

Licensing/Gambling Hearing

To: Councillors Wiseman , Reid and Horton
Date: Thursday, 30 August 2007
Time: 11.30 am
Venue: The Guildhall

A G E N D A

1. Chair

To elect a Member to act as Chair of the meeting.

2. Introductions

3. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

4. Exclusion of Press and Public

To consider excluding the public and press from the meeting prior to consideration of the personal data contained in annexes 3 & 5 to Agenda Item 5 as provided by the Data Protection Act 1998.

5. The Determination of an Application by City of York Council, Culture & Children's Services Directorate for a Premises Licence [Section 18(3)(a)] in respect of St Paul's Nursery School, 12 St Paul's Square, York, YO24 4BD (CYC-013184)

If you require any further information, please contact Tracy Wallis on Tel 01904 552062 or Fax 01904 551035 or email tracy.wallis@york.gov.uk

Distribution:

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Libraries, Council Receptions



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At any hearing of an application, the Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to

be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives.

Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

A Representor **may not** introduce any new ground or objection not referred to in the written submission unless the Sub-Committee considers there are exceptional circumstances for doing so and the Representor is able to justify why the ground or objection should be raised. The Applicant may make representations to the Sub-Committee as to why any such request to introduce a new ground should or should not be granted. In considering whether to grant a request by a Representor to introduce a new ground, the Sub-Committee will consider why the new evidence has not been produced earlier and whether the admission of such a ground would necessitate the grant of an adjournment and will consider any unfairness to the Applicant or other Representors by reason of the extra cost or delay thereby caused.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties

13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
15. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case [*maximum 5 minutes*].
17. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor (*if present*) on law and jurisdiction.
18. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)
 - paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)

- paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.

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If you have any further access requirements such as parking close by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 613161 for this service.

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Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin tercümesini hazırlamak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel. (01904) 613161.

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کسی بھی دوسری زبان میں معلومات کی دستیابی ترجمہ شدہ معلومات، ترجمان کی شکل میں پیشینہ بنانے کے لئے ہر ممکن کوشش کی جائے گی، بشرطیکہ اس کے لئے پہلے سے منا سب اطلاع کی جائے۔ ٹیلی فون (01904) 613161

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- Public libraries, Council Receptions and the Press get copies of **all** public agenda/reports.
- Applicant
- Representors & the relevant Responsible Authorities

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Licensing Act 2003 Sub Committee**30 August 2007**

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for St Paul's Nursery School, 12 St Paul's Square, York, YO24 4BD**Summary**

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-013184.
3. Name of applicant: CYC Learning, Culture and Children's Services Directorate
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application: The nature of the application is to provide regulated entertainment consisting of plays, films, indoor sporting events, live music, recorded music and performance of dance and the provision of entertainment facilities for making music and dancing, Monday to Sunday 08:00 hours to 23:00 hours.

Background

6. A copy of the application is attached at Annex 1.

Promotion Of Licensing Objectives

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. General: All functions are fully supervised by school staff, governors and/or other community groups.
9. The prevention of crime and disorder: Occasional school events will be supervised by school staff. Appropriate staffing will be in place for community events.
10. Public Safety: Suitable health and fire risk assessments have been carried out.

11. The prevention of public nuisance: All live regulated entertainment will cease at 23:00hours.
12. The protection of children from harm: The establishment is an environment designed for the safe accommodation of children. Clear guidelines and procedures are in place to ensure the protection of children.

Special Policy Consideration

13. This premise is not located with the special policy area.

Consultation

14. Consultation was carried out by the applicant in accordance with s13, and s17(5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
15. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

16. A representation was received from North Yorkshire Fire and Rescue Service on the grounds of public safety asking for occupancy figures to be attached as a condition to the premises licence. A copy of this representation is attached at Annex 2. The representation was subsequently withdrawn after the applicant agreed to the condition.

Summary of Representations made by Interested Parties

17. A representation has been received from the interested party detailed at Annex 3 (confidential). This representation is attached at Annex 4.
18. The address of the interested party is indicated on the map attached as Annex 5 (confidential). A further map indicating the general area from which the representation was received is attached at Annex 6.
19. An “interested party” is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.
20. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Planning Issues

21. There are no planning issues or conditions in relation to these premises.

Options

22. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
23. Option 1: Grant the licence in the terms applied for.
24. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
25. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
26. Option 4: Reject the application.

