

**Tab 11**

*Section 13: Summary of Hours of Licensed Activities*

*This section sets out how applicants are advised to apply for the hours which they will use and how they must have consideration to the impact they may have on the Licensing Objectives. Where appropriate following representation, the Licensing Authority may curtail the hours applied for.*

**13 HOURS OF LICENSED ACTIVITIES**

- 13.1 Applicants are advised, prior to making an application, to carefully consider the licensed hours that they require and the impact these hours may have on any of the licensing objectives. They should include details in the application form of the steps that they propose to take to ensure the proposed licensed hours do not cause problems in relation to the licensing objectives.
- 13.2 In making decisions that relate to the hours for which a premises is licensed or any conditions as to delivery times, the Licensing authority will give consideration to how the applicant will achieve the Licensing Objectives and the representations made against such hours.
- 13.3 Each case will be decided on its own merits based on whether the licensing objectives can be met. Stricter conditions, including limiting licensed hours, are likely to apply to premises when the applicant is unable to demonstrate that the hours required would not be detrimental to the licensing objectives.
- 13.4 Limitations on operating hours may be imposed as appropriate upon consideration of representations for example, in the case of premises known to be a focus of disorder, nuisance, disturbance or people engaging in anti-social behaviour.
- 13.5 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, whilst the general policy will be to allow sales of alcohol at all times that the premises is open for business, this

Licensing Authority recognises that any particular application may have to be refused or hours may have to be restricted in order for the licensing objectives to be achieved.

- 13.6 Each case will be decided on its own merits based on whether the licensing objectives can be met. Stricter conditions including limiting licensed hours are likely to apply where the premises are situated in mainly residential areas to minimise disturbance to local residents.

*Section 14: Summary of Opening Hours*

*This section deals with the hours licensed applicants are advised to apply for and consideration to the impact these may have on the Licensing Objectives. The Licensing Authority may curtail the hours applied for.*

**14 OPENING HOURS**

- 14.1 It is a requirement that applicants put down on their application form for new premises licences/Club Premise certificates the times that the premises are to be open on any day. Subject to there being no representations, the opening times requested will be placed on the Licence/Certificate.
- 14.2 It is possible for applicants to apply for longer opening times than those required for the licensable activities (e.g. supply of alcohol).
- 14.3 In the event of relevant representations, the Licensing Authority may consider taking steps in restricting the opening times, such as:
- Reducing the opening times (and especially the closing times) to the same times as the licensable activities, or
  - Reducing the closing time to a shorter period after the finishing times of the licensable activities (e.g. reduce the closing time to 30 minutes after the time that the supply of alcohol has to stop).
- 14.4 Such measures may be considered appropriate, for example to prevent persons stacking up bottles, cans etc for drinking on the premises during the remainder of the premise's opening times and creating crime and disorder or public nuisance issues.

*Section 22: Summary of Public Nuisance*

*This section addresses the issue of promoting the licensing objective of the prevention of public nuisance. It advises that applicants should consider the advice given in these pages when making application and should take it into account. Where appropriate the applicant should make reference to these issues within their application. Where it is felt appropriate the Licensing Authority may address some or all of these issues in the decision making process.*

**22 PREVENTION OF PUBLIC NUISANCE**

**22.1 General**

Public nuisance includes any noise generated as a result of the activities at the premises including the behaviour of customers whilst arriving, leaving or at the venue. This may include noise from customers' cars arriving, car stereo systems, car horns, vocal noise from customers, or those that transport customers to and from the venue, revving engines, litter and the obstruction of public highway. The area where such problems could occur may extend beyond the immediate vicinity of the premises.

**22.2** When applicants for premises licences or club premises certificates are preparing their operating schedules, the matters dealt with in this annex should be carefully considered as a means to prevent public nuisance.

**22.3** Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

**22.4** Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

## **22.5 Planning**

All applicants for Premises Licences, Club Premises Certificates and Provisional Statements are reminded that planning permission will normally be required for such uses. Such planning consents may carry conditions with which applicants are expected to comply otherwise action may be taken under the relevant planning legislation.

