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Regulatory Sub Committee

Wednesday, 22 November 2023 1.30 p.m.
Civic Suite - Town Hall, Runcorn

S. Young

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Pamela Wallace (Chair)

Councillor John Abbott

Councillor Kath Loftus

*Please contact Kim Butler on 0151 511 7496 or via email
kim.butler@halton.gov.uk for further information.*

The next meeting of the Committee is to be confirmed.

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

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1. MINUTES FROM THE LAST MEETING	1 - 10
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Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.

REGULATORY SUB COMMITTEE

At a meeting of the Regulatory Sub Committee on Thursday, 24 August 2023 at the Civic Suite - Town Hall, Runcorn

Present: Councillors Wallace (Chair), Fry and K. Loftus

Apologies for Absence: None

Absence declared on Council business: None

Officers present: E. Wilson-Lagan (Legal Advisor), K. Hesketh (Licensing Manager), P. Wilson (Environmental Health Officer), L. Halliday (Police Licensing Officer) and J. Clarke (Police Solicitor).

Also Present: L. Fletcher and D. Owens (Residents of Ross Street, Widnes)

**ITEM DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE BOARD**

	<i>Action</i>
RSC2 MINUTES FROM THE LAST MEETING	
The minutes of the meeting held on 3 October 2022, having been circulated, were signed as a correct record.	
RSC3 APPLICATION FOR A PREMISES LICENCE - BANKSEY'S BAR, 75 ALBERT ROAD, WIDNES, WA8 6JS	
The Sub-Committee met to determine an application made under Section 17 of the Licensing Act 2003 for a premises licence for Banksey's Bar, 75 Albert Road, Widnes, WA8 6JS ("the Premises"). The hearing was held in accordance with the Licensing Act 2003 and Licensing Act 2003 (Hearings) Regulations 2005.	
<u>PREAMBLE</u>	
The hearing was held as relevant representations has been received from Cheshire Police, Environmental Health and 10 local residents.	
The Applicant, Ms Bethany Owens, was in attendance and was represented by her Solicitor, Mr Piers Warne. The	

other parties in attendance were:-

Lesley Halliday, Police Licensing Officer,
Joanne Clarke; Solicitor for the Police;
Lyn Fletcher and Dawn Owens, two residents who live
on Ross Street;

Prior to the hearing, the Sub-Committee had been provided with evidence submitted by the parties, including a witness statement from Lesley Halliday, screen shots of the opening hours of licensed premises in the vicinity of the area and a video of the previous business that operated from the Premises when it was known as Annie's Bar which had been submitted by Ms Fletcher. They had also received a list of the licensed hours for the licensed premises within walking distance of the Premises from the Licensing Manager and a Schedule of agreed and disputed conditions from the Applicant.

Prior to the hearing, the Applicant made the other parties aware of her intention to remove live and record music from her application. This was confirmed to the Sub-Committee during the Applicant's submissions.

Also prior to the hearing, the Police made an application under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, to exclude the public from part of the hearing. Submissions on the application were made by the Police and the Applicant in private and the Sub-Committee determined that the public interest in excluding the public from part of the Police's submissions outweighed the public interest in hearing them in public. The exclusion was restricted to what was necessary and proportionate in maintaining the public interest and the remainder of the Police's submissions were heard in public.

DETERMINATION

The Sub-Committee has considered the relevant representations, the evidence received before the hearing and the oral submissions and evidence heard from all parties at the hearing.

In reaching its decision, the Sub-Committee have also taken into consideration the Licensing Objectives, all of which are relevant but more so the prevention of crime and disorder and public nuisance, as well as the statutory guidance, the relevant case law and Council's own Licensing Policy.

The sub-committee resolved to grant the application subject to the hours and the conditions below:-

HOURS

Hours of opening	Monday – Wednesday	11:00 - 23:30
	Thursday, Friday, Saturday	11:00 – 00:30
	Sunday	11:00 – 23:30
Supply of Alcohol (on premises)	Monday – Wednesday	11:00 - 23:00
	Thursday, Friday, Saturday	11:00 – 00:00
	Sunday	11:00 – 23:00
Late Night Refreshment	Thursday, Friday, Saturday	23:00 – 00:00

CONDITIONS**A. Operating Schedule**

1. No children on the premises at any times.
2. Regular toilet checks.
3. Last entry to premises will be 30 minutes before terminal hour.
4. First aid on premises.
5. Only toughened glassware to be used.
6. No glasses outside the premises.
7. Notice will be displayed asking for patrons to respect neighbours.
8. No nudity or semi nudity at any time.

