

LICENSING SUB COMMITTEE AGENDA

Thursday, 16 May 2019 at 11.30 am in the Blaydon Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
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1	Temporary Event Notice (Pages 3 - 72)
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	Report of the Acting Strategic Director, Communities and Environment
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TITLE OF REPORT: **Temporary Event Notice**
The Bisley, 19 Shibdon Road, Blaydon, NE21 5AF

REPORT OF: **Strategic Director, Communities & Environment:**
Licensing Officer

1. PURPOSE OF THE REPORT

The Sub-Committee is asked to consider a notification given by Deborah Walker for a temporary event to be held at The Bisley, 19 Shibdon Road, Blaydon, NE21 5AF.

Northumbria Police and Gateshead Council's Environmental Health Team have objected to this notice.

2. BACKGROUND

The Application

This report relates to a notification submitted by Deborah Walker on 29 April 2019 under s.100 of the Licensing Act 2003 for a temporary event to be held at The Bisley, 19 Shibdon Road, Blaydon, NE21 5AF.

The notification received was for:

- The sale by retail of alcohol (for consumption on the premises)
- The provision of regulated entertainment

on

- 19 May 2019
 - 00:01-01:30 hours

This Temporary Event Notice is attached at Appendix 1.

The notification was submitted at least 10 working days ahead of the event and therefore is a standard notice.

As these notices were submitted electronically the Licensing Authority ensured that copies were served on Northumbria Police and Gateshead Council's Environmental Health Team.

The Bisley, 19 Shibdon Road, Blaydon, NE21 5AF does currently benefit from a Premises Licence however is for the ground floor only. I attach a copy of the premises licence as Appendix 1.1

3. OBJECTION

The Council's Environmental Health Team have objected on the grounds of prevention of public nuisance (see Appendix 2).

Northumbria Police have objected on the grounds of the prevention of crime and disorder (see Appendix 2.1).

As a result of the objections the Applicant provided further information about her event. I attach this further information as Appendix 2.2

4. PARTIES

The parties to the hearing will be:

- a) The applicant, Deborah Walker
- b) Environmental Health; and
- c) Northumbria Police

5. CONSIDERATION

The areas for consideration by the Sub-Committee are:

- The Temporary Event Notice
- The objection from Environmental Health
- The objection from Northumbria Police
- Whether or not to serve a Counter Notice for the Temporary Event Notice

6. THE POLICY & GUIDANCE

When carrying out its functions the Sub-Committee must have regard to

- (a) the Statement of Licensing Policy, and
- (b) the Amended Guidance (April 2018) issued under Section 182 of the Licensing Act 2003 by the Secretary of State

Some parts of the Policy and Guidance are reproduced in Appendices 3 and 4.

An area plan is attached at Appendix 5.

7. FOR DECISION

The Sub-Committee is to decide whether or not to serve a Counter Notice to Ms Walkers' Temporary Event Notice.

APPENDICES

Appendix:	1 1.1	Temporary Event Notice application form Premises Licence
Appendix	2 2.1 2.2	Objection from Environmental Health Objection from Northumbria Police Further information from the Applicant
Appendix	3	Relevant Extracts from Gateshead Council's Licensing Policy
Appendix	4	Relevant extracts from the Amended Guidance issued under Section 182 of the Licensing Act 2003
Appendix	5	Area Plan

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* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Deborah

* Family name

Walker

* E-mail

debbiewalker101@gmail.com

Main telephone number

07828678684

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☐ Applying as a business or organisation, including as a sole trader
☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="The Bisley"/>
* Street	<input type="text" value="17-19 Shibdon Road"/>
District	<input type="text"/>
* City or town	<input type="text" value="Blaydon On Tyne"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="NE21 5AF"/>
* Country	<input type="text" value="United Kingdom"/>

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APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

☐ Yes ☒ No

* Your date of birth

<input type="text" value="30"/>	/	<input type="text" value="06"/>	/	<input type="text" value="1964"/>
dd		mm		yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="The Bisley"/>
Street	<input type="text" value="17-19 Shibdon Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Blaydon On Tyne"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="NE21 5AF"/>
Country	<input type="text" value="United Kingdom"/>

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). ([See also guidance on completing the form, note 2](#))

* Does the premises have an address?

☒ Yes ☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither ☒ Premises licence ☐ Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

PUBLIC HOUSE AND PREMISES KNOWN AS THE BISLEY HOTEL 19 SHIBDON ROAD BLAYDON

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

THE PREMISES IS A PUBLIC HOUSE

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

THE EVENT IS AN ANIVERSARY /BIRTHDAY CELEBRATION OF A RECENTLY DECEASED MARK HUNTER A LOCAL FROM BLAYDON ORGANISED BY THE LOCAL COMMUNITY, HE WAS A REGULAR VISITOR TO THE PUB HENCE THE ORGANISERS WANTING THIS LOCATION

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

([see also guidance on completing the form, note 6](#)):

- ☒ 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
- ☒ The provision of regulated entertainment
- ☐ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

([See also guidance on completing the form, note 7](#)).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 8](#)).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 9](#))

Event start date

19

 /

05

 /

2019

dd

mm

yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

19

 /

05

 /

2019

dd

mm

yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

00:01 to 01:30

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

100

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only
- ☐ Off the premises only
- ☐ Both

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RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

There will be a DJ playing music 00:01 to 01:30

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Northumberland

Licence number

NPL/2357

Date of issue

01 / 07 / 2006
dd mm yyyy

Any further relevant details

Section 7 of 9**PREVIOUS TEMPORARY EVENT NOTICES** ([See also guidance on completing the form, note 15](#))

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☐

Yes

☒

No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9**ASSOCIATES AND BUSINESS COLLEAGUES** ([See also guidance on completing the form, note 16](#))

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐

Yes

☒

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐

Yes

☒

No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes ☒ No

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

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CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * The information contained in this form is correct to the best of my knowledge and belief
- * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/gateshead/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY	
Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

Licensing Act 2003

Premises Licence

Premises Licence Number **00CH 04183**

Part 1 - Premises Details

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

The Bisley
19 Shibdon Road

Post town	Blaydon on Tyne	Postcode	NE21 5AF
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Telephone number	0191 4400336
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Where the licence is time limited, the dates

N/A

Licensable activities authorised by the licence

1. The sale by retail of alcohol
2. The provision of regulated entertainment:

live music and recorded music; performance of dance; entertainment of a similar description; provision of facilities for making music and dancing and for entertainment of a similar description

The times the licence authorises the carrying out of licensable activities

For the supply of alcohol:

Sunday to Thursday	10:00 – 23:00 hours
Friday and Saturday	10:00 – 00:00 hours (midnight)
Bank Holiday Sunday and Monday	10:00 – 00:00 hours (midnight)
New Years Eve	10:00 hours to the start of permitted hours on New Years Day

For the provision of regulated entertainment:

Sunday to Thursday	10:00 – 23:00 hours
Friday and Saturday	10:00 – 00:00 hours (midnight)
Bank Holiday Sunday and Monday	10:00 – 00:00 hours (midnight)

The opening hours of the premises

Monday to Thursday	10:00 – 23:45 hours
Friday and Saturday	10:00 – 00:30 hours
Sunday	10:00 – 23:30 hours
Bank Holiday Sunday and Monday	10:00 – 00:30 hours
New Years Eve	10:00 hours to the start of permitted hours on New Years Day

Where the licence authorises supplies of alcohol, whether these are **On and/or **Off** supplies**

For consumption on and off the premises

Part 2

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

Punch Taverns Limited
Jubilee House
Burton upon Trent
Staffordshire
DE14 2WF

Tel: 01283 501600

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

03752645

Name, address and telephone number of Designated Premises Supervisor where the premises licence authorises the sale of alcohol

Deborah Walker
8 Dene View
Bedlington
Northumberland
NE22 5NW

Personal Licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol

NPL/2357 Northumberland County Council

Signature on behalf of the issuing licensing authority

Date Of Issue : 6 September 2017



Environmental Health, Licensing and Enforcement Manager
Development and Public Protection

Supply of alcohol

1. No supply of alcohol may be made under the premises licence;
 - (a) At a time when 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 or her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. Drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either –
 - (a) A holographic mark, or
 - (b) An ultraviolet feature.
6. The responsible person must ensure that –
 - (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) available to customers in the following measures –

- i. Beer or cider: ½ pint;
 - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii. Still wine in a glass: 125ml.
- (b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Prohibition on sale of alcohol below cost of duty plus VAT

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –

- a. 'Duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979.
- b. 'Permitted price' is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- i. P is the permitted price,
 - ii. D is the rate of duty chargeable in relation to the alcohol as if duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.
- c. 'Relevant person' means, in relation to premises in respect of which there is in force a premises licence –
- i. The holder of the premises licence,
 - ii. The designated premises supervisor (if any) in respect of such a licence, or
 - iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence.
- d. 'Relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question, and
- e. 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph b of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4.
 - a. Sub-paragraph b below applies where the permitted price given by paragraph b of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.
 - b. The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door Supervision

1. Any person(s) required to be on the premises to carry out a security activity must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of Section 4 of that Act.

Annex 2 - Conditions consistent with the operating schedule.

1. Alcohol shall not be sold or supplied except during the hours set out in the Licence.
2. Condition 1 does not prohibit:
 - a) during the first thirty minutes (forty-five minutes Monday to Thursday) after the above hours the consumption of alcohol previously supplied
 - b) during the first thirty minutes (forty-five minutes Monday to Thursday) after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel
 - c) during the first thirty minutes (forty five minutes Monday to Thursday) after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to meals
 - d) consumption of the alcohol on the premises by or the taking or supply of alcohol to any person residing in the premises
3. Alcohol shall not be supplied unless it is paid for before or at the time when it is supplied, except alcohol supplied
 - a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
 - b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
 - c) to a canteen or mess
4. No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage.
5. Regulated entertainment shall not be provided except during the hours set out in the Licence.
6. Windows, doors and fire escapes shall remain closed during regulated entertainment within the premises.
7. Noise and vibration from the premises shall not be audible outside the premises at the nearest noise sensitive location.
8. The Licence Holder, Designated Premises Supervisor or some responsible person over the age of 18 years nominated by the Licence Holder in writing, shall be in charge and present in the licensed premises at all times when they are open for the purpose of this Licence, and there shall also be during such times, a sufficient staff of competent attendants on duty on the premises for the purpose of securing safety. The person in charge shall not be engaged in any duty which will prevent him from exercising a general supervision.
9.
 - (a) The premises shall not be used for a closely seated audience, except in accordance with plans previously submitted to and approved by the Licensing Authority. A copy of the seating plans shall be kept readily available at the premises and shall be shown to any inspecting officer on request.
 - (b) Articles or fixtures which may be attached to the backs of seats shall not reduce the clear width of the seatways or constitute objectionable projections and any attachments shall be so arranged as not to trail on the floor or cause an obstruction.
10. Except with the written approval of the Licensing Authority:-
 - (a) All doors on exit ways shall open in line of egress from the premises.
 - (b) No chairs, seats, barriers, or other obstruction, whether fixed or moveable, shall be placed or allowed in any gangway, passage or exit of the licensed premises, or in any part of the Licensed premises which may be used as an exit. No person, except an EMPLOYEE of the Licence Holder, shall be permitted to stand, sit or remain in any vestibule, passage staircase, lobby corridor,

gangway or space forming part of any exit way of the licensed premises, or to use the same for any purpose except that of passing to or from the licensed premises or any part thereof.