**22.6** In general, planning consents authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality.

**22.7** Licensing applications must not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

## **22.8 Factors to consider during application**

In determining applications for new and varied licences, regard will be had to following factors: the location of premises, the type and construction of the building, the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

**22.9** Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

**22.10** Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

22.11 Generally permitted temporary activities in the open air including tents and marquees should have a maximum closure hour of 11.00 pm. Earlier hours may be imposed in sensitive open spaces or near residential areas.

22.12 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

22.13 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

22.14 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy.

#### **22.15 Management and control of customers**

Procedures should be put in place to manage the behaviour of customers in so far as it may contribute to public nuisance. These measures may include; management of people who arrive and leave the premises, the placing of signage reminding patrons to arrive and leave quietly, the consideration of arranging a dedicated taxi service, the quick dispersal of customers away from the premises when leaving, and when drinking outside is permitted, to take into consideration the potential of public nuisance.

#### **22.16 Hours**

The hours during which the licensable activities are permitted at premises by the conditions of a premises licence or a club premises certificate are set for the prevention of public nuisance. But this must be balanced by the

potential impact on disorder which results from artificially fixed closing times. For example where the premises are in a predominately residential area the potential for public nuisance is greater.

22.17 Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. But also where an external area is permitted to have licensed activity, for example a beer garden, it may be appropriate to cease that activity earlier than the terminal hour of the rest of the premises.

#### 22.18 Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

#### 22.19 Litter

Premises that provide food and /or drink for consumption off the premises could create public nuisance in the form of their patrons causing litter (i.e. food wrappings/containers and drink containers) in the vicinity of the

*Annex 1: Summary of Special Cumulative Impact Policy*

*These pages deal with the special policy which affects Hereford City Centre.*

**ANNEX 1**

**SPECIAL CUMULATIVE IMPACT POLICY**

- A1** The Council recognises that the cumulative effect of licensed premises may result in adverse effects on the licensing objectives and amenity and this in turn may have a number of undesirable consequences, for example:
- An increase in crime against both property and persons;
  - An increase in noise and disturbance to residents;
  - Traffic congestion and/or parking difficulties;
  - Littering and fouling.
- A2** The licensing policy is not the only means of addressing such problems. Other controls include:
- planning controls
  - CCTV
  - provision of transport facilities including Taxi Ranks
  - Late Night Levy
  - Early Morning Restriction Orders (EMRO's)
  - Designated Public Places Orders
  - police powers
  - closure powers
  - positive measures to create safer, cleaner and greener spaces
- A3** Where the Council recognise there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for an area if this proves necessary.
- A4** The Guidance to the Act states that the cumulative impact of licensed premises on the promotion of their licensing objectives is a proper matter

for a licensing authority to consider in developing its Statement of Licensing Policy.

**A5** In accordance with the Guidance the Council consulted on the proposal for Cumulative Impact Zones in the area identified as part of the wider consultation on the council's revision of its Statement of Licensing Policy during 2010. Consultation was therefore specifically undertaken with:

- The Responsible Authorities
- Licensees and those representing licensees
- Local Residents and Businesses
- Those representing local residents and businesses.

**A6** In considering whether to adopt such a Policy for the areas, the council took the following steps as recommended by the Guidance:

- Gather crime and disorder statistics, ambulance service statistics, data from A & E and such other statistics that may be appropriate
- Identify serious and chronic concern from a responsible authority or from residents or local businesses (or their representatives) concerning nuisance and/or disorder;
- Identify the area in which problems are arising and the boundaries of that area

**A7** As a result the Council has designated the following areas within Herefordshire as being subject to a special Cumulative Impact Policy:

- Commercial Road full length (both sides) from its junction with Aylestone Hill to its junction with Blueschool Street and Bath Street – a point known as Commercial Square.
- Commercial Square, all sides and in all directions.
- Bath Street (both sides) east 50m from its junction with Commercial Square.
- Union Street (both sides) full length, both to South to St Peter's Square.
- Gaol Street (both sides) from its junction with Union Street East to a point East and starting at the private car park of Hereford Police Station.
- St Peter's Square East into St Owen Street (both sides) for a distance of 150m (opposite Hereford Town Hall).
- St Peter's Square to St Peter's Street – both sides of the streets.

- St Peter's Street to High Town pedestrian precinct – all sides and in all directions.
- High Town pedestrian precinct from its junction with High Street towards Widemarsh Street – all sides of all streets
- Widemarsh Street (both sides) north to its junction with Newmarket Street and Blueschool Street – commonly known as 'Wellington Corner'. Both sides of the streets and in all directions.
- Blueschool Street (both sides) from its junction with Newmarket Street and Widemarsh Street at a point commonly known as 'Wellington Corner' to its junction with Commercial Square
- All streets and locations enclosed within this defined area (as indicated in the shaded area of map Appendix A)

**A8** A summary of the evidence of the problems being experienced is attached to the bottom of this policy. The Licensing Authority are of the opinion based on the evidence that the number of licensed premises in the above areas adversely affect the promotion of the licensing objectives of:

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

**A9** Whilst the summary of the evidence was mainly based on crime and disorder, this Council is of the opinion that such crime and disorder also materially and severely affects the promotion of the other licensing objectives in the above areas.

**A10** The effect of the Cumulative Impact Policy is that it creates a rebuttable presumption that application within the cumulative impact area will normally be refused: -

1. Where relevant representations are received against any:
  - New applications for Premises Licences, Club Premises Certificates or Provisional Statement, or Variation applications for an existing Premises Licences or Club Premises Certificates
2. Where the police have issued an objection notice in respect of a Temporary Event Notice

A11 However, this Policy will not prevent applications in the above areas. Each case will be decided on its own merits, but applicants will have to comprehensively demonstrate in their application that it will not add to existing problems in the area.

A12 The special policy will apply to all the licensable activities of:

- The sale by retail of alcohol,
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club,
- Regulated entertainment, and
- The provision of late night refreshment



This shows that, over both years, incidents occurring overnight are slightly more likely to be crimed and thus could be deemed to be more harmful.

In 2012 there were a total of 1014 relevant incidents, 222 of which have been crimed (22%). There have been 666 overnight incidents (66%), of which 147 have been crimed (22%).

The annual totals for last year show that two thirds of incidents in this area occur between 18:00hrs and 04:00hrs but in 2012 those incidents occurring in that time bracket are as likely not *more* likely to be crimed (as in previous years).

In January 2013 there were 64 incidents, 10 of which have been crimed (16%). 41 incidents occurred overnight, 6 of which were crimed (15%).

The incident types and their relative proportions are shown in the two tables below. The first shows incidents occurring throughout the day, the second shows only those occurring between 18:00hrs and 04:00hrs.

**Table of all call types throughout the day (all relevant incidents of crime and disorder 2010- January 2013)**

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incidents 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	475	416	448	27	47.36%	44.16%	44.18%	42.19%
Suspicious Circumstances	187	216	258	17	18.64%	22.93%	25.44%	26.56%
Assaults	87	72	94	7	8.67%	7.64%	9.27%	10.94%
Concern for Safety	73	127	129	9	7.28%	13.48%	12.72%	14.06%
Collapse/Illness/Injury	67	14	0	0	6.68%	1.49%	0.00%	0.00%
Criminal Damage	61	47	37	2	6.08%	4.99%	3.65%	3.13%
Public Order Offence	32	31	22	1	3.19%	3.29%	2.17%	1.56%
Drug Offences	13	16	21	0	1.30%	1.70%	2.07%	0.00%
Sexual Offence	7	2	5	1	0.70%	0.21%	0.49%	1.56%
Licensing	1	1	0	0	0.10%	0.11%	0.00%	0.00%
<b>Total</b>	<b>1003</b>	<b>942</b>	<b>1014</b>	<b>64</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