Analysis

27. The following could be the result of any decision made this Sub Committee:-
28. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
29. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
31. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Priorities

32. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
33. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

34.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

35. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
36. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

37. Members determine the application.

Contact Details

Author:

John Lacy
Acting Licence Manager
Licensing & Regulation

Ext: 1593

Chief Officer responsible for the report:

Andy Hudson
Assistant Director
Neighbourhood Services

Ext: 1814

Report Approved



Date 20 August 2007

Specialist Implications Officer(s)

Suzan Hemingway
Head of Legal & Democratic Legal Services

Ext: 1004

Wards Affected: Holgate

For further information please contact the author of the report

Background Papers:

Annex 1 - Copy of the application form

Annex 2 - Copy of representation received from North Yorkshire Fire & Rescue Service

Annex 3 (Confidential) - Details of Interested Party

Annex 4 - Copy of Representation from Interested Party

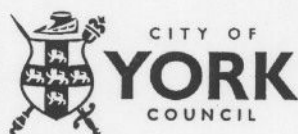
Annex 5 (Confidential) - Map of area indicating address of Interested Party

Annex 6 - Map showing general area from which representation received

Annex 7 - Mandatory Conditions

Annex 8 - Legislation and Policy Considerations including Note for Members

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CITY OF YORK COUNCIL

Licensing & Regulatory Services, 9 St Leonards Place, York, YO1 7ET

RECEIVED

05 JUN 2007

July

Application for a premises licence to be granted 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 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.

We, Learning, Culture and Children's Services Directorate, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Part 1 – Premises Details

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

ST. PAULS NURSERY SCHOOL
12 ST. PAULS SQUARE

Post town YORK

Post code YO24 4SD

Telephone number of premises (if any)

01904 622291

Non domestic rateable value of premises

£ 17 250 .

Part 2 – Applicant Details

Please state whether you are applying for the licence as:

- Please tick ✓
- a) an individual or individuals* ☐
 - b) a person other than an individual*
 - i. as a limited company ☐
 - ii. as a partnership ☐
 - iii. as an unincorporated association or ☐
 - iv. other ☐
 - c) a recognised club ☐
 - d) a charity ☐
 - e) The proprietor of an educational establishment ☒

- ☐ please complete section (A)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☒ please complete section (B)

21 JUN 2007

ACTION BY

- f) A health service body ☐ please complete section (B)
- g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital ☐ please complete section (B)
- h) The chief officer of police of a police force in England and Wales ☐ please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐
- I am making the application pursuant to a
 - Statutory function; or ☐
 - A function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐	Mrs ☐	Miss ☐	Ms ☐	Other title (for example, Rev) ☐
Surname		First names		

Please tick ✓ yes

I am 18 years old or over

☐

Current postal address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr

☐

Mrs

☐

Miss

☐

Ms

☐Other title
(for example, Rev)☐

Surname

First names

Please tick ✓ yes

I am 18 years old or over

☐Current postal address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name	ST. PAULS NURSERY SCHOOL
Address	12 ST. PAULS SQUARE YORK. YO24 4BD
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	School – Education Establishment, City of York
Telephone number (if any)	01904 622291
E-mail address (optional)	St.Pauls.nursery@York.gov.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

If 5000 or more people attend the premises at any one time, please state the number expected to attend

--

Please give a general description of the premises (please read guidance note 1)

A maintained Nursery School close to the centre of York situated in a residential region.

The school has 109 pupils on roll aged 3 and 4 years old.

The school employs 17 staff and a thriving extended school programme including the provision of wraparound daycare.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

Provision of regulated entertainment

- | | | |
|----|---|--------------------------|
| 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) | performance 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 entertainment facilities for:

- | | | |
|----|---|--------------------------|
| i) | making music (if ticking yes, fill in box I) | ✓ |
| j) | dancing (if ticking yes, fill in box J) | ✓ |
| k) | entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | ☐ |

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

☐

Sale by retail of alcohol (if ticking yes, fill in box M)

☐

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish			
Mon	0800	2300	Please give further details here (please read guidance note 3)		
Tue	0800	2300	Performance of plays by school groups, community groups and professional companies.		
Wed	0800	2300	State any seasonal variations for performing play (please read guidance note 4)		
Thur	0800	2300	Occasional		
Fri	0800	2300	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish			
Mon	0800	2300	Please give further details here (please read guidance note 3)		
Tue	0800	2300	Viewing of films by school and community groups		
Wed	0800	2300	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	0800	2300	Occasional		
Fri	0800	2300	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) Presentation of indoor sporting events such as 5 a-side football, badminton, gymnastics and table tennis.
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 4) Occasional
Mon	0800	2300	
Tue	0800	2300	
Wed	0800	2300	
Thur	0800	2300	
Fri	0800	2300	
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Sat	0800	2300	
Sun	0800	2300	

