li>4. Increase the potential for crime against the person (whether a resident or a passer-by) and against property.</li> </ol>
<b>Public safety</b>	<p>Our objections on the grounds of public safety are primarily covered in the following section on preventing public nuisance. However, we would add that the area around the applying premises have narrow pavements unsuitable for the safe movement of large numbers of drunk people.</p>
<b>To prevent public nuisance</b>	<p>St Benedict's Street is both a commercial and residential area. In accordance with the 2003 Act we believe granting the licence as requested will affect public nuisance by:</p> <ol style="list-style-type: none"> <li>1. Increasing noise, light, odour, litter and social behaviour, impacting those living, working and otherwise engaged in the area, by a considerable increase in drunk people in the area compared to existing levels;</li> <li>2. Increasing the number of drunk people in the area at unsociable hours, due to the lack of other venues for customers to go to in the immediate vicinity, and therefore having to remain in the local area to consume purchases;</li> <li>3. Increasing the amount of traffic in the area, at times when the Street is normally quiet, which will increase noise, and likely result in traffic infringements due to the minimal amount of parking in St Benedict's Street (typically full of residents' vehicles during the night) and the lack of parking directly outside the applicant's premises, and the lack of public transport in that area;</li> </ol> <p>The 2003 Act makes clear that the prevention of public nuisance can include low-level nuisance, perhaps affecting a</p>

	few people living locally, as well as major disturbance affecting the whole community, and it is hoped the Committee will take this into account. It also makes clear that opening hours between 11pm and 7am impact on the likelihood of public nuisance.
<b>To protect children from harm</b>	As noted above, the community relevant to this application is one that combines the residential with the commercial, and therefore the concerns raised above relate to all residents of whatever age.
<b>Please suggest any conditions which would alleviate your concerns</b>	We accept that St Benedict's Street is both a commercial and residential area, and do not object wholesale to the granting of such licences; our concern relates specifically to the excessive hours requested by this application. A reduction in the granted hours per day – to align this licence with the opening hours for similar businesses on St Benedict's Street, for example, following the Council's convention of permitting licences which match the normal trading hours in which other sales take place in the area – seems appropriate, and would likely alleviate concerns outlined above that a longer licence would have negative outcomes for public safety, crime and disorder, and incidences of public nuisance.

Norwich City Council Licensing Authority  
Licensing Act 2003

RECEIVED

- 4 FEB 2013

LICENSING OFFICE

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

Your name/organisation name/name of body you represent (see note 1)	DR & MRS G M SEDDON
Postal address	31, NESTWICK STREET *. NORWICH NR2 4TT.
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	32 ST. BENEDICTS STREET NR2 4AR
Address of the premises you wish to support or object to.	

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	<p>There is already an off-licence on St. Benedicts St. very close to these premises (Reds). We already have problems with drinkers on St Lawrence Little Steps. The hours proposed are excessive and could cause unreasonable disturbance to near neighbours.</p>
Public safety	
To prevent public nuisance	
To protect children from harm	

CORPORATE RESOURCES

04 FEB 2013

POST ROOM

Please suggest any conditions which would alleviate your concerns.

None - this application is unacceptable on all the above counts.

Signed:

Date:

03/02/2013.

Please see notes on reverse

\* Our building is adjacent to St Lawrence Little Steps.

Norwich City Council Licensing Authority  
Licensing Act 2003

CORPORATE RESOURCES  
15 JAN 2013  
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)	MATTHEW MORRISON Cookes
Postal address	34 ST. BENEDICTS STREET NORWICH NR2 4AB
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	32 ST BENEDICTS STREET NR2 4AB
Address of the premises you wish to support or object to.	" " " " "

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

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	SUPPORT - BY HAVING A STAFFED SHOP FOR EXTENDED HOURS CAN ONLY HELP THIS.
Public safety	SUPPORT - AS ABOVE
To prevent public nuisance	SUPPORT - AS ABOVE
To protect children from harm	

RECEIVED  
15 JAN 2013  
LICENSING OFFICE

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

Signed:

Date: 12 -1- 2013

Please see notes on reverse

# APPENDIX D

## Local Policy considerations

### 1.0 Introduction

1.4 The 2003 Act requires the council to carry out its various licensing functions so as to promote the four licensing objectives. These are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.5 The 2003 Act also requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

### 2.0 Consultation and Links to other Policies and Strategies

2.7 So far as possible, the council will avoid duplication with other regulatory regimes, and will not to use its powers under the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation and other enforcement agencies. As an example, the council will not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.

