

# NORWICH CITY COUNCIL

## Report for Resolution

**Report To** Licensing sub-committee  
11 April 2011

**3**

**Report of** Head of citywide services

**Subject** Licensing Act 2003:  
Application for the grant of a premises licence -  
20 Sherwood Road Norwich NR4 6AB

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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 to grant a Premises Licence in respect of 20 Sherwood Road Norwich NR4 6AB following the receipt of Interested Party objections.

### Recommendation

That Members determine the application to grant a Premises Licence in respect of 20 Sherwood Road Norwich NR4 6AB in accordance with the:

- Licensing Act 2003;
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy.

### Financial Consequences

The financial consequences for this report are nil.

### Corporate Objective/Service Plan Priority

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

**Contact Officer**  
**Ian Streeter**

**Phone No 212439**

### Background Documents

The Licensing Act 2003  
Guidance issued under Section 182 of the Licensing Act 2003  
Norwich City Council Statement of Licensing Policy

## 1.0 The Application

- 1.1 The applicant is Vijayakaran Mahalingham of 36 London Road Hemel Hempstead Herts HP3 9SB.
- 1.2 The application premises are a small-sized convenience store situated on a busy road. It occupies the ground floor and offers a range of groceries in addition to the sale of alcohol.
- 1.3 This grant application seeks to allow the supply of alcohol for consumption off the premises.
- 1.4 The details of the Operating Schedule contained in the application are as follows:
- 1.4.1 The Licensable Activities are:
- Supply of alcohol (for consumption off the premises)
- 1.4.2 The proposed standard days and hours for the licensable activities are:
- |                     |               |           |
|---------------------|---------------|-----------|
| • Supply of alcohol | 06:00 – 23:00 | Sun - Mon |
|---------------------|---------------|-----------|
- 1.4.3 The opening hours requested are:
- |  |               |           |
|--|---------------|-----------|
|  | 06:00 – 23:00 | Sun – Mon |
|--|---------------|-----------|
- 1.4.4 The steps to promote the licensing objectives are contained in the schedule of conditions attached at Appendix A to the report.

## 2. Relevant Representations

- 2.1 The responses from the Responsible Authorities are as follows:
- Police – No representations.  
Environmental Services – No representations.  
Fire Officer – No representations.  
Planning Officer – No representations.  
Area Child Protection Committee – No representations.  
Trading Standards – No representations.
- 2.2 Representations objecting to the application have been received from four Interested Parties with concerns relating mainly to the licensing objectives of the Prevention of Public Nuisance and Crime and Disorder. One representation supporting the application has also been received. Copies of the representations are attached to the report at Appendices B and C respectively.
- 2.3 A site map of the area identifying the application premises in relation to the Interested Party addresses will be available at the meeting.

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

- 3.1 Attached at Appendix D are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

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

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

### **5.0 Summary**

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

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

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

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

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

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

- 5.5 The representations received from the Interested Parties appear to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and public nuisance. The Sub-Committee is directed to paragraphs 20 and 24 of the local licensing policy at Appendix D which contain examples of factors that impact on the licensing objectives of the prevention of crime and disorder and public nuisance that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.

- 5.6 Insofar as the issue of licensing hours is concerned, the Sub-Committee is directed to paragraph 10.21 of the national guidance, which states that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

Paragraph 13.41 of the national guidance states that licensing hours should not inhibit the development of evening and night-time local economies, and that providing consumers with a greater choice and flexibility is an important consideration. However, this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet. The Sub-Committee is also directed to paragraph 30.7 of the local licensing policy, which states that 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.

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

- 5.7 The Sub-Committee is also reminded of the contents of appendix 4 of the local licensing policy (not re-produced in this report) which contains a pool of model conditions relating to the prevention of public nuisance.