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	
Day	Start	Finish	Indoors	
			Outdoors	
			Both	
Mon			Please give further details here (please read guidance note 3)	
Tue				
			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)	
Wed				
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Fri				
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	0800	2300			
Tue	0800	2300	Presentation of musicals, school concerts and recitals by school groups, community groups and professional companies.		
Wed	0800	2300	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	0800	2300	Occasional		
Fri	0800	2300	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	0800	2300			
Tue	0800	2300	School discos, ceilidhs, community events and parent/governor charity events		
Wed	0800	2300	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	0800	2300	Occasional		
Fri	0800	2300	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

G

Performance of dance. Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish	Please give further details here (please read guidance note 3) Presentation of School productions and dance events by school groups, community groups and professional companies.		
Mon	0800	2300			
Tue	0800	2300	State any seasonal variations for the performance of dance (please read guidance note 4) Occasional		
Wed	0800	2300			
Thur	0800	2300	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri	0800	2300			
Sat	0800	2300			
Sun	0800	2300			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
			Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e), f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri					
Sat					
Sun					

I

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			A range of music making facilities will be provided by the school		
			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish	Both	✓	
Mon	0800	2300	Please give further details here (please read guidance note 3)		
Tue	0800	2300	Music workshops		
Wed	0800	2300	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur	0800	2300	Occasional		
Fri	0800	2300	Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

J

Provision of facilities for dancing Standard timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)				
					Indoors		
			Day	Start	Finish	Outdoors	
						Both	✓
Mon	0800	2300	Please give further details here (please read guidance note 3)				
Tue	0800	2300	Dance and drama workshops				
Wed	0800	2300	State any seasonal variations for providing dancing facilities (please read guidance note 4)				
Thur	0800	2300					
Fri	0800	2300	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)				
Sat	0800	2300					
Sun	0800	2300					

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list. (please read guidance note 5)		

L

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 (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
					Day	Start
Mon						
Tue						
Wed						
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Fri						
Sat						
Sun						
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as premises supervisor
Name
Address
Postcode
Personal licence number (if known)
Issuing licensing authority (if known)

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	Occasional events. Members of the public would only attend functions by invitation/prior arrangement.
Mon	0800	0000	
Tue	0800	0000	
Wed	0800	0000	
Thur	0800	0000	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Fri	0800	0000	None
Sat	0800	0000	
Sun	0800	0000	

P

Describe the steps you intend to take to promote the four licensing objectives:

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

All functions are fully supervised by school staff, governors and/or community groups.

b) The prevention of crime and disorder

Occasional school events will be supervised by school staff. Appropriate staffing will be in place for community events.

c) Public safety

Suitable health & safety and fire risk assessments have been carried out.

d) The prevention of public nuisance

All live regulated entertainment will cease at 2300.

e) The protection of children from harm

The establishment is an environment designed for the safe accommodation of children. Clear guidelines and procedures are in place to ensure the protection of children.

Please tick ✓ Yes

- I have made or enclosed payment of the fee ☐
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☐
- I understand that I must now advertise my application ☒
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature * Maggie Be * 5/6/07

Date 5/6/07

Capacity HEADTEACHER

For joint applications signature of 2nd applicant 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 address for correspondence associated with this application (please read guidance note 13)

Colin Jackson
Arts & Culture Service
Mill House
North Street

Post town: York

Post code: YO23 2QH

Telephone number (if any): 01904 554664

If you would prefer us to correspond with you by e-mail, your e-mail address (optional):
Colin.jackson@york.gov.uk

Notes for guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e. Christmas Eve.
6. Please give timings in 24 hour clock (eg 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick on. If you wish people to be able purchase alcohol to consume away from the premises, please tick off. If you wish people to be able to do both, please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Chief Fire Officer N M Hutchinson BA(Hons);MA;MSc;MLFire E.

Your
Reference:

My Reference: FS/YOR2617 /MA

When Mr M Aitken Ext 4856
telephoning Direct dial 01904616107
please ask for:

Area Fire Safety Manager
Clifford Street
YORK
North Yorkshire
YO1 9RD

Telephone 01904 625272
Fax: 01904 620732

Thursday, 05 July 2007

Dear Madam,

LICENSING ACT 2003

Application for a premises licence under section 17

Applicant: Learning Culture and Children's Service Directorate, City Of York Council.

Premises: Saint Paul's Nursery Schoolm 12 Saint Paul's Square, York YO24 4BD

With reference to the above application it is confirmed that the Fire Authority wish to
MAKE REPRESENTATIONS.

PUBLIC SAFETY:

The fire safety measures are not appropriate in the circumstances of the case having
assessed the risk to the public and the adequacy of existing safety measures.

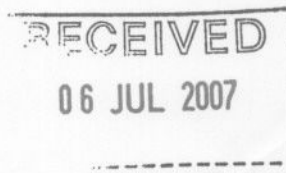
The fire safety measures indicated below should be implemented to provide an
adequate level of protection to the public appropriate in the circumstances of the
case.