### 3.0 Applications for Licences

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

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

### 4.0 Representations

4.1 "Responsible Authorities" (see Appendix 7) will be asked to consider all applications and to make representations to the council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be

evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.

- 4.2 The council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation, will only be accepted by the council if it is ‘relevant’, ie it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the council.

## 5.0 Conditions attaching to Licences

- 5.1 Where relevant representations are made, the council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
- 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are appropriate for the promotion of the licensing objectives.

## 8.0 The Impact of Licensed Premises

- 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
  - the proposed hours of operation;
  - the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
  - the means of access to the premises including the location of customer entrances and exits;
  - the provision of toilet facilities;
  - the frequency of the licensable activity.



With any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed.

### 13.0 Management of Licensed Premises

- 13.1 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a premises supervisor must be designated (designated premises supervisor) and such person must be in possession of a current personal licence. The licensing authority will normally expect the designated premises supervisor [DPS] to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the licensing authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
- 13.2 The act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times and have a duty to comply with the terms of the licensing act and any conditions, including the matters set out in the premises' operating schedule, in order to promote the licensing objectives. To that end, the licensing authority will be mindful of the guidance issued by the secretary of state, which recommends that a personal licence holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the act and the designated premises supervisor/personal licence holder remain ultimately responsible for ensuring compliance with the act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement.

**The licensing authority will therefore expect that where the personal licence holder/DPS does not have the premises under their immediate day to day control, written authorisations will be issued to staff acting on their behalf, such authorisations being made available for inspection by a responsible Officer of the licensing authority or the police upon request.**

## **LICENSING OBJECTIVES**

### 20.0 Objective - Prevention of Crime and Disorder

- 20.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the City Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 20.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of

their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.

- 20.3 When addressing the issue of crime and disorder, the applicant should demonstrate that all those factors that impact on crime and disorder have been considered. These include:

Underage drinking

Drunkenness on premises

Public drunkenness

Keeping Illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.

Preventing disorderly and potentially violent behaviour on and outside the premises.

Reducing Anti-social behaviour and Disorder inside and outside the premises

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

Guard against glasses and bottles being used as weapons or causing accidents.

- 20.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or licensable activities:

Effective and responsible management of premises;

Training and supervision of staff;

Employ sufficient numbers of staff to keep numbers down of people awaiting service;

Provide sufficient seating for customers;

Patrols of staff around the premises;

Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity;

Introduce an entry policy – making people aware of it – and apply it consistently and fairly;

Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises;

Implement effective management of entrance queues – incorporating barriers if necessary;

Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;

Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;

Provision of effective CCTV in and around premises;

Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;

Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;

Provision of toughened or plastic drinking vessels and bottles;

Provision of 'bottle bins' inside the premises and near exits;

Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;

Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;

Provision of litterbins and other security measures, such as lighting, outside premises;

Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;

Responsible advertising;

Distribution of promotional leaflets, posters etc;

Drug Seizure Kits (available from Norfolk Police Operation Enterprise);

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

Ban known offenders and share information with other licensed premises in the area;

Implement a dispersal policy;

Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

## 22. Objective – public safety

- 22.1 The safety of any person visiting or working in licensed premises must not be compromised. **Applicants are expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.**
- 22.2 Applicants must ensure that they carry out their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and liaise with the Norfolk Fire and Rescue Service where necessary. Further information is available from

<http://www.norfolkfireservice.gov.uk/firesafetyinbusinesspremises.html>

22.3 Also when addressing the issue of public safety, an applicant must demonstrate that they have considered other public safety issues.

These include:

- the age, design and layout of the premises
- the nature of the licensable activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- customer profile (eg age, disability)
- the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc
- the safety of electrically powered equipment brought onto their premises
- having public liability insurance.

22.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- suitable and sufficient risk assessments
- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- effective management of number of patrons within different parts of the premises
- determine sensible occupancy limits according to the nature of the premises and activities being carried out
- impose occupancy limits rigorously, employing registered doorstaff as necessary. In order to manage occupancy effectively, consider automated systems like electronic door counters
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- adoption of best practice guidance (eg Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (further advice can be obtained from the Norfolk
- Fire Service on 01603 810351 [www.norfolkfireservice.gov.uk](http://www.norfolkfireservice.gov.uk) The Event Safety Guide, Safety in Pubs published by the BBPA)
- provision of effective CCTV in and around premises
- provision of toughened or plastic drinking vessels
- implementation of crowd management measures
- the provision of suitable electrical cut outs for use with electrical appliances which are brought onto the premises (such as amplifiers, microphones etc). Such cut-outs should be of a residual current device with a rated tripping current of 30ma in 30 milliseconds (applicants should have regard to HSE Publication INDG 24 7 Electrical safety for entertainers)
- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