# APPENDIX A

## Schedule

1. The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
2. The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
3. The premises licence holder shall ensure that there is no external disposal of refuse after 2200 hours and before 0800 hours daily and, as far as possible, to ensure deliveries are within those hours.
4. Staff shall routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once each trading day.
5. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.
6. The premises licence holder shall ensure that refresher training shall be satisfactorily completed every six months for all staff and documented as above.
7. The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
8. The premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
9. The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum period of 28 days with date and time stamping. Recordings shall be made available following the reasonable request of Police or authorised officer throughout the preceding 28 day period.
10. The premises licence holder shall ensure that a staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
11. The premises licence holder shall ensure in the event of its failure, the CCTV system will be repaired as soon as practicable.
12. The premises licence holder shall ensure that an alarm system will be installed and in the event of its failure, to be repaired as soon as practicable.
13. The premises licence holder shall ensure that adequate first aid equipment and fire safety materials are available on the premises.
14. The premises licence holder shall ensure that in the absence of adequate daylight suitable and sufficient artificial lighting is provided and maintained in any area to which the public have access.
15. The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.
16. The premises licence holder shall ensure that an incident log shall be kept at the premises and made available on request to an authorised officer of the council or the Police, which will record the following:- any complaints received, violence by any person against another, any other criminal incidents, any visit by a relevant authority or emergency service.

17. The premises licence holder shall instruct all staff to co-operate and comply with all reasonable requests of Police officers investigating incidents of crime and disorder associated with the premises.
18. The premises licence holder shall ensure that there is no access to the premises through the 'fire exit only'.
19. The premises licence holder shall operate a 'Challenge 21', or similar, scheme at the premises whereby anyone who appears to be under the age of 21 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
20. Notices shall be displayed in the premises to advise patrons and staff that a 'Challenge 21', or similar, scheme operates in the premises.
21. The premises licence holder shall ensure that any refusals of sale of age-related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product(s) sought; the gender and approximate age of the customer together with a description of the customer. The log is to be perused daily or weekly by all staff and initialled to this effect.

# APPENDIX B

RE 11/00346

## Norwich City Council Licensing Authority Licensing Act 2003

22 FEB 2011

Organisational Development  
22 FEB 2011  
Post Room

LICENSING OFF

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

Your name/organisation name/name of body you represent (see note 1)	MR. CLIVE GIRLING
Postal address	14 SHERWOOD ROAD NORWICH
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	? YOUR REFERENCE 11/00346/PRM
Address of the premises you wish to support or object to.	20 SHERWOOD ROAD NORWICH

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

Licensing Objective	Please set out your <del>support</del> or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	WITH A LOCAL 24 HOUR TESCO WITHIN 1/2 MILE I SEE NO REASON FOR ANY RETAIL STORE TO BE OPEN UNTIL 23.00 HRS
To protect children from harm	PEOPLE LIVING ABOVE AND AROUND THE PARADE OF SHOPS DO NOT NEED THE TRAFFIC AND NOISE AT THAT TIME OF NIGHT

Please suggest any conditions which would alleviate your concerns.	REDUCTION OF TRADING HOURS i.e. 06.00 - 20.00 OR 21.00 MAXIMUM.
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Signed:

Date: 19 FEBRUARY 2011

Please see notes on reverse

## Fuller, Maxine

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**From:** Birgit Lenton  
**Sent:** 23 February 2011 21:03  
**To:** Licensing  
**Subject:** Premise licence application for 20 Sherwood Road, NR4 6AB

**Attachments:** Representation\_form 20A Sherwood Road Norwich.pdf



Representation\_for  
m 20A Sherwo...

Dear Sir/Madam,

Please find attached representation form containing our reservation to granting 20 Sherwood Road, NR4 6AB the full extent of their licence application.