- (c) No corridor or passage which is or may be an exit, or which leads to an exit, shall be used as a cloakroom, and no pegs for hanging hats or coats shall be allowed therein.
 - (d) No curtain or drapes shall be hung over any exit door or across any gangway.
 - (e) Exit doors used by the public shall, where required by the Licensing Authority in writing, be fitted with panic fastenings, the pattern and positions of which shall have been approved in writing by the Licensing Authority. Any such fastenings shall have clearly indicated their method of operation.
11. If the Licensing Authority shall have approved the use of chains, padlocks or other devices for securing exit doors when the public are not on the licensed premises, the Licence Holder shall ensure the removal of such chains, padlocks and other devices before the admission of the public and shall ensure that they are hung on a board kept only for that purpose throughout the times the public are present in the Licensed premises. Such board and its location shall have been approved in writing by the Licensing Authority.
12. (a) All doors or openings provided for the purpose of the egress of the public from the premises shall be clearly indicated by the words 'EXIT' or 'FIRE EXIT' and where appropriate 'FIRE EXIT KEEP CLEAR'.
- (b) Where required in writing by the Licensing Authority, doors or opening not affording a safe egress from the Licensed premises shall be clearly indicated by the words 'NO THROUGHFARE' or have notices fixed on or over then indicating the use of the portions of the premises to which they give access.
- (c) Such directional notices and signs indicating the way out of the premises shall be provided as the Licensing Authority may consider necessary.
- (d) Notices with the words 'FIRE DOOR KEEP SHUT' shall be fixed to all fire resisting doors.
13. All the signs and notices referred to in Condition 12 shall comply with the relevant British Standards for the time being in force or any other standard as may be approved in writing by the Licensing Authority.
14. All interior and exterior passages, gangways, staircase and steps leading to exits shall be adequately lighted whenever the premises are in use for the purpose of the Licence.
15. Suitable and efficient fire-fighting equipment approved in writing by the Licensing Authority shall be provided in the premises and kept in such have been approved in writing by the Licensing Authority. Such equipment shall be maintained in proper working order and available for instant use and should be tested and examined by a competent person at periods not exceeding 12 months.
16. (a) The Licence Holder, any other person in charge of the premises and all members of the staff and competent attendants shall be properly instructed in the protection of the premises from fire, the use of fire-fighting equipment provided, the action to be taken in the event of fire and the method of summoning the Fire Brigade.
- (b) Written instructions to staff and competent attendants, in the form of a notice or notices as to the action to be taken in the event of fire should be conspicuously displayed in the licensed premises. The locations of these instructions and the manner in which they are set out shall have been approved in writing by the Licensing Authority.
17. The electrical installations in the licensed premises including the emergency lighting system and fire alarm, must comply with any applicable rules and regulations and British Standard Code of Practice affecting the use of electricity for the time being in force. All electrical installations including the emergency lighting and fire alarm systems shall be inspected and tested once a year (and all or any of such installations shall be inspected at any other time at the request of the Licensing Authority if it has any reasonable cause to doubt the safety of such installations) and certified by one of the following:-
- (a) a chartered electrical engineer; or
 - (b) a member of the Electrical Contractors' Association; or
 - (c) a certified holder of the National Inspection Council for electrical installation contracting

appointed by or on behalf of the Licence Holder. The certificate (EL/6) stating the condition of the installations shall be forwarded to the Licensing Authority by or on behalf of the Licence Holder on or before the date in each year when the licence is due for annual fee in the case of the annual inspection and, in the case of any request for an inspection by the Licensing Authority, within 2 weeks of such request.

18. Each socket outlet or each circuit supplying socket outlets used or likely to be used for portable equipment used in public performances shall be protected by a device or devices which will discount the supply in the event of fault or leakage to earth. Any such device shall operate at a fault rating of not more than 30 milli-amps in a time of not more than 30 milli-seconds.
19. Unless otherwise agreed in writing by the Licensing Authority an emergency lighting system complying with the relevant British Standard Code of Practice for the time being in force or such other standard as may be approved in writing by the Licensing Authority shall be provided in the licensed premises. Such system shall be tested at least weekly. If such system of emergency lighting is found to be faulty then the premises shall not be used for the purposes for which this Licence is granted until such time as the fault is rectified and the emergency lighting is fully operational.
20. Unless otherwise agreed in writing by the Licensing Authority a fire alarm system complying with the relevant British Standard Code of Practice for the time being in force or such other standard as may be approved in writing by the Licensing Authority shall be provided in the Licensed premises. Such system should be tested at least monthly. If such fire alarm system is found to be faulty then the premises shall not be used for the purpose for which this Licence is granted until such time as the fault is rectified and the fire alarm system is fully operational.
21. A written record of all the periodic tests and examination, and the results thereof, referred to in Conditions 15,19 and 20 and of the instructions referred to in Condition 16(a) shall be made by the Licence Holder in a log-book which should be kept on the Licensed premises and shall be available for inspection by officers of the Licensing Authority, the Fire Brigade and the Police.
22. Any heating or ventilation appliance in the Licensed premises shall be constructed and installed in accordance with Building Regulations or Institute of Electrical Engineers Regulations and maintained in accordance with current good practices and shall be located only in a position approved in writing by the Licensing Authority.
23. Except with the written approval of the Licensing Authority:-
 - (a) All fixed, permanent or temporary decorations shall be of inherently incombustible materials or shall be treated and so maintained so that they will not readily catch fire.
 - (b) Curtains or drapes in the premises shall be flame-proof in accordance with the relevant British Standard for the time being in force of a type approved by the Licensing Authority and maintained in that condition.
24. If it appears to the Licensing Authority that the use of a product, material, fabric or finish might assist the spread of fire in the premises then the Licensing Authority may require such product, material fabric or finish to be replaced or to be treated in such a manner as to reduce this risk to the satisfaction of the Licensing Authority.
25. The edges of the treads of the steps and stairways shall be conspicuous. Mats, matting and other floor coverings shall be secured and maintained so that they will not ruck or be in any way a source of danger.
26. Handrails and balustrades where required are to be constructed in accordance with current Building Regulations.
27. Reflective surfaces and glazed screens shall only be provided in the Licensed premises and sited in such positions therein as may be approved in writing by the Licensing Authority.
28. Alterations or additions, either permanent or temporary, to the structure including wall and ceiling surfaces, lighting, heating or other installations or to the approved seating, gangways, stairways or any other arrangements in the premises must not be made except with the proper written approval of the Licensing Authority.
29. Where required by the Licensing Authority the storage of combustible materials within the licensed premises shall be in a fire-resistant enclosure of a standard and in such a condition as may be approved in writing by the Licensing Authority.
30. All parts of the premises, and all fittings and apparatus therein, including the seating, door fastenings and notices, and the lighting, heating, electrical and other installations, shall be maintained at all times in good order and condition to the satisfaction of the Licensing Authority.
31. The Licence Holder shall comply with any reasonable fire precaution measures, whether or not expressly provided for elsewhere in these conditions, as may be required of him in writing by the Licensing Authority.

32. The WC's and urinals in the licensed premises shall at all times be kept in good order and repair and be properly and effectively cleaned, ventilated, disinfected and supplied with water and the doors leading thereto shall be suitably marked. Adequate and separate sanitary conveniences and washing facilities shall be provided for persons of each sex. Where appropriate and practicable the numbers of sanitary appliances shall be in accordance with those recommended in British Standard Code of Practice BS6465 Part 1, 1984.
33. There shall be in the licensed premises no exhibition, recitation, acting, singing or dancing which is of an obscene character or is in any way offensive to public decency or calculated to incite any breach of the peace or disorder.
34. No drunkenness or disorder shall be permitted in the licensed premises.
35. No exhibition, demonstration or performance of hypnotism shall take place at the premises except with the written approval of the Licensing Authority and subject to any conditions attached to such approval. Application for consent shall be made, and a detailed description of the proposed event furnished to the Licensing Authority not less than 14 days before the day on which it is to take place.
36. On those occasions when disabled or handicapped persons are present on the premises such special arrangements as may be necessary in the circumstances shall be made, so as to enable all persons to leave the premises safely in the event of fire.
37. In the case of those special effects with safety implications listed below the Licence holder shall give at least 10 working days notice to the Licensing Authority of their proposed use
38. Except with the prior written approval of the licensing authority and subject to any conditions which may be attached to such approval no special effects shall be used on the premises.

