

LICENSING HOURS

92. The Council recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbances on the streets when a large number of people tend to leave licensed premises at the same time. The Guidance states that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, bus stops, taxi ranks and other sources of transport, that can lead to disorder and disturbance.
93. The Licensing Authority, in line with the Guidance, will not implement any form of zoning, namely fixing the trading hours in designated areas.
94. The Licensing Authority will consider trading hours based on the licensing objectives.
95. The Licensing Authority will consider each application on its individual merits. Where it is demonstrated that customers in a particular area generally remain in premises until closing time, too many premises closing at the same time may result in the peaks in concentration of people leaving premises which the Guidance advises should be avoided. In such cases, where relevant representations are made, the Licensing Authority will consider the imposition of a terminal hour different from those generally prevailing in the area.
96. Where the premises are located in a primarily residential area and a representation is made by an interested party in relation to noise/sleep disturbance, the applicant must demonstrate that the operating hours (or proposed operating hours) will not adversely impact on the nuisance objective.
97. Applicants applying for premises licences or club premises certificates should anticipate special occasions (eg bank holidays, sporting events) and incorporate appropriate opening hours for these occasions in their operating schedules.
98. Shops, stores and supermarkets will normally be free to sell alcohol for consumption off the premises at any times when the retail outlet is open for shopping. However, where a relevant representation is made by an interested party or responsible authority in relation to nuisance or anti-social behaviour, or the circumstances warrant it, the Licensing Authority may at its discretion consider a restriction on the hours that alcohol may be sold.
99. Given that there is no statutory drinking up time under the Act, applicants must specify in their operating schedules the time that they will stop selling or supplying alcohol and close the premises to the public.

DUPLICATION

100. The Licensing Authority must avoid duplication with other regulatory regimes so far as possible.
101. The Licensing Authority would prefer that planning permission or a certificate of lawful use exists before an application for a licence is made. However, there is no legal basis for requiring that planning consent be sought first or

that in its absence the Licensing Authority can refuse to determine a licence application.

102. The licensing function will remain distinct from planning. It will be for the planning process to determine land-use decisions and the market place to determine need for particular types of premises/activities. Licensing decisions will be determined with regard to the promotion of the licensing objectives.
103. Occasional reports will be submitted to the Planning Committee to inform them of the numbers of licensed premises in particular areas and any relevant information regarding reports of disturbance, nuisance or crime and disorder in those areas that could reasonably be attributed to such premises.

LEGISLATION

104. The Licensing Authority is committed to avoiding duplication with other regulatory regimes as far as possible, and recognises that there are numerous other statutory requirements applying to licensed premises such as health and safety, fire safety, planning, food hygiene, building control etc. In order to avoid duplication, the Licensing Authority will not impose conditions where legislation already adequately addresses such issues.
105. However, the Licensing Authority must have regard to the Legislation / Conventions contained in Appendix F.