

## MEMORANDUM

To : FRED SPRIGGS, LICENSING OFFICER , LICENSING SECTION

From : VICTORIA WOODLAND, ENVIRONMENTAL HEALTH OFFICER,  
ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Tel : 01432 261638 My Ref :

Date : 10<sup>th</sup> November 2008 Your Ref : 13.11.08

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**LICENSING ACT 2003  
APPLICATION FOR A NEW PREMISES LICENCE  
HEREFORD KEBAB, 37 COMMERCIAL STREET, HEREFORD**

Having assessed the above application, I must raise an objection to the application for two reasons:

Firstly, Commercial Street/Union Street has been declared part of a 'Cumulative Impact Area' in accordance with the council's Special Licensing Policy 2008-2011, where the cumulative impact of the number, type and density of licensed premises already in this area has created a 'hotspot' for disorder and nuisance. The premises proposed would form a 'new' additional licensed premises, as it was previously home to 'Rowberry Butchers Shop', sited within the council's 'Special Policy Area'. The council's policy states that,

'Licenses may be refused if the cumulative impact of new licenses is leading to an area becoming saturated with premises of a particular type, making it a focal point for large groups of people to gather thus creating exceptional problems of disorder and/or nuisance which outweighs the impact from the individual premises themselves.'

Given that there are 7 existing licensed premises within the special policy area providing late night refreshment to takeaway, I consider another premises of this nature would saturate the area and only act to exacerbate existing problems of disorder and/or nuisance.

I should like to draw your attention to the guidance issued under s182 of the 2003 Act, in respect of cumulative impact where a concentration of licensed premises exist:

'... concentrations of young drinkers can result in queues at fast food outlets and for public transport. Queuing in turn may be leading to conflict, disorder and anti-social behaviour. While the general lengthening of licensing hours can be expected to reduce this impact by allowing a more gradual dispersal of customers from premises, it is possible that the impact on surrounding areas of the behaviour of customers of all premises taken together will still be greater in these cases than the impact of customers of individual premises.'

Secondly, in respect of the terminal hour applied for, being 04.00 hours, this would not only encourage people to remain in the street for longer periods giving rise to disorder/nuisance issues, but will also adversely affect the routine street cleaning provided in the vicinity.

The street cleaning operates currently between 02.30am and 06.30am. A clear **Four Hour** window for street cleaning is required in order for all the scheduled work to be completed to the required standard with the resources currently available. Deliveries for shops and commercial premises start at 06.00am and after this time there is increased traffic, which makes it very difficult for crews to effectively clean the streets before members of the public start their normal day and children make their way to school.

For the reasons outlined above I am unable to lend support to this application in its entirety and recommend that the premises licence be refused.



**VICTORIA WOODLAND  
ENVIRONMENTAL HEALTH OFFICER  
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**