Special effects include:

- dry ice machines and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics, including fireworks
 - real flame
 - firearms
 - motor vehicles
 - strobe lighting
 - lasers (see HSE guide 'The radiation safety of lasers used for display purposes' HS(G)95 and BS en 60825: 'Safety of laser products')
 - explosives and highly flammable substances
39. The Licence Holder shall ensure that no noise or vibration emanating from the licensed premises is such as to cause a nuisance to persons in the vicinity
40. The Licence Holder, shall be fully and totally responsible for the carrying out of each and every one for these terms and conditions, and for the safety of persons and employees on the premises in the event of emergency.
41. The maximum number of persons including staff to be permitted to be on the licensed premises at any one time shall be

100 in the Bar

The numbers shall be indicated by a fixed Notice bearing the words "Maximum Occupancy" with letters not less than 20mm high, conspicuously sited on each relevant part of the licensed premises at the reception point.

42. The licence holder shall ensure that a register is kept at the licenced premises in a form approved by the licensing authority showing the following details for each period of duty of any door supervisors employed at the premises, namely
- Name, date of birth, registration details and residential address
 - Date and time when that person commenced duty with a signed acknowledgement by that person
 - The date and time when that person finished duty with a signed acknowledgement by that person
 - Details of any times during the above period when that person was not on duty, with a signed acknowledgement by that person.
43. No children are permitted on the premises unless accompanied and supervised at all times by a responsible adult.

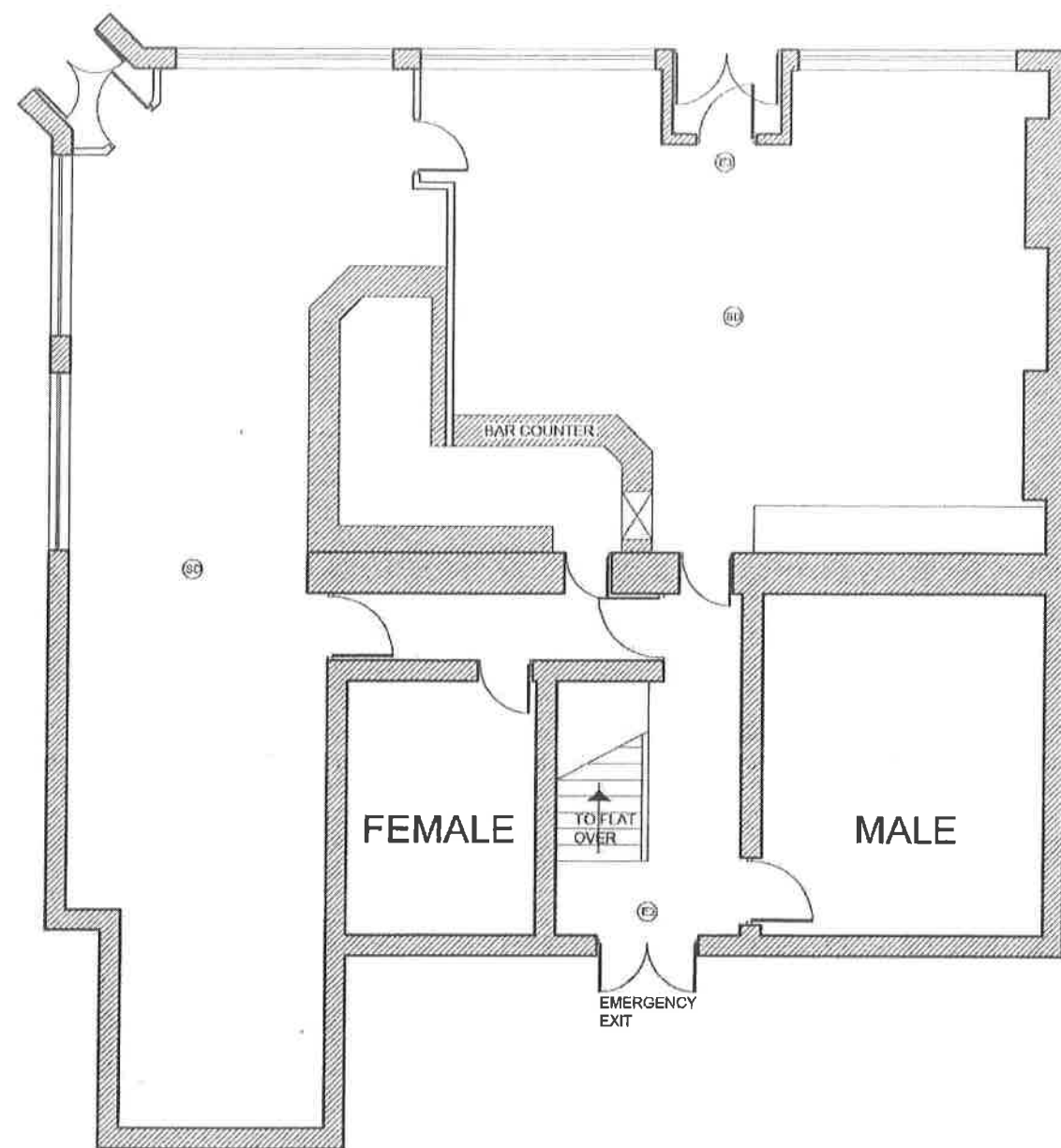
44. No children are permitted on the premises after 19:00 hours.

Annex 3 - Conditions attached after a hearing with the Licensing Authority

N/A

Annex 4 - Copy of Plan

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EXISTING GROUND FLOOR PLAN

KEY

- SD SMOKE DETECTOR
- E ILLUMINATED 'EXIT' SIGN WITH DIRECTIONAL ARROW



Scale 1:500

REV	DATE	DETAILS	DRAWN
 ROMANS Surveyors			
4 KING STREET LANE, WINNERSH, BERKSHIRE, RG41 5AB. TELEPHONE: 0118 936 6699 36 THE AVENUE, SOUTHAMPTON, HAMPSHIRE, SO17 1XN. TELEPHONE: 02380 820110 84 HEATH ROAD, TWICKENHAM, MIDDLESEX, TW1 4BW. TELEPHONE: 0208 288 0330 E-MAIL: ROMANS@ROMANS.CO.UK WWW. ROMANS.CO.UK			
ON BEHALF OF			
Punch Taverns PROJECT TITLE BISLEY, 19 SHIBDON ROAD, BLAYDON, TYNE & WEAR. NE21 5AF			
DRAWING TITLE		SCALE	
Existing Floor Plans		1:100	
DATE		DATE	
9th FEB 2005		9th FEB 2005	
DRAWN	CHECKED	DWG NO.	REV
JAG		outlet number	43303
ROMANS SURVEYORS ARE PART OF THE ROMANS GROUP INCORPORATING:		The ROMANS Group	
COMMERCIAL LAND & NEW HOMES LETTINGS	SURVEYORS RESIDENTIAL	ARCHITECTURAL FLOWER IFA RELOCATIONS	
OUTLET NO. 300346		 	