Kind regards,

Birgit and Joseph Lenton  
16 B, Sherwood Road  
Norwich  
NR4 6AB



<b>Your name/organisation name/name of body you represent (see note 1)</b>	Joseph and Birgit Lenton
<b>Postal address</b>	16 B, Sherwood Road, Norwich, NR4 6AB
<b>Email address</b>	
<b>Contact telephone number</b>	
<b>Address of the premises you wish to support or object to</b>	20, Sherwood Road, NR4 6AB
<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>	Potentially arising from issues mentioned below in "prevent public nuisance".
<b>Public safety</b>	
<b>To prevent public nuisance</b>	We understand that the premises applying for this license would be open until late evening (23.00). On these grounds in particular we are concerned that it could lead to further problems of people drinking in the porch to the adjoining hairdressers and leaving additional cans and broken bottles in front of them and our property. There are already occasions when people gather to drink there late in the evening and we fear this would be exacerbated and increase the level of noise, rubbish and nuisance that this causes to the other shops and residents. The windows of the hairdressers have been broken, people have urinated in the vicinity and our own car window was once broken in our absence and we fear that such late licensing could result in further nuisance and criminal acts. It should be noted that there is a Co-Op nearby where alcohol can be bought until 8pm weekdays and Saturdays and 6pm on Sundays and we feel that this is sufficient. People wishing to drink at home responsibly are unlikely to buy alcohol at a later hour.
<b>To protect children from harm</b>	
<b>Please suggest any conditions which would alleviate your concerns</b>	If the license were restricted to the selling of alcohol to the same as the opening hours of the Co-Op then we would be happier with it being granted. We would not be happy with the sale of alcohol 7 days a week beyond 8pm.
<b>Signed:</b>	Joseph and Birgit Lenton
<b>Date:</b>	23 <sup>rd</sup> February 2011

Norwich City Council Licensing Authority  
Licensing Act 2003



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

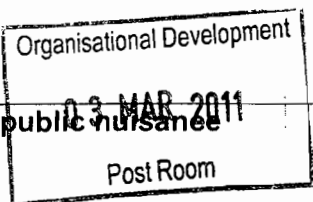
Your ref: 11/00346/PREM.

Your name/organisation name/name of body you represent (see note 1)	Mr. R.P. & Mrs J. E. Hardy
Postal address	29 Maid Marian Road NORWICH, NR4 6DF.
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	20 Sherwood Road
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	We object to the sale of alcohol & opening times on the following grounds: (see attached sheets)
Public safety	As above
To prevent public nuisance	As above
To protect children from harm	As above



Please suggest any conditions which would alleviate your concerns.	Change closing hour to 8pm.
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Signed:

Date: 2/3/11

Please see notes on reverse

We live above and behind the Post Office at number 22 Sherwood Road, and our address is 29 Maid Marian Road (due to the sign for Maid Marian Road being on our entrance side to the building). This accommodation was originally the living quarters for the Post Office.

We enclose a photo to enable you to see the living situation. Our 1<sup>st</sup> bedroom is adjacent to the flat over this shop 20 Sherwood Road, our 2<sup>nd</sup> over the Post Office. The upstairs lounge and other bedroom is on the Maid Marian Road Side.

We have lived here for 25 yrs having moved from a Public House after 9 years. In this time we have experienced break ins at the PO, Newsagents, the Co-op and other problems. Having had to call out the Police many times over the years that is why some of the shops invested in pull down shutters..

Young people tend to congregate round the shops until closing time and in the summer even later. When this happens any older people going into the shops, feel very intimidated by the attitude of the youths. **If they or we go out and talk to them we get mouthfuls of abuse and bad language.**

We have experienced drunks ie: mainly young people drinking and sitting on the one remaining bench seat on the green into the early hours, looking like vultures and youths kicking balls at the buildings, thereby setting off the alarms, including the Tuckswood School. In the summer when we have our windows open it is very disturbing and we cannot get to sleep.

With regard to the opening hours we believe that **6am to 11pm everyday** is far too long and would only give those of us living so close to the premises respite between **11.30pm** until opening time which is only **6.30 hours** (allowing for 11.30 by the time they clear up after closing).

**We are not against the sale of alcohol** (even though the Co-op already sells it) **as we have been publicans ourselves, but as we do not live in an area in the city ie: Prince of Wales Road where activity is going on most of the night, why can they not be limited to 6am – 8pm opening times, as are the hours of the Co-op??**

**We feel this is going to affect the quality of our life, this having taken years to achieve in the first place.**

There have been many times when we have considered moving because of problems experienced, but as we were coming up to our Senior Citizen age we felt that having the shops close to us would be an advantage and that we should not let young people cause us to move from where we are happy and settled..