The maximum occupancy figures for the rooms should not exceed:

F7, first floor, 60 persons.

Continued.....

Janice Cockerill
Licensing Regulations and Services,
City of York Council,
9 St Leonards,
York YO1 7ET



F7 should not be used for any licensed purpose during the hours of darkness, the plans in support of the application show no emergency lighting in this area. It should be confirmed by the applicant whether or not this area is covered by an emergency lighting system.

G1 & G3 ground floor. These rooms are served by three exits one shown on the plan in the area of G14 is inward opening (apparently with fire resisting doors on either side to protect the stairway to first floor) This door is discounted as it serves as an exit for those using the upper floor.

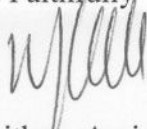
The large double doors to the right of G14 are discounted as being the largest and are to be assumed as being unavailable in the event of fire. This leaves just one exit G2 which is shown on the drawing as being inward opening.

The occupancy for the ground floor should be restricted to 60 persons if it is to be used at the same time as the ground floor. It could be increased to 100 with the first floor in use if the inward opening door at G2 is securely held in the open position while licensed events are taking place, and if there is another door in front of the door at G2, this door should also be outward opening.

An occupancy figure of 100 would be acceptable for the ground floor with the first floor not in use and the doors at G2 and G14 remaining inward opening.

Should you wish to discuss any item contained in this report please contact the Officer whose name and telephone number appears at the head of this letter.

Yours Faithfully

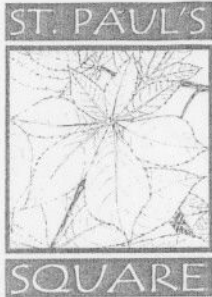


M J Aitken. Assistant Fire Safety Inspector.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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The St Paul's Square Association

St Paul's Square
YORK

024 481

01904 639133

p.fisher@dsl.pipex.com

PLANNING

03 AUG 2007

DESIGN

5 August 2007

Dear Ms Cockerill

LICENSING APPLICATION – ST PAUL'S SQUARE NURSERY SCHOOL

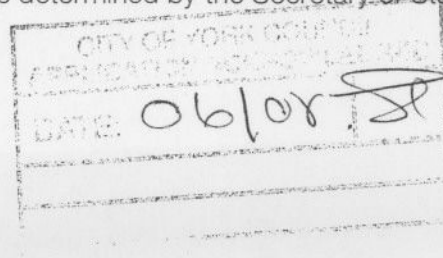
Further to our recent telephone conversation regarding the above licensing application, I am writing on behalf of the Committee of the St Paul's Square Association to **object** to the application.

Firstly, I feel that it is wrong to submit such an application shortly before the school holidays when many residents, who would be affected if it were granted, are away on holiday and may thus have no chance to make their own objections.

Secondly, it seems inappropriate to make blanket applications in respect of all York schools, regardless of their individual size, location and status. An application which may be perfectly reasonable and acceptable in the case of a large secondary school, situated in its own grounds, is unlikely to be appropriate in the case of a nursery school, converted in the past from a dwelling, physically attached to residential properties and still surrounded by an overwhelmingly residential area.

We wish to object to the specific application in respect of the St Paul's Square Nursery School on the grounds of **nuisance**, bearing in mind the particular circumstances in this case. The purposes for which the licence is sought are stated to be the staging of plays, the holding of indoor sporting events and for music and dancing. Some of these may be acceptable in themselves, but all are likely to exacerbate the existing traffic and parking situation in the Square. We have been given to understand that these applications are merely to legitimise an existing situation. However, if a licence were granted, there would clearly then be scope for extending the activities to a degree which could give rise to a nuisance to residents of the Square. I will deal briefly with each of the three activities:

- *As regards the activity itself*, we see no objection to the staging of plays.
- The Nursery School, having been converted to its present use from a private house, is unlikely to be suitable for the holding of indoor sporting events without considerable internal adaptation, if at all. Bearing in mind that the Nursery School, like most of the houses in the Square, is a listed building, any internal alterations would require listed building consent. As the City of York Council would be the applicant, any application would have to be determined by the Secretary of State.



- The nuisance to which music and dancing may give rise in an otherwise residential area, particularly to the immediately adjacent properties, No. 11 (attached) and No. 15 (directly opposite) needs little imagination or elaboration, particularly if it can take place up to 11.00 pm.