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Rebecca L Sparrow

From: Andrew Phillips
Sent: 01 May 2019 13:28
To: CE Licensing
Cc: Laura Kirton; Rebecca L Sparrow; Daniel Lines; Lisa Bainbridge; Paul Christer
Subject: RE: TEN- The Bisley 17-19 Shibdon Road Blaydon on Tyne NE21 5AF - Deborah Walker

Good Afternoon,

I refer to the TEN application below for the Bisley and wish to object on the grounds I have serious concerns the applicant will not meet the licensing objective of prevention of public nuisance.

I would add the Environmental Health service have previously received complaints of excessive noise levels in late 2017 and early 2018 from entertainment at the premises.

Any queries, please do not hesitate to contact me.

Regards

Andrew

Andrew Phillips
Environmental Health Officer
Environmental Protection Team
Gateshead Council
Tel: 0191 4333220
Fax: 0191 4774827

Email: andrewgphillips@gateshead.gov.uk

www.gateshead.gov.uk

In the interests of the environment, only print this email if absolutely necessary.

From: Laura Kirton
Sent: 29 April 2019 09:55
To: Kirsty Clark Licensing <KirstyClarkCE@Gateshead.Gov.UK>; 'licensing@northumbria.pnn.police.uk' <licensing@northumbria.pnn.police.uk>; CE Environmental Health <EnvironmentalHealth@Gateshead.Gov.UK>; Stewart Sorrell <StewartSorrell@Gateshead.Gov.UK>
Cc: Tracey Johnson <TraceyJohnson@Gateshead.Gov.UK>; 'firesafety.licensing@twfire.gov.uk'; CR Culture <Culture@Gateshead.Gov.UK>; Saira Park <SairaPark@Gateshead.Gov.UK>; Rebecca L Sparrow <RebeccaSparrow@Gateshead.Gov.UK>; Elaine Rudman <ElaineRudman@Gateshead.Gov.UK>; Natalie Goodman <NatalieGoodman@Gateshead.Gov.UK>; Gerald Tompkins <GeraldTompkins@Gateshead.Gov.UK>; Julia Sharp <JuliaSharp@Gateshead.Gov.UK>; Sarah Miller <SarahMiller@Gateshead.Gov.UK>
Subject: TEN- The Bisley 17-19 Shibdon Road Blaydon on Tyne NE21 5AF - Deborah Walker

Dear All,

Please find attached a Temporary Event Notice which has been submitted.

Applicant : Deborah Walker

Premises : The Bisley 17-19 Shibdon Road Blaydon on Tyne NE21 5AF

Date of events: 19TH May 2019

Time: 00:01 to 01:30 - Extension of current hours

Licensable activity: sale by retail of alcohol , provision of regulated entertainment

The last day for objections is Wednesday 1st May 2019.

You will note that I have copied the responsible authorities into this email for their reference. Please note that only the Police and Environmental Health can object on any of the licensing objectives.

Kind regards

Thanks

Laura

Laura Kirton

Licensing Assistant

Development and Public Protection

Communities and Environment

Gateshead Council

Civic Centre

Regent Street

NE8 1HH

Phone: +44 (0) 191 4333948. Internal ext 3948

Email: laurakirton@gateshead.gov.uk

Rebecca L Sparrow

From: Licensing Mailbox <licensing@northumbria.pnn.police.uk>
Sent: 30 April 2019 12:23
To: Laura Kirton
Cc: Rebecca L Sparrow
Subject: RE: TEN- The Bisley 17-19 Shibdon Road Blaydon on Tyne NE21 5AF - Deborah Walker

Please accept this e-mail as an objections to this temporary event notices. We are concerned that the licensing objectives and in particular the prevention of crime and disorder will be undermined should the event go ahead as applied for.

Ivana Draper 6544
Licensing Coordinator
Central
Northumbria Police & Office of the Police and Crime Commissioner
Ext: 74158 | T: 01914374158 | M: 07736193757
www.northumbria.police.uk | www.northumbria-pcc.gov.uk

'Northumbria Police will be outstanding in the service we provide'

'We will do this through protecting the Vulnerable, delivering quality Investigations and applying Problem solving to everything we do to protect the communities we serve.'

From: Laura Kirton [mailto:LauraKirton@Gateshead.Gov.UK]
Sent: 29 April 2019 09:55
To: Kirsty Clark Licensing; Licensing Mailbox; CE Environmental Health; Stewart Sorrell
Cc: Tracey Johnson; 'firesafety.licensing@twfire.gov.uk'; CR Culture; Saira Park; Rebecca L Sparrow; Elaine Rudman; Natalie Goodman; Gerald Tompkins; Julia Sharp; Sarah Miller
Subject: TEN- The Bisley 17-19 Shibdon Road Blaydon on Tyne NE21 5AF - Deborah Walker

Dear All,

Please find attached a Temporary Event Notice which has been submitted.

Applicant : Deborah Walker
Premises : The Bisley 17-19 Shibdon Road Blaydon on Tyne NE21 5AF
Date of events: 19TH May 2019
Time: 00:01 to 01:30 - Extension of current hours
Licensable activity: sale by retail of alcohol , provision of regulated entertainment

The last day for objections is Wednesday 1st May 2019.

You will note that I have copied the responsible authorities into this email for their reference. Please note that only the Police and Environmental Health can object on any of the licensing objectives.

Kind regards

Thanks
Laura

Laura Kirton
Licensing Assistant
Development and Public Protection
Communities and Environment
Gateshead Council
Civic Centre
Regent Street
NE8 1HH
Phone: +44 (0) 191 4333948. Internal ext 3948
Email: laurakirton@gateshead.gov.uk

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Rebecca L Sparrow

From: Debbie Walker <debbiewalker101@gmail.com>
Sent: 02 May 2019 09:23
To: Rebecca L Sparrow
Subject: Re: Acknowledging receipt of your temporary event notice

Regarding the ten application I have submitted, I would further like to amend the time till 1 am for the sale of alcohol and music please I misread the application.