## 24.0 Objective - prevention of public nuisance

- 24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.
- 24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.
- 24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.
- 24.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.**
- 24.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
  - the hours of opening, particularly between 11pm and 7am

- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport
- wind down period between the end of the licensable activities and closure of the premises
- last admission time
- preventing litter and refuse becoming an eyesore
- consideration of local residents that they are not upset by loud or persistent noise or by excessive light
- preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces
- avoid early morning or late night refuse collections
- avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning
- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

24.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, eg to ensure customers leave quietly.
- Fit prominent signs requesting that customers respect local residents and leave quietly.
- Control of operating hours for all or parts (eg garden areas) of premises, including such matters as deliveries ie not too early in the morning.
- Adoption of best practice guidance (eg Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- Liaison with public transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for collection and disposal of waste, empty bottles etc.
- Effective ventilation systems to prevent the emission of unwanted odours.
- Take away packaging to include the name and address of the premises on it.
- Capacity levels for fast food outlets.
- Introduce a chill out area with coffee and mellow music where customers can settle before leaving.

- Introduce a closed door policy, with attendance prohibited for new customers 2 to 3 hours before licensable activities finish.

To address issues arising from customers smoking, eating and drinking in outdoor areas and on the highway outside the premises could include signage asking customers to keep noise to a minimum when using outdoor areas; restrictions on the numbers of customers permitted in certain outside areas and/or at certain times; and use of door-staff and employees to monitor possible public nuisance issues.

## 26. Objective – protection of children from harm

- 26.1 The council will consult with the appropriate area child protection committee for consideration of all applications for licences.
- 26.2 With a view to the promotion of the licensing objective relating to the protection of children from harm the council will work closely with the police and trading standards authority to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol products to children (for Minor Sales Major Consequences information please contact trading standards on 0844 800 8013 [trading.standards@norfolk.gov.uk](mailto:trading.standards@norfolk.gov.uk)).
- 26.3 Applicants should be aware that the protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.
- 26.4 There should be no presumption of giving children access nor any presumption of preventing their access to licensed premises. Where no licensing restriction is necessary, the admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 26.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving eg topless female bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. The council has given particular consideration to the types of entertainment referred to above, and has included within this policy their expectations of applicants in section A, paragraph 17.
- 26.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.**
- 26.7 While children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can

anticipate every situation. **When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on harm to children have been considered.** These include:

- where entertainment or services of an adult or sexual nature are commonly or regularly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- where there has been a known association with drug taking or dealing
- where there is a strong element of gambling on the premises
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

26.8 The council commends the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. **The council will expect all licensees to agree not to replenish their stocks following notification of a retailer alert bulletin by the Portman Group in relation to any product that is in breach of that code. Commitment to that code should be included in operating schedules.**

26.9 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- Adoption of best practice guidance (eg Minor Sales Major Consequences).
- Ensure that all drinks containers carry a price tag or other sticker that identifies your premises. This will be a useful tool for working with authorities to tackle underage drinking if problems arise.
- Limitations on the hours when children may be present, in all or parts of the premises.
- Limitations or exclusions by age when certain activities are taking place.
- Imposition of requirements for children to be accompanied by an adult.
- Train staff to deal with – and be vigilant about – potentially harmful situations, eg children in the presence of adults who are excessively drunk.
- Acceptance of accredited proof of age cards and/or new type driving licences with photographs, or passports.
- Measures to ensure children do not purchase, acquire or consume alcohol.
- Measures to ensure children are not exposed to incidences of violence or disorder.



These examples can be adopted in any combination.

**26.10 In the case of film exhibitions, licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act should implement measures that restrict children from viewing restricted films classified according to the recommendations of the British Board of Film Classification or the council.**

26.11 In premises where there may be children unaccompanied by adults any supervisors must have undergone appropriate checks through the Criminal Records Bureau.

## **SECTION E - Hours of Trading**

30.7 Consideration will always be given to an applicant's individual case and if the matter of trading hours has been raised in a representation, the council will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises. It is however, unlikely that statements such as the premises being well-managed, or that the applicant is of good character or that the style of the premises is intended and likely to attract a discerning clientele, will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.

# **APPENDIX E**

## **National Guidance**

**(issued under section 182 of the Licensing Act 2003)**

### **CRIME AND DISORDER**

2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities take place. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local Community Safety Partnership (CSP).

2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on and access to premises where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave. Examples of measures which may encourage swift and effective dispersal from licensed premises include quietening down periods at the end of the night, security training in reminding patrons to leave quietly and signage on the premises reminding people of this.

2.5 Licence conditions should not replicate offences that are set out in the 2003 Act or other legislation. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour on the premises would be superfluous because this is already a criminal offence. A condition that states that a licence holder shall not permit the sale of controlled drugs on the premises would be similarly superfluous.

2.6 Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.7 Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.8 Radio links and ring-round phone systems allow managers of premises and clubs to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The inclusion of

these systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.

2.9 However, while this may be appropriate and effective in certain parts of a licensing authority's area, it may be less effective or even inappropriate in others. Licensing authorities must remember that only appropriate conditions, which are within the control of the licence holder or club, may be imposed.

2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only appropriate but both practical and achievable. Further guidance on determining whether a condition is appropriate is given in Chapter 10 of this guidance.

2.16 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will", is encouraged. Conditions on licences must:

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

## **PUBLIC SAFETY**

2.17 As a part of their duties under the 2003 Act, licence holders have a responsibility to ensure the safety of those using their premises. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.18 A number of matters should be considered in relation to public safety. These may include:

- Fire safety (see paragraphs 2.20 – 2.23);
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.8 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);

- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11, 2.28 to 2.30, Chapter 10 and 10.41 and 10.42.
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.6 above, this may also assist with promoting the crime and disorder objective).

2.19 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.36 to 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## **FIRE SAFETY – SPECIAL PROVISIONS IN RESPECT OF LICENSED PREMISES**

2.20 The Regulatory Reform (Fire Safety) Order 2005 (the 2005 Order) came into force on 1 October 2006 and applies to practically all non-domestic premises. Under it, a ‘responsible person’ (usually the employer, owner or occupier) is required to carry out a fire risk assessment and put in place suitable and sufficient fire precautions to ensure that the risk to life in the event of a fire is minimised.

2.21 To help ‘responsible persons’ comply with the 2005 Order, the Department for Communities and Local Government (DCLG) makes available a range of technical guidance which explains the risk assessment process and offers detailed practical advice on the range of fire safety measures which will need to be considered to deliver compliance. This, along with information on the law, is available on the DCLG website at: [www.communities.gov.uk/firesafety](http://www.communities.gov.uk/firesafety).

2.22 The 2005 Order contains special provisions for consultation between the enforcing authority and the licensing authority in respect of licensed premises. These require the licensing authority to give the enforcing authority the opportunity to make representations before issuing a licence. Once a licence is issued, the enforcing authority is required to notify the licensing authority of any enforcement action that it takes in relation to premises which have been licensed. These provisions do not apply in the limited circumstances (i.e. designated sports stands) where the licensing authority and the enforcing authority are the same.

2.23 A licence issued by the licensing authority cannot impose any term, condition or restriction relating to fire safety. Fire safety needs to be considered by the responsible person as part of the risk assessment process required by the 2005 Order and enforced by local fire and rescue authorities. In the case of licensed premises, and irrespective of the number of employees on it, the responsible person is required by the 2005 Order to keep a record of the significant findings of their fire safety risk assessment.

## **PUBLIC NUISANCE**

2.33 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be

disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.34 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.35 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.37 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.38 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.

2.40 Beyond the immediate area surrounding the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

## **PROTECTION OF CHILDREN FROM HARM**

2.41 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

2.42 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.43 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm.

2.44 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.45 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.46 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

## **PROPOSED CONDITIONS**

10.6 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.7 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. Proper liaison may avoid the need for representations.

10.8 Conditions should be appropriate, proportionate and justifiable in meeting the licensing objectives. They should be written in a prescriptive format and be readily understood and enforceable.

10.9 It is also not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention. Conditions should be appropriate for the promotion of the licensing objectives and easily enforceable.

## **CONSISTENCY WITH STEPS DESCRIBED IN OPERATING SCHEDULE**

10.10 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.11 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

## **IMPOSED CONDITIONS**

10.12 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.13 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

## **Proportionality**

10.14 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

10.15 Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.

## **Hours of trading**

10.11 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.12 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this



would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.13 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

## **THE NEED FOR LICENSED PREMISES**

13.18 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.