However, our main concern is with the traffic movements and parking problems to which these activities would give rise, particularly in the evenings. Parking in the Square is already extremely difficult for much of the day, simply due to the incidence of car ownership in relation to the available length of kerbside parking space. This is further aggravated by two additional circumstances:

- Extraneous parking by commuters, etc. in violation of our Access Only Order. We understand that enforcement of this is a matter for the Police, but they do not appear to regard it as a very high priority.
- Parents delivering and collecting their children to/from the Nursery School. This occurs as many as four times a day. In spite of the best efforts of the head teacher to encourage more considerate behaviour, parents frequently ignore double yellow lines and even at times block the road adjacent to the School, obstructing the passage of both residents' and emergency vehicles.

I enclose some photographs to illustrate the congestion which *already* occurs in the vicinity of the Nursery School.

Approval of this licensing application would be likely to have the effect of exacerbating and extending our already serious traffic and parking problems into the early and late evening. At present, some relief of the situation is offered by the fact that many residents are out at work when most of the problems caused by the School occur. This would not be the case if extra-curricular activities were allowed to extend into the evening.

We are not seeking to inhibit those activities which take place at the moment, but are concerned that approval of this licensing application could leave open the door to an intensification of these activities, which could become a source of further nuisance to residents.

For these reasons we strongly urge that this licensing application be disallowed.

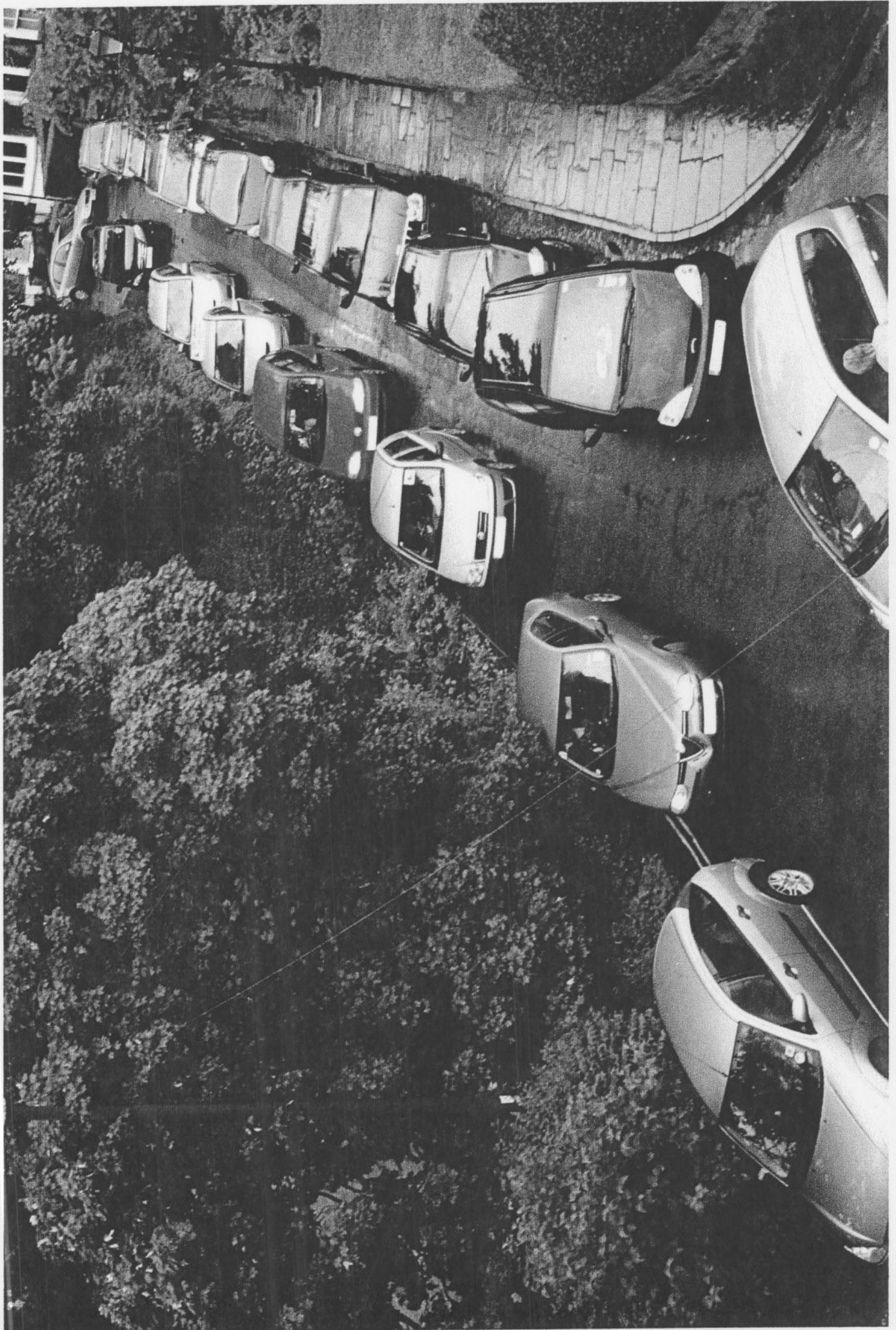
Yours sincerely

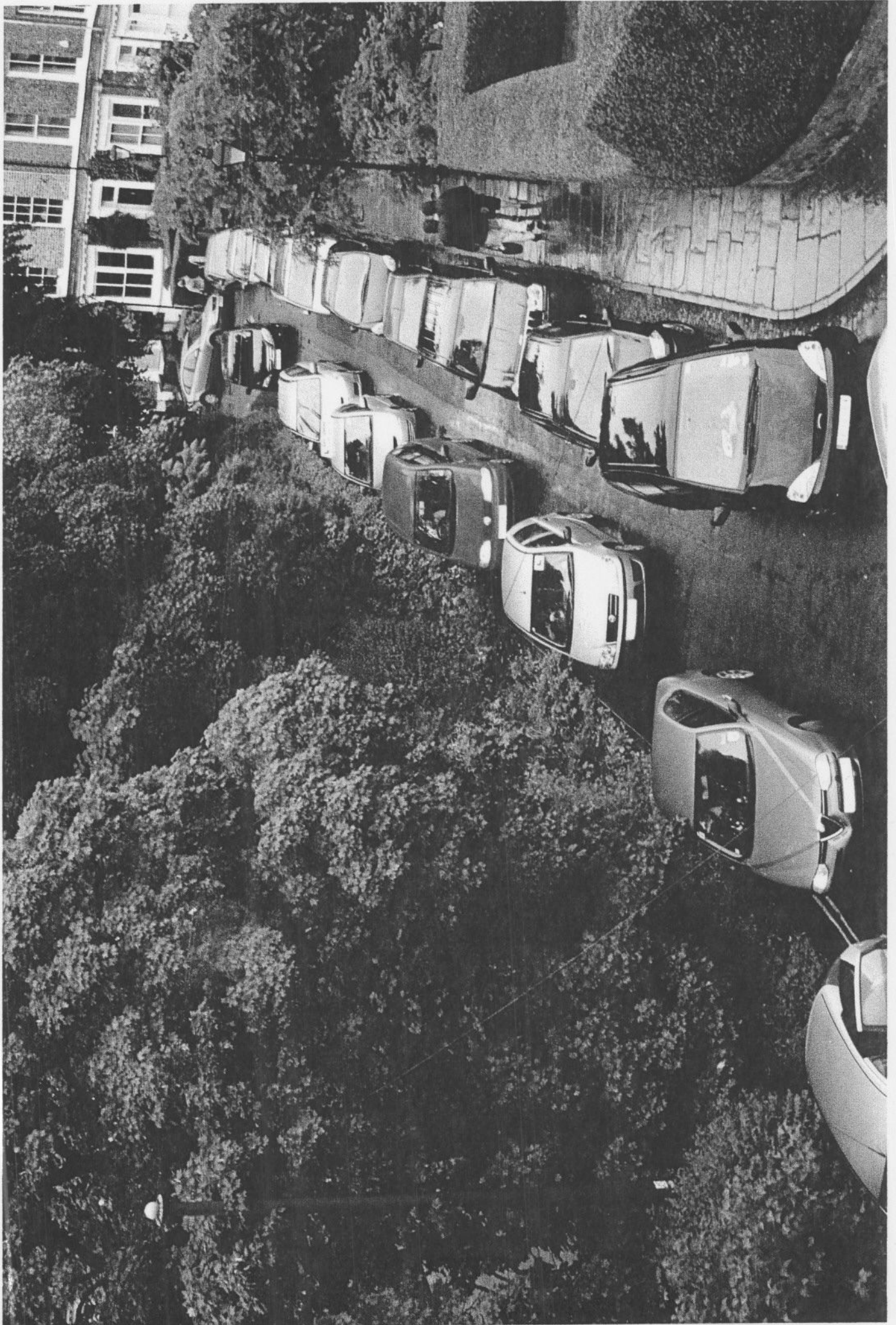


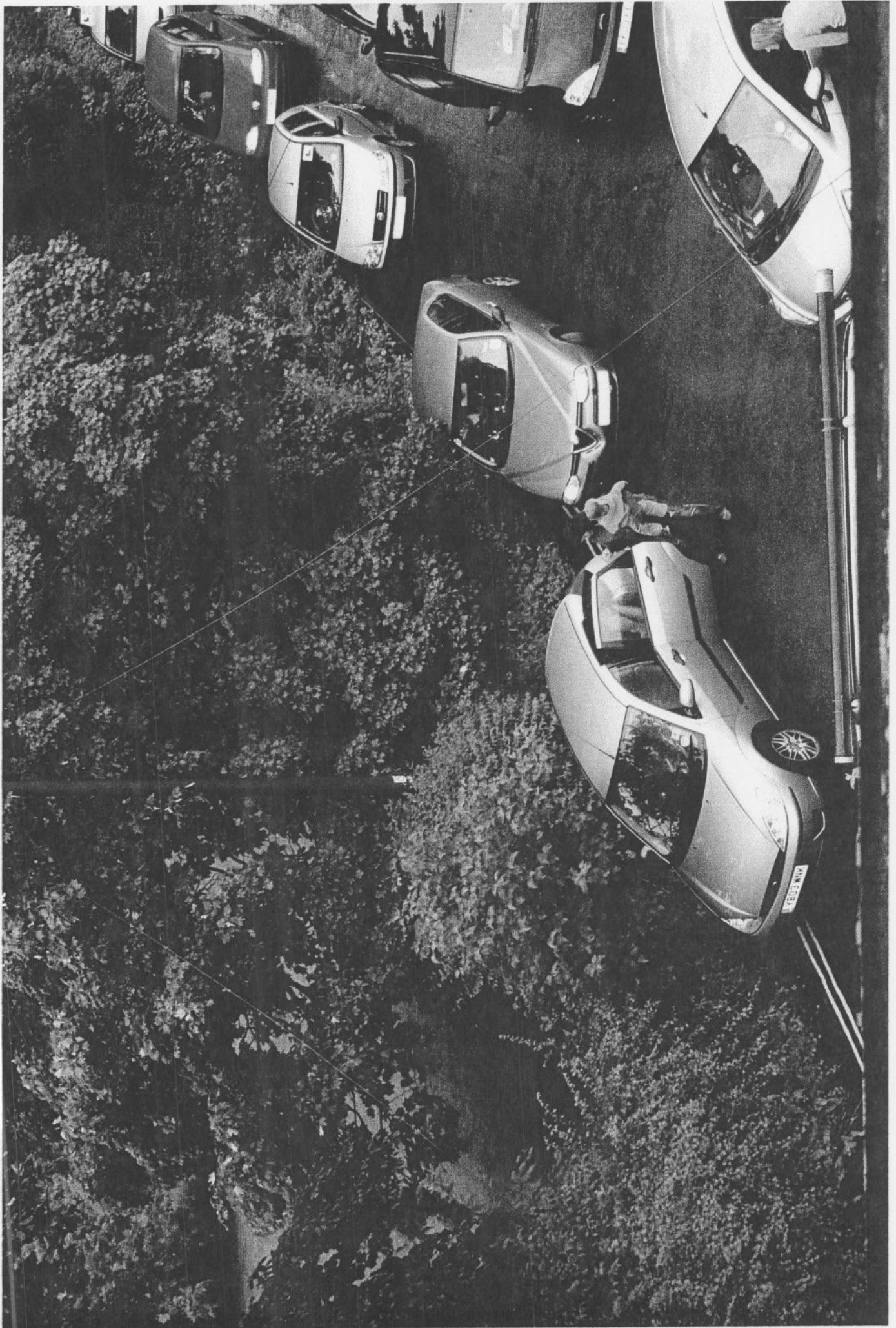
Peter Fisher

on behalf of the St Paul's Square Association

Ms Janice Cockerill
Licensing Department
City of York Council
9 St Leonard's Place
YORK
YO1 7ET





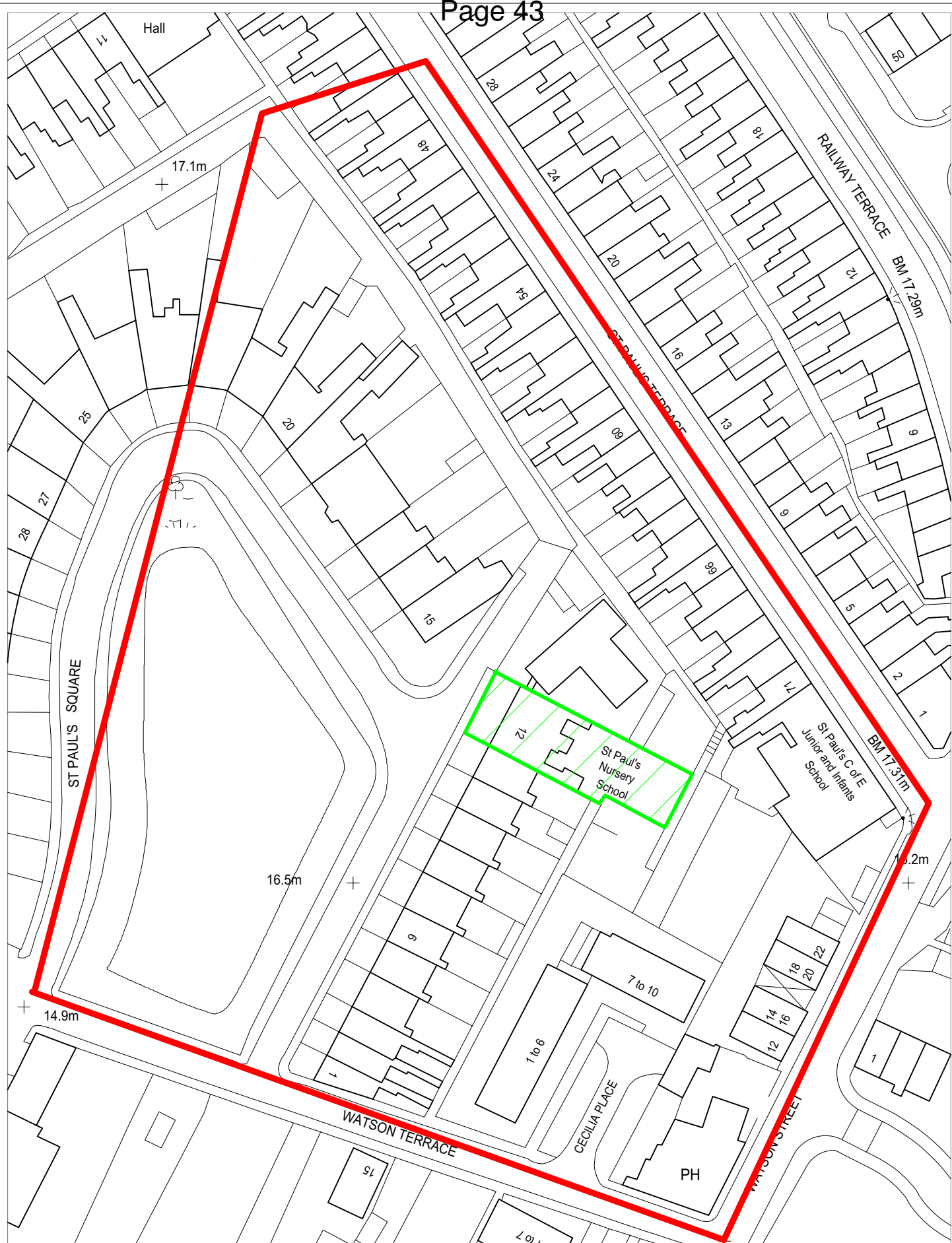


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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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CITY OF
YORK
COUNCIL

9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

ST. PAUL'S NURSERY SCHOOL, 12 ST. PAUL'S SQUARE

SCALE 1:800
Originating Group

DRAWN BY PSL
Project

DATE 8/8/2007
Drawing No.

SPNSPS1A

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City of York Council LA 1000 20818

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**MANDATORY CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003**

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- (1) In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that 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.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY CONDITION: EXHIBITION OF FILMS

- (1) In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where –
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section –
 - “children” means persons aged under 18; and
 - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

MANDATORY CONDITION: DOOR SUPERVISION

- (1) In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must –
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
- (2) But nothing in subsection (1) requires such a condition to be imposed –
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to –
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section –

- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Legislation and Policy Considerations

1. The following provisions of the Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s17 application for premises licence; s18 determination of application for premises licence; s23 grant or rejection of application; and ss19, 20 and 21 mandatory conditions.
2. The following provisions of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Section 2 The Licensing Objectives and Paragraph 8.28 Steps to promote the licensing objectives.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 3.2 Crime and Disorder; 4.1 Consultation on New Premises Applications, Club Premises Certificates, Variations and Provisional Statements; 4.2 General Principles for Determination of Applications; 5.0 Guidelines for Applicants; 7.0 Licensing Hours and Appendix D Pool Conditions.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

NOTE FOR MEMBERS

Extracts from Revised Guidance issued under section 182 of the Licensing Act 2003 (in force 28 June 2007). The following amendments to paragraphs in the Guidance may have relevance at a hearing to determine an application for the grant, variation or review of a premises licence or club premises certificate.

Related Legislation and Strategies

1.26 Licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or (once the smoking ban comes into force) in a smoking shelter, where and to the extent that these matters are within their control.

1.27 In addition, when considering a new premises licence or following reviews that have identified problems with a particular premises, licensing authorities may consider imposing conditions as appropriate, such as preventing customers from taking open containers outside the premises or installing CCTV. However, any conditions imposed must not be aspirational and must be within the control of the licensee. For example, a condition may require a premises to adopt a particular dispersal policy, but a licensee cannot force customers to abide by it.

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.

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.