P.O. 22 Sherwood Rd;

← 20 Sherwood Rd;

\* 1st & 2nd Bedroom



← Flat 2  
← Shop } 20 Sherwood Rd



← Maid Marian Rd;  
side of P.O now  
29 Maid Marian Rd;

**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)	MR. B. GRAY
Postal address	25, HAID HARRAN ROAD TUNSWOOD NORWICH NR4 6PF
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	
Address of the premises you wish to support or object to.	20, SHERWOOD ROAD NORWICH NR4 6TB

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

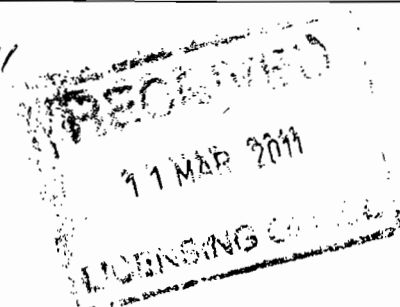
Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	
To prevent public nuisance	OBJECTION IN PART SEE ATTACHED
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Reduction in Trading Hours SEE ATTACHED
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Signed:

Date: 10/3/2011

Please see notes on reverse



In order to prevent public nuisance re-emerging, which I feel would happen until late into the evening, were this licence to be granted for the duration of the intended trading hours proposed, where groups of young adults would congregate in cars adjacent to the store, and around the green, drinking, perhaps, in some cases, to excess, with windows wound down and in-car entertainment playing to excessive volumes, whilst also being loudly vocal, and others feeling the need to race their cars around and around the green as if they were at some race meeting. The same, in-part, can be said in respect of youths on motor scooters.

Whilst I appreciate the aforementioned bear no direct reasoning for an alcohol licence to be withheld, I do feel that, the activities as mentioned above, could be viewed as being in-part, related to the extended availability of alcohol and other products, together, with the surroundings in which they could/would be consumed.

Currently, all trading on the estate ceases at 20.00hrs. which in my view is an ideal time, given that this is primarily a residential area, and with no passing trade as such, I see no advantageous reason to extend beyond this time, thereby enabling all residents a quiet and relaxing end to their day, in which to enjoy their environment. However, in the event that anybody should find themselves in need beyond this time, then there is of course a 24hr. Tesco supermarket just 1.5 miles from this store.



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)	J. Lewis
Postal address	20, maid merien Road Norwich. NR4 6DF
Email address	N/A
Contact telephone number	N/A

Name of the premises you wish to support or object to	20 Sherwood Road, Norwich
Address of the premises you wish to support or object to.	20 Sherwood Road Norwich NR4 6AB

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 OBJECTION
Public safety	NO OBJECTION
To prevent public nuisance	NO OBJECTION
To protect children from harm	NO OBJECTION

Organisational Development  
22 FEB 2011

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

Date:

19/2/11

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. Representation’s, 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 necessary for the promotion of the licensing objectives.
- 8.0 The Impact of Licensed Premises
- 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
  - the proposed hours of operation;

- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises including the location of customer entrances and exits;
- the provision of toilet facilities;
- the frequency of the licensable activity.

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

### 13.0 Management of Licensed Premises

- 13.1 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;

## 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.

## 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)**

### **Proposed Conditions**

10.7 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs 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 of opening.

10.8 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. This would allow for proper liaison before representations prove necessary

### **Imposed Conditions**

10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

10.12 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

### **Proportionality**

10.13 The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues. For example, charities, community groups, voluntary groups, churches, schools and hospitals which host smaller events and festivals will not usually be pursuing these events commercially with a view to profit and will inevitably operate within limited resources.

### **Hours of trading**

10.19 In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed



premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises.

10.20 However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.

#### Hours of trading

10.21 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

#### Fundamental principles

13.16 "...licensing is about regulating licensable activities on licensed premises...and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity."

13.17 "...whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case."

13.18 "...licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises."

#### Standardised Conditions

13.20 "...statements of policy should make it clear that a key concept underscoring the 2003 Act is for conditions to be tailored to the specific premises concerned. This effectively rules out standardised conditions...However, it is acceptable for licensing authorities to draw attention in their statements of policy to pools of conditions which applicants and others may draw on as appropriate."

#### Licensing Hours

13.41 "...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies...providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet."