

Appendix 1

**(Station Newsagent & Off-Licence)
301 Cambridge Heath Rd
London
E2 0EL**

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Licensing Services Manager

20th June 2011
(Variation 20th December 2012)



LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

15775

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

301 Cambridge Heath Rd

Post town

London

Post code

E2 0EL

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol by retail (off sales only)

Sunday to Thursday – 07:00 hours to 23:30 hours

Friday to Saturday – 07:00 hours to midnight

The opening hours of the premises

Monday to Sunday – 06:30 hours to 02:00 hours the following day

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

Off sales only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mustafa Has



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

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mustafa Has



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence number: 11679
Issued by London Borough of Tower Hamlets.

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

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

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

1.

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the operating Schedule

1. A digital CCTV must be installed in the premises complying with the following criteria:
 - a. Cameras must be sited to observe the entrance door, the alcohol displays and floor area.
 - b. The camera facing the entrance door must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - c. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
 - d. Provide a linked record of the date, time and place of any image.
 - e. Provide good quality images, which are colour during opening times.
 - f. Operate under existing light levels within and outside the premises.

- g. Have the recording device located in a secure area or locked cabinet
 - h. Provide a monitor in full view of customers entering the premises. This monitor must display the images of said customers.
 - i. Have a separate monitor to review images and recorded picture quality.
 - j. (10) Be regularly maintained to ensure continuous quality of image capture and retention.
 - k. (11) Have signage displayed on the front entrance door and in the customer area to advise that recorded CCTV is in operation.
 - l. (12) Digital images must be kept for 31 days.
 - m. (13) Police will have access to images at any reasonable time.
 - n. (14) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer.
 - o. (15) Copies must be made available to Police on request.
2. A monitored alarm system to EU50131 standard incorporating a panic button facility at the counter will be installed.
 3. All staff shall receive induction and refresher training, relating to the sale of alcohol. All training shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.
 4. At least two members of staff shall be on the premises at all times that the licence is in force.
 5. Prominent, clear and legible notices shall be displaced at the public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly.

6. A written record of refused sales must be kept on the premises and completed when necessary. It must be made available to Police and/or the Local Authority upon request.
7. Children under the age the age of 14 years shall not be permitted on the premises after 21:00 hours unless accompanied by an adult.
8. Signs shall be prominently displayed on the exist doors advising customers that the premises is in a 'Drinking Control Area" and that alcohol should not be taken off the premises and consumed in the street.

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

Not applicable

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:

7th April 2011(reference number 110312-L1 covering the ground of the premises only.)



Part B - Premises licence summary

Premises licence number

15775

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

301 Cambridge Heath Rd

Post town

London

Post code

E2 0EL

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol by retail (off sales only)

Sunday to Thursday – 07:00 hrs to 23:30 hrs
Friday to Saturday – 07:00 hrs to midnight

The opening hours of the premises

Monday to Sunday – 06:30 hours to 02:00 hours the following day

Name, (registered) address of holder of premises licence

Mustafa Has



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

Off sales only

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

Not applicable

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

Mustafa Has

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

No restrictions

Appendix 2



This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx

Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We MUSTAFA HAS (Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence number 15775

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description
301 CAMBRIDGE HEATH ROAD
Premises Name: OFFIE & TOFFEE
* PLEASE CHANGE NAME OF Premises from Station Newsagents

LBTH
TRADING STANDARDS
10 JUL 2013
LICENSING

Post town LONDON Post code E2 OEL

Telephone number at premises (if any)

Non-domestic rateable value of premises £ 7,900

Part 2 - Applicant details

Daytime contact telephone number	[REDACTED]	
E-mail address (optional)	[REDACTED]	
Current postal address if different from premises address	[REDACTED]	
Post Town	[REDACTED]	Postcode
		[REDACTED]

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes

If not, when do you want the variation to take effect from?

Day	Month	Year

Please describe briefly the nature of the proposed variation (please see guidance note1)

Variation of the premises licence.
 Extending the hours of Alcohol Sale, (supply of alcohol)
 From: 07.00 - 02.00 (MON-SUN).

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- Please tick yes
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	Y
Mon	07:00	02:00	Please give further details here (please read guidance note 4)	Both	
Tue	07:00	02:00			
Wed	07:00	02:00			
Thur	07:00	02:00			
Fri	07:00	02:00			
Sat	07:00	02:00			
Sun	07:00	02:00			

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	06:30	02:00	
Tue	06:30	02:00	
Wed	06:30	02:00	
Thur	06:30	02:00	
			Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri	06:30	02:00	
Sat	06:30	02:00	
Sun	06:30	02:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked on of those boxes please fill in reasons for not including the licence, or part it below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

Describe any additional steps you intent to take to promote the four licensing objectives as a result of the proposed variation.

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

- Managing rubbish in the area
- Managing groups of people loitering around the shop
- Managing the noise of customers leaving the shop
- Fire safety for customers
- Risk Assessment Certified
- Staff training on the Licensing Act
- 24 hour CCTV
- Controlled noise coming from the inside of the shop

b) The prevention of crime and disorder

- A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
- Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
- As a off-licence premises, custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
- 24 hour CCTV (indoor and outdoor)

c) Public Safety

- A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information.
- Adequate access is provided for emergency vehicles.
- 24hour CCTV camera operating, including indoor and outdoor.
- All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times n good order and in a safe condition.

d) The prevention of public nuisance

- Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
- Deliveries of materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
- The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
- Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
- A specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers.
- The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
- Bright lights on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
- Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

- Ensure no children are allowed in after 9pm, or no unaccompanied children after 9pm.
- Ensure ID is required for anybody who looks below the legal age, for Cigarettes, Lotto or Alcohol.
- Use of safe recruitment practices
- Restrict access to the premises
- Ensure that customers are aware of the laws relating to selling and purchasing alcohol for or on behalf of children
- Ensure that staff prioritise safeguarding measures and are committed to their enforcement

CHECKLIST:


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 5 – Signatures (please read guidance note 10)

Signature of applicant or applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	10 / 07 / 2013
Capacity	Company Director

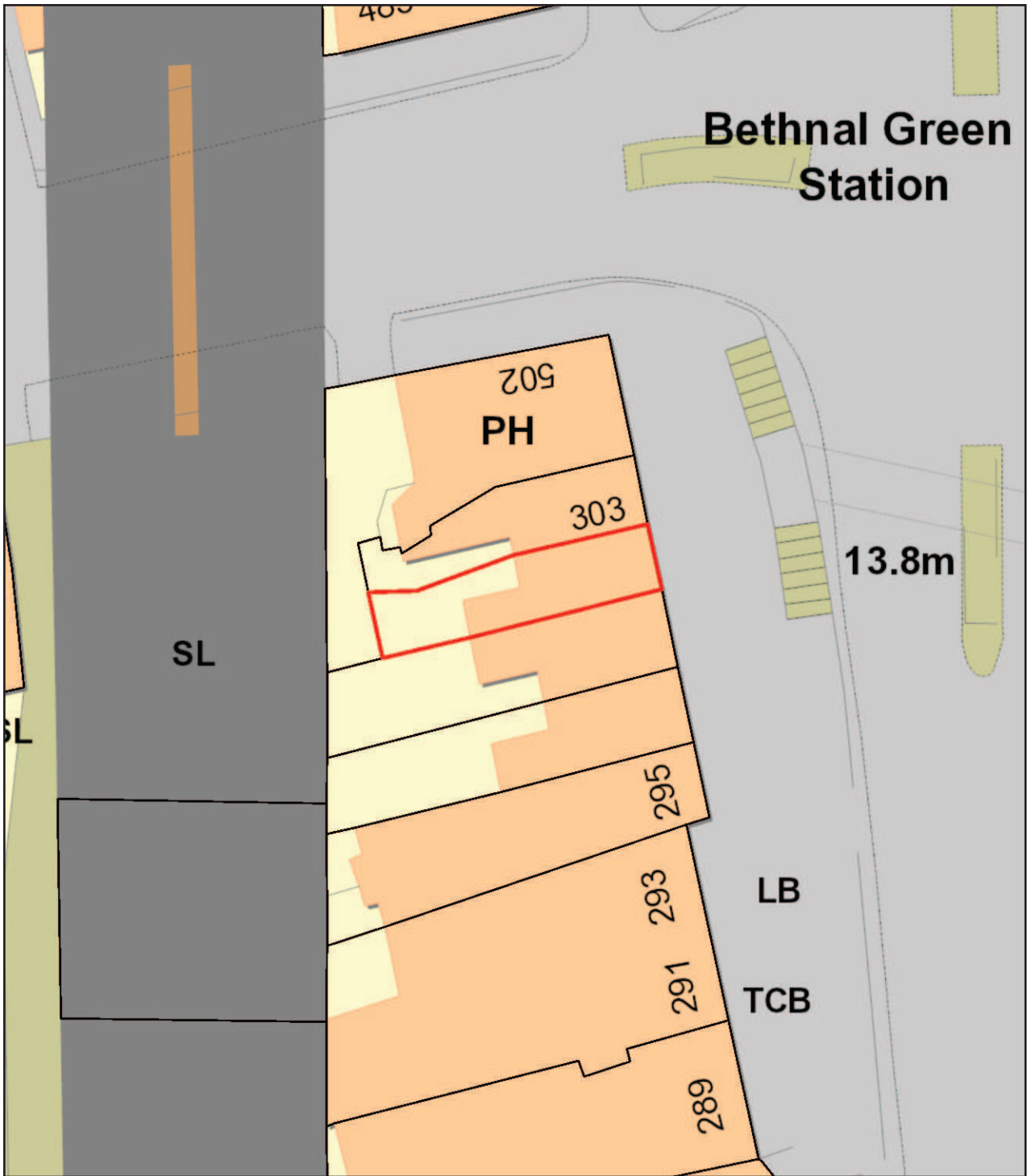
Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

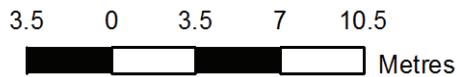
Appendix 3



301 Cambridge Heath Road Map 1



Scale 1:384

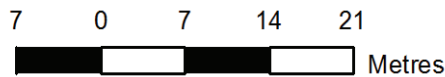




301 Cambridge Heath Road Map 2



Scale 1:769



Appendix 4

LBTH Licensing

HT - Tower Hamlets Borough
HH - Limehouse Police StationLicensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZ

Telephone:

Facsimile:

Email:

Alan.Cruickshank@met.police.uk
www.met.police.uk

Your ref:

Our ref:

30 July 2013

Dear Mr McCrohan

Application to vary a Premises Licence
Offie and Toffee, 301 Cambridge Heath Road, E2 0EL

I write with reference to the above application which was received in this office on the 19th July 2013.

Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives

The prevention of crime and disorder

The prevention of public nuisance

Cambridge Heath Road, although a main arterial route through Tower Hamlets, still has a substantial residential population in that street and the surrounding streets.

I have spoken with the applicant and suggested that he should consider the same hours as Sainsbury's which is only a short distance away and his nearest competitor. I believe that a 2am finish all week is excessive and will result in ASB or public nuisance.

The off licence is right next to Bethnal Green underground station and this area is busy throughout the night. By remaining open until 2am it will attract people who want to continue drinking, remaining in the street.

This is especially true in the summer months, most are young adults. After the pubs close, many of them are already under the influence of alcohol. They become increasingly drunk

by buying more alcohol from off licences. This can lead to violence, ASB and littering. Glass bottles are often found smashed in the street.

It will certainly attract people who are already drunk and looking to top themselves up. It is unfortunate but off licences often attracts people who are either under the influence of alcohol who can be very loud or it can attract people who are either anti-social or violent. With the best will in the world, it is difficult for staff to stop the noise or the potential ASB.

At the this time of writing I am hoping to receive a statement from the local Neighbourhood Policing Team (NPT)

My second concern would be the easy availability of alcohol to alcohol dependent individuals, some of whom are classed as "street drinkers" I frequently see both men and women consuming high volume percentage tins of alcohol in this area.

I produce an e-mail from Will Norman from Thames Reach charity who works with the local hostels and their clients. He states:

"Tower Hamlets SORT provide outreach services to rough sleepers and support former rough sleepers in their homes once they move away from the street. In this capacity I would strongly challenge the application for an extended licence to 2am from 00.00. The junction of Cambridge Heath Rd and Bethnal Green Rd and more specifically the green spaces in Paradise Gardens and Bethnal Green Gardens are not only rough sleeping hotspots, but also street drinking locations. There is strong correlation between the accessibility of alcohol near to rough sleeping hotspots and the likelihood of street drinking. Both if these issues have significant health and welfare implications for the individuals involved and negatively affect local communities.

We are currently working with a group of around 6-10 men who regularly street drink in Paradise Gardens and the team constantly visits Bethnal Green Gardens to work with rough sleepers. There have been several assaults on individuals at this location in recent weeks and it is considered an unsafe location.

If alcohol is available at 2am there is a far greater likelihood that street drinking will become rough sleeping as individuals are too intoxicated to move away from the area.

I would also like to draw attention to the sale of particular products and brands which have a strong link to anti-social behaviour. Super strength lager and cider sold (often in single cans) at very low prices and with abv often above 6%. We are currently working alongside TH Licensing and Trading Standards to limit the sale of these products in ASB/rough sleeping hotspots. The location of the above premises is one such location.”

I ask the committee to reject this application

However, if the committee is to consider granting an increase in hours I would ask them to restrict it to midnight ,all week ,which would correspond to Sainsbury’s , the nearest similar off licence.

I would also ask them to consider the following conditions

1. An update on their CCTV condition

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

(One camera to be placed outside the premises)

2. This premise will not sell any beer, lager or cider that exceeds the strength of 5.6% abv or higher.”

Or

The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.

3. To maintain an Incident Book to record any incidents, refusals etc.

Alan Cruickshank PC 189HT

Appendix 5

Appendix 5

Crime and Disorder on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 5.2. of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public safety.

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (Annexe D).

The key role of the police and SIA is acknowledged (2.1-2.2).

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 in the immediate vicinity of the premises as they seek entry or leave (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

Appendix 6

Appendix 6

Crime and Disorder From Patrons Leaving The Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” Other controls need to be borne in mind. **(See Section 4.10 and 4.11 of the Licensing Policy).**

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public.

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (Annexe D).

The key role of the police and SIA is acknowledged (2.1-2.2).

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 entry or leave (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

There is also guidance issued around the heading of “public nuisance as follows

The pool of conditions, adopted by the council is recommended (Annexe G).

Licence conditions should not duplicate other legislation (1.19).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.22) but it is essential that conditions are focused on measures within the direct control of the licence holder (1.6). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified.

Other Legislation

Crime and Disorder Act 1998

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 7

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.)

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 8.1 of the Licensing Policy)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 8.2 of the Licensing Policy)**.

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 12.10)**

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to the prevention of Public Nuisance. **(See Appendix 2 Annex G of the Licensing Policy)**. In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)

- Whether certain parts should close earlier than the rest (for example a “beer garden”, or restricted in their use
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.19).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.22) but it is essential that conditions are focused on measures within the direct control of the licence holder

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.24).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified.

Appendix 8

Appendix 8

ACPO comments on irregular times

Association of Chief Police Officers

The Association of Chief Police Officers (ACPO) has issued standard advice on unusual opening hours. As well as limiting the number they are anxious that the Police are given reasonable notice and an absolute veto on any event. Their policy is as stated below.

ACPO suggest that the following approach be applied to applications that include unspecified hours.

- No more than 12 extensions per premises per year (excluding applications made under TENS) should be allowed.
- An operating plan covering the additional measures that will be taken to manage crime and disorder on these occasions to be completed.
- A minimum of 7 days notice to police and the licensing authority.
- An absolute veto for police in respect of any of these occasions.

Appendix 9

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one of more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

Appendix 10

Appendix 10

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows

Monday to Thursday	06:00 hrs to 23:30 hrs
Friday and Saturday	06:00 hrs to midnight
Sunday	06:00 hrs to 22:30 hrs

(see 12.8 Of the licensing policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
- Proposed hours of regulated activities, and the proposed hours the premises are open to the public
- The adequacy of the applicants proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(see 12.8 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only