The DJ printed out posters before clearing it with myself hence the 2am finish he was unaware of the legality of the process we have to go through in order to apply for a late license , I have employed two sia door supervisors and will submit their license details in due course, there are a few DJs to attend my premises on the night in question but only one set of equipment will be used and set at the appropriate level which I would like environmental healths input on this if possible, I have regular entertainment on every Saturday night ,live bands and karaoke ,to my knowledge I've had one complaint in two and half years I hope this clarifies any queries you have many thanks
Sent from my iPhone

On 1 May 2019, at 14:52, Rebecca L Sparrow <RebeccaSparrow@gateshead.gov.uk> wrote:

Dear Deborah

We have now received objections to your temporary event notice for 19th May 2019 from both Police and Environmental Health. I have attached both objections for your information.

Do you wish to continue with your notice? If you do, I would suggest that you still provide that additional information for consideration by Police and Environmental Health.

In the interim I will have to arrange a licensing sub-committee hearing in case the additional information you provide still doesn't satisfy the concerns of the Police and or Environmental Health. I will be in touch with you again regarding the date and procedure for the hearing.

Please don't hesitate to contact me if you have any questions or would like to discuss this further.

Kind regards

Rebecca Sparrow

Licensing Officer

Development & Public Protection

☐: Direct Line 0191 433 3178

☐: Ext 3178

☐ <mailto:rebeccasparrow@gateshead.gov.uk>

☐ Gateshead Council Website: www.gateshead.gov.uk

In the interests of the environment, only print this email if absolutely necessary.

From: Rebecca L Sparrow

Sent: 30 April 2019 12:46

To: 'debbiewalker101@gmail.com' <debbiewalker101@gmail.com>

Cc: Laura Kirton <LauraKirton@Gateshead.Gov.UK>; 'Rob.Summers@punchtaverns.com' <Rob.Summers@punchtaverns.com>; Lisa Bainbridge <LisaBainbridge@Gateshead.Gov.UK>; Andrew Phillips <AndrewGPhillips@Gateshead.Gov.UK>; 'Ivana Draper 6544' <Ivana.Draper.6544@northumbria.pnn.police.uk>

Subject: RE: Acknowledging receipt of your temporary event notice

Importance: High

Dear Deborah

Further to our telephone conversation yesterday you may want to provide further information about your event to accompany your notice. For example you mentioned on the phone that the last sale of alcohol and the music entertainment would stop at 1am and not 1.30am as detailed on your notice. However you would then need to explain why the advert does say that the event is until 2am. You also advised that you were to get 2 SIA door supervisors on for the event. Details such as what company and the licence details would be of assistance. Furthermore you mentioned that

there were to be a number of DJs playing at the event and that you would get details of what equipment they would be bringing.

This information would then be passed to Environmental Health and Northumbria Police who are considering your notice.

Please note Northumbria Police have objected to your notice today.

If you email back please reply to all.

Kind regards

Rebecca Sparrow

Licensing Officer

Development & Public Protection

☐: Direct Line 0191 433 3178

☐: Ext 3178

☐ <mailto:rebeccasparrow@gateshead.gov.uk>

☐ Gateshead Council Website: www.gateshead.gov.uk

In the interests of the environment, only print this email if absolutely necessary.

From: Laura Kirton

Sent: 29 April 2019 11:59

To: 'debbiewalker101@gmail.com' <debbiewalker101@gmail.com>

Subject: Acknowledging receipt of your temporary event notice

Dear Deborah,

I acknowledge receipt of your temporary event notices for 19th May 2019. I have sent your notice out to consultation with the Police and Environmental Health. I will be in touch if any objections are received, otherwise please ensure a copy of your notice is on site during your event. Please note the notice referred to is the attachment on this email.

Please don't hesitate to contact me if you require any further information.

Kind regards

Laura Kirton

Licensing Assistant

Development and Public Protection

Communities and Environment

Gateshead Council

Civic Centre

Regent Street

NE8 1HH

Phone: +44 (0) 191 4333948. Internal ext 3948

Email: laurakirton@gateshead.gov.uk

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STATEMENT OF LICENSING POLICY

Licensing Act 2003

7 January 2016 - 6 January 2021

- Gateshead Transport Strategy & Tyne & Wear Local Transport Plan
- The Local Government Declaration on Alcohol signed by Gateshead Council in June 2015

5.4 The Licensing Authority will seek to achieve integration with relevant strategies and their aims in its decision making.

Human Rights

5.5 The Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 that everyone has the right to respect for their home and private life; and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of their possessions.

Equality and Diversity

5.6 Applicants and licensees should be aware of their obligations under the Equality Act 2010 and the characteristics protected by the legislation which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex; and
- Sexual orientation

5.7 It is expected that responsible licensees will be sensitive to the needs of their varied customer base and prepared to make reasonable adjustments to accommodate those needs.

5.8 The Equality Act 2010 also requires the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people with different protected characteristics. Each application will be considered with this in mind.

Crime and disorder

5.9 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the Council, Northumbria Police and others to consider crime and disorder reduction in the exercise of all their duties. The reduction of crime and disorder is integral to this Council's approach to the Licensing Act.

individuals who cause disturbance, disorder, use drugs or use or threaten violence in and around licensed premises. By acting collectively in excluding such people from a number of premises in the area, this means that the problem is not simply moved from one pub to the next. Pubwatch schemes have been found to be effective tools in tackling anti-social behaviour in many areas where the schemes are well run and there is a significant level of participation by licence holders in the borough. The Gateshead Alcohol Harm Reduction Strategy 2013-2015 recognises the importance of the Pubwatch scheme and envisages it being used to share and develop best practice and as a forum for training.

Regional and national working

- 5.18 The Licensing Authority participates in regional working through the North East Strategic Licensing Group, which is comprised of representatives of each of the twelve North East Licensing Authorities, and forms part of the North East Public Protection Partnership.
- 5.19 The Licensing Authority also works closely with Balance – the North East Alcohol Office, to achieve an integrated approach across the region and with key partners such as the Police.
- 5.20 From the national perspective, representatives of the Licensing Authority participate in the Local Government Association's Licensing Policy Forum, and the Licensing Special Area of Activity for Lawyers in Local Government.

6. General Principles of the Policy

- 6.1 Each application will be determined on its merits having regard to this Policy, Guidance under Section 182 of the Act, the Act itself and supporting Regulations.
- 6.2 The Licensing Authority considers:
 - the effective and responsible management of premises
 - instruction, training and supervision of staff; and
 - the adoption of best practice

to be amongst the most important control measures for the achievement of all the licensing objectives. For this reason, the Licensing Authority will expect these elements to be specifically considered and addressed within an applicant's operating schedule.