**Table of overnight relevant call types (18:00hrs to 04:00 hrs) 2010- January 2013**

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incidents 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	328	293	328	19	51.57%	47.95%	49.25%	46.34%
Suspicious Circumstances	92	114	138	11	14.47%	18.66%	20.72%	26.83%
Assaults	65	54	62	4	10.22%	8.84%	9.31%	9.76%
Concern for Safety	30	73	77	5	4.72%	11.95%	11.56%	12.20%
Collapse/Illness/Injury	45	8	0	0	7.08%	1.31%	0.00%	0.00%
Criminal Damage	31	29	21	1	4.87%	4.75%	3.15%	2.44%
Public Order Offence	26	26	17	1	4.09%	4.26%	2.55%	2.44%
Drug Offences	13	12	21	0	2.04%	1.96%	3.15%	0.00%
Sexual Offence	5	1	2	0	0.79%	0.16%	0.30%	0.00%
Licensing	1	1	0	0	0.16%	0.16%	0.00%	0.00%
<b>Total</b>	<b>636</b>	<b>611</b>	<b>666</b>	<b>41</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

Within the CIZ ASB and drug offences are more likely to occur between the hours of 18:00hrs and 04:00hrs. Assaults and criminal damage are as likely to occur as during the day.

This table shows how the 1954 overnight relevant incidents within the period 1 January 2010 to 31 January 2013 are distributed over the week and throughout the night; as expected the peak times for calls are weekends 23:00hrs to 02:00hrs:

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
1800	15	8	16	8	17	14	11	89
1900	15	21	14	19	14	27	12	122
2000	14	12	16	19	15	19	22	117
2100	16	22	18	11	35	33	28	163
2200	20	19	24	17	26	35	27	168
2300	23	20	23	41	73	63	29	272
0000	37	19	15	32	31	85	89	308
0100	18	18	24	24	38	77	98	297
0200	15	9	12	13	14	89	84	236
0300	5	4		4	20	75	74	182
<b>Grand Total</b>	<b>178</b>	<b>152</b>	<b>162</b>	<b>188</b>	<b>283</b>	<b>517</b>	<b>474</b>	<b>1954</b>

Of the 1954 incidents over the period, 909 have been given the "alcohol involved" incident marker (47%).

### 3.0 Crime

Over the period 1<sup>st</sup> January 2010 to 31<sup>st</sup> January 2013 there were 452 incidents (18:00hrs to 04:00hrs) within the area under review that went on to receive an external crime number. Of these 35 were no crimed.

The table below shows the most common offence types (of which there have been four or more offences within the period). The offences in the table account for 79% to 87% of the crime committed in the area within the period and whilst the relative proportions remain largely similar there have been small increases in assault (ABH), criminal damage (to building – not dwelling), common assault, GBH (without intent), criminal damage (vehicle), possession of cannabis and cocaine and assault police officer.

The totals and percentages for January 2013 are shown for completeness.

Short Offence Title	2010	2011	2012	2013	% of offences 2010	% of offences 2011	% of offences 2012	% of offences 2013
Assault (ABH)	37	29	35	0	25%	22%	30%	0%
Using disorderly Behaviour	26	14	5	0	18%	11%	4%	0%
Criminal damage (not dwelling)	18	15	13	1	12%	12%	11%	14%
Common assault	7	12	12	1	5%	9%	10%	14%
Criminal damage (other property)	7	8	3	0	5%	6%	3%	0%
Fear/provocation of violence (s4)	7	7	2	0	5%	5%	2%	0%
GBH (without intent)	5	4	7	1	3%	3%	6%	14%
Malicious wounding	4	8	4	1	3%	6%	3%	14%
Criminal damage (vehicle)	2	6	4	0	1%	5%	3%	0%
Possess class B - Cannabis	3	3	6	1	2%	2%	5%	14%
Possess class A - Cocaine	2	0	8	0	1%	0%	7%	0%
Affray	4	2	3	1	3%	2%	3%	14%
Attempt GBH	2	3	1	0	1%	2%	1%	0%
Assault police officer	0	2	3	0	0%	2%	3%	0%
Total	124	113	106	6	85%	87%	91%	86%
Others	22	17	11	1	15%	13%	9%	14%
Grand Total	146	130	117	7	100%	100%	100%	100%