- 6.3 Applicants who do not clearly demonstrate how they intend to address these issues in their operating schedules should expect their applications to be objected to, including by the Licensing Authority.
- 6.4 Also, licensees whose practice does not meet this expectation may have their licence reviewed, and as above this may be triggered by the Licensing Authority itself.

- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of premises and patrons
- Adoption of best practice guidance (eg Guide to Fire Precautions in Existing Places of Entertainment and like premises, The Event Safety Guide, Safety in Pubs published by the BBPA, and the Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by Independent Street Arts Network)
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc pertinent to safety)

Prevention of Public Nuisance

- 7.8 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 7.9 The Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas.
- 7.10 The Licensing Authority will expect to see that applicants have considered the impact that the following factors may have on the potential for public nuisance:
- The location of premises and proximity to residential and other noise sensitive premises
 - The hours of opening, particularly between 23:00 and 07:00 hours
 - The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - The design and layout of premises and in particular the presence of noise limiting features
 - The occupancy capacity of the premises
 - The availability of public transport
 - 'wind down period' between the end of the licensable activities and closure of the premises, i.e. allowing patrons to remain in the premises for a period after licensable activities have ceased, so that people do not disperse en masse

- Exclude a licensable activity from the licence or certificate
- Remove the designated premises supervisor
- Suspend the licence or certificate for a period not exceeding three months
- Revoke the licence or certificate.

13.14 The review process is intended to enable the Licensing Authority to take appropriate timely measures to promote the Licensing Objectives in respect of individual premises. A review can take place even if it would be disproportionate to revoke a licence or certificate, as some lesser measure can be taken, as above.

13.15 Also, because the review process is intended to address the future conduct of the licence holder, a review can take place regardless of any other measures that may be open to the interested party or responsible body. For instance, if a licence holder is found to have sold age restricted products to a minor, it is not necessary for a prosecution (or indeed a successful prosecution) to take place in respect of that sale before a review is brought, as the review would consider the steps appropriate to prevent future underage sales.

Summary reviews

13.16 The Police may request a summary review in serious cases of crime and disorder, and in which case within 48 hours of the application the Licensing Authority will consider whether any interim steps are required pending completion of the review process. This may include immediate suspension of the relevant licence.

14. Delegation and Decision Making

14.1 The Council has established a Licensing Committee to administer its functions under the Licensing Act 2003. Powers and functions have also been delegated to Licensing Sub-Committees and officers in order to provide a speedy, efficient and cost effective service to all parties involved in the licensing process.

14.2 Many of the decisions and functions are largely administrative in nature such as the grant of non-contentious applications, including for example those licences and certificates where no representations have been made. These will be delegated to Council officers. All such matters dealt with by officers will be reported for information to the next Licensing Committee meeting.

14.3 Applications where there are relevant representations will be dealt with by the Licensing Committee/Sub-Committee – unless such representations are considered irrelevant, frivolous or vexatious or unless the Licensing Authority, the applicant and everyone who has made representations agrees that a hearing is not necessary (usually after successful mediation).

14.4 The table given below sets out the delegation of decisions and functions of the Licensing Committee, Sub-Committees and officers. The various delegations include delegation to impose appropriate conditions.

14.5 This scheme of delegations is without prejudice to the right of relevant parties to refer an application to a Licensing Sub-Committee or the full Licensing Committee if considered appropriate in the circumstances of any particular case.

- 14.6 Unless there are compelling reasons to the contrary, the Licensing Authority will require the Licensing Committee or any of its sub-committees to meet in public – although Members can retire into private session to consider their decision. A public announcement of the decision will be made at the end of the hearing together with clear, cogent reasons for the decision having due regard to the Human Rights Act 1998, the four licensing objectives and all other legislation.
- 14.7 The Licensing Committee will be made up of 15 members and Sub-Committees of three who will hear any relevant representations from authorised persons, responsible authorities and interested parties in the form of a hearing.
- 14.8 Where a function is delegated to an officer, that officer will be responsible for liaising between the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to the appropriate conditions. Where objections are made then the officer will once again liaise with the applicant, interested parties and the responsible authorities to see if a 'settlement' is possible to overcome the objections without the need for the matter to go before the Sub-Committee.
- 14.9 The Sub-Committee will determine each case before it on its individual merits. However, in determining the application the Sub-Committee will consider:
- The case and evidence presented by all parties
 - The promotion of the four licensing objectives
 - Guidance issued by Central Government
 - The Licensing Authority's own statement of Licensing Policy

14.10 Delegation of functions:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Consideration of reports to the committee	Six monthly		
Approval of new / updated Local Licensing Guidance	Six monthly		
Application for personal licence		If representation is made	If no representation made
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence / Club Premises Certificate		If a relevant representation made	If no relevant representation is made
Application for a Provisional		If a relevant representation made	If no relevant representation is



Home Office

Revised Guidance issued under section 182 of the Licensing Act 2003

April 2018

1. Introduction

The Licensing Act 2003

- 1.1 The Licensing Act 2003 (referred to in this Guidance as the 2003 Act), its explanatory notes and any statutory instruments made under it may be viewed online at www.legislation.gov.uk. The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. However, the Department for Culture, Media and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act (see Chapter 16).

Licensing objectives and aims

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3 The licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
 - providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
 - encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

The guidance

- 1.6 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. This revised guidance takes effect as soon as it is published. Where a licence application was made prior to the publication of the revised guidance, it should be processed in accordance with the guidance in effect at the time at which the application was made; the revised guidance does not apply retrospectively. However, all applications received by the licensing authority on or after the date the revised guidance was published should be processed in accordance with the revised guidance.

Purpose

- 1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

Legal status

- 1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

Licensing policies

- 1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.
- 1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

Licensable activities

- 1.13 For the purposes of the 2003 Act, the following are licensable activities:
- 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;
 - The provision of regulated entertainment; and
 - The provision of late night refreshment.

Further explanation of these terms is provided in Chapter 3.

Authorisations or permissions

- 1.14 The 2003 Act provides for four different types of authorisation or permission, as follows:
- Premises licence – to use premises for licensable activities.
 - Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
 - Temporary event notice – to carry out licensable activities at a temporary event.
 - Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

General principles

- 1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Additional guidance

1.18 From time to time, the Home Office may issue additional supporting guidance to licensing authorities and other persons on the Gov.uk website. This supporting guidance is good practice guidance and should be viewed as indicative and subject to change. Such supporting guidance will broadly reflect but will not be part of the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act. Licensing authorities may wish to refer to, but are under no statutory duty to have regard to such supporting guidance issued by the Home Office.

Other relevant legislation

1.19 While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

2. The licensing objectives

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 "Safe capacities" should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the

early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible

authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate

authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

3. Licensable activities

Summary

- 3.1 A premises licence authorises the use of any premises (see Chapter 5) for licensable activities. Licensable activities are defined in section 1 of the 2003 Act, and a fuller description of certain activities is set out in Schedules 1 and 2 to the 2003 Act.
- 3.2 The licensable activities are:
- 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;
 - the provision of regulated entertainment; and
 - the provision of late night refreshment.

Wholesale of alcohol

- 3.3 The sale of alcohol to the general public is licensable under the 2003 Act in accordance with the definition of "sale by retail" in section 192 of the 2003 Act. This section makes it clear that, to be excluded from the meaning of "sale by retail", a sale must be:
- made from premises owned by the person making the sale, or occupied under a lease with security of tenure; and
 - for consumption off the premises.
- 3.4 In addition, to be excluded, the sales must be sales which are made to:
- a trader for the purpose of his trade;
 - to a club for the purposes of that club;
 - to a holder of a premises licence or a personal licence for the purpose of making sales under a premises licence; or
 - a premises user who has given a temporary event notice, for the purpose of making sales authorised by that notice.
- 3.5 If an employee were buying alcohol as an "agent" for their employer and for the purposes of their employer's trade (i.e. selling alcohol), this could be treated as a sale to a trader. If, however, an employee were buying for the employee's own consumption, this would be a retail sale, and would require a licence.
- 3.6 The same considerations apply in the case of caterers who supply alcohol to their customers. Where a caterer purchases alcohol and then sells this alcohol to its customer, an authorisation will be required at the location where the retail sale of the alcohol is made (likely to be the caterer's own premises). If the customer was proposing to sell the alcohol under an authorisation, it is the customer who would need an authorisation under the 2003 Act. In this case, the exemption under the 2003 Act may apply to the sale made by the caterer.
- 3.7 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN)

9. Determining applications

General

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

Where representations are made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

The role of responsible authorities

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

- 9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing

⁵ Police and Crime Commissioners are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police remains the named responsible authority under the 2003 Act.

authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Health bodies acting as responsible authorities

- 9.20 Where a local authority's Director of Public Health in England (DPH)⁶ or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may

⁶ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

Home Office Immigration Enforcement acting as a responsible authority

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

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- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.
- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.
- 9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is

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imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Considering cases where licensing and planning applications are made simultaneously

- 9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
 - for employing a person who is disqualified from that work by reason of their immigration status in the UK;
 - for unlawful gambling; and
 - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
 - the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
 - notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

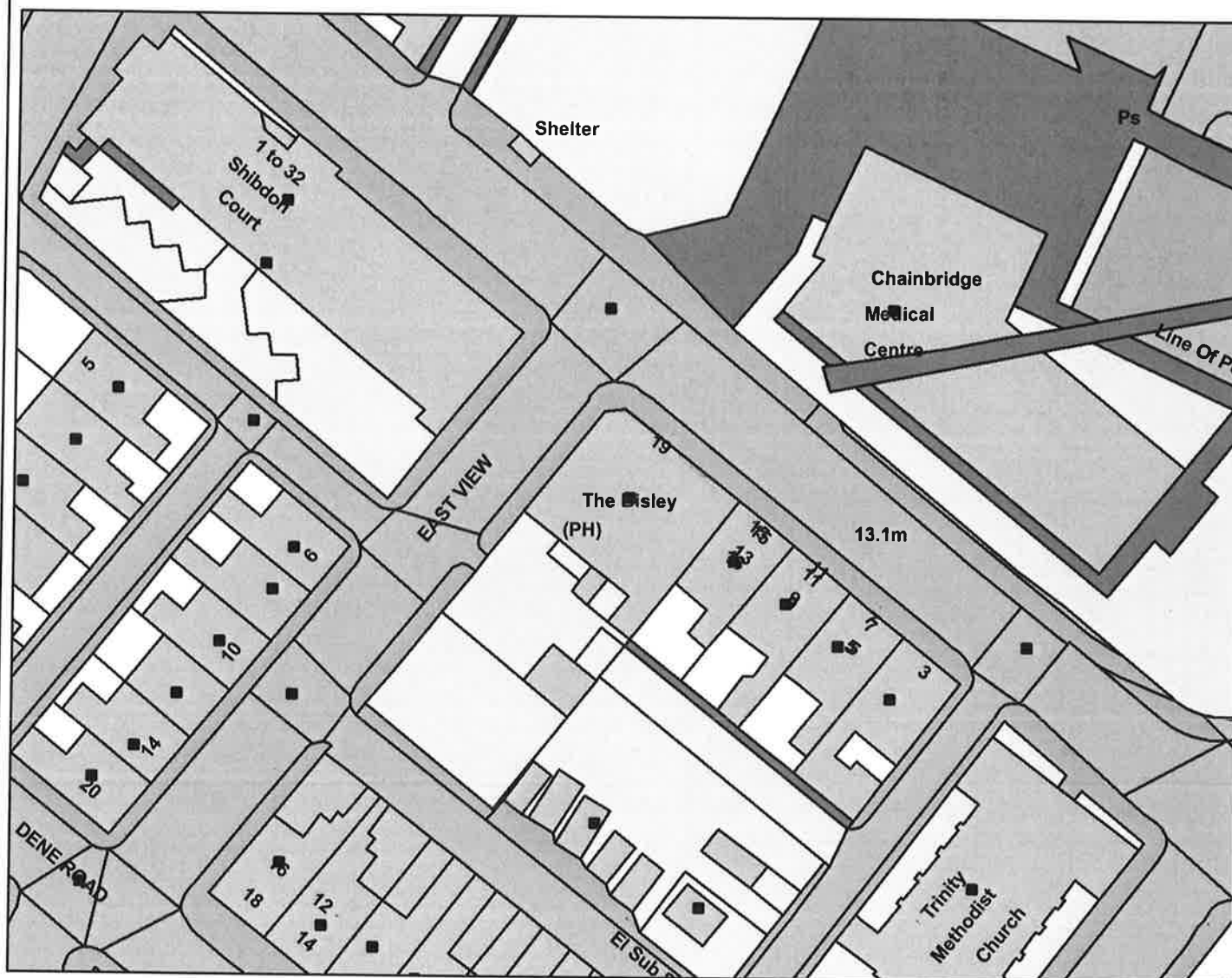
Review of a premises licence following persistent sales of alcohol to children

- 11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

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