B. Police Conditions**Prevention of Crime & Disorder**

A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.

Recorded CCTV images will be maintained and stored for a period of twenty-eight days.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show/provide footage to a Police officer or an authorised officer of the licensing authority data or footage upon request. Any requests for CCTV shall be complied with, within 48 hours or less, or otherwise as agreed to comply with data protection

legislation.

Designated premises supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to be able to demonstrate the following:-

- Recordings are fit for their intended purpose,
- Good quality images are presented to the officer in a format that can be replayed on a standard computer
- The supervisor has an understanding of the equipment/training,
- Management records are kept,
- Maintenance agreements and records are maintained,
- Data Protection principles and signage are in place.

Risk Assessed Door Staff

When there is a private function or event with regulated entertainment being held at the premises the Premises License Holder or Designated Premises Supervisor shall conduct an assessment of the need for SIA registered door supervisors, taking into account any advice offered by the Police.

Where the assessment shows that door supervision is required, supervisors shall be engaged at such times and ratios as are assessed to be necessary.

The risk assessment will be documented in a book kept for that purpose and will be made available to the police or an officer from the Licensing Authority upon reasonable request.

When such Door supervision is employed:-

A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-

- The Door Supervisor's name, date of birth, contact telephone number and home address;
- His/her Security Industry Authority license number;
- The time and date he/she starts and finishes duty;
- The time of any breaks taken whilst on duty;
- Each entry shall be signed by the door supervisor;
- Record of all incidents taking place in the venue.

The register shall be available for inspection on

demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

Incident Log

The premises shall maintain an Incident Log, and this will be made available to the Police or Licensing Authority upon request.

Search Policy

When Door Supervisors are present, the Premise Licence Holder shall put in place a search policy to cover both drugs and weapons for the premises, which shall be to the satisfaction of Cheshire Constabulary. The Premises Licence Holder or Designated Premises Supervisor shall then ensure that this search policy is complied with at all times when the premises are open for licensable activities and door supervisors are employed.

Conspicuous notices advising customers of the search policy shall be displayed at all entrances to the premises.

There shall be a suitable secure location available for the safe storage of suspected drugs seized or found in the premises. The items to be placed within Police supplied drugs bags and appropriately labelled and sealed until handed over to the Police.

Anyone with drugs or weapons are to be refused entry, this is to be recorded in a refusals book kept for this purpose.

Drugs

The premises will operate a zero tolerance to drugs policy on the premises.

Prominent signage will be displayed in the toilets at the premises to advise patrons that management have a zero tolerance to drugs policy in place.

Anyone caught with drugs are to be asked to leave the premises immediately.

Public Safety

An effective method of communication between the licenced premises and other premises in the town and the

Police shall be in operation at times when the premises is open to the public, so long as such method is approved by the Police.

Protection of Children from Harm

A "Challenge 25" policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority) or other forms of ID approved by the Home Office for age verification relating to sales of alcohol.

Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises, including entrances and hall and include the message that it is illegal to sell alcohol to under 18's.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police. The register can either be hard-copy or part of a till prompt system.

The DPS or other responsible person shall check and sign the register once a week, if hard copy.

A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.

The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

A list of persons authorised to sell alcohol shall be

kept on site and made available for inspection at the request of Local Authority Officers and Police.

C. Environmental Health Conditions

Patrons who wish to smoke will be directed to the front of the premises on Albert Road. Smoking shall not be permitted on Ross Steet.

With the exception of pre-booked and advertised regulated entertainment the volume of music to be kept to a level that it could be considered incidental / background music.

All windows and doors are to be kept closed after 21:00 save for access and egress.

D. Additional Conditions

A cigarette receptacle shall be provided on the outside of the premises facing Albert Road to enable the disposal of cigarette butts.

At the start and close of the hours of operation, the pavements immediately outside of the premises on Albert Road and Ross Street must be swept and/or washed and litter and sweepings collected and disposed of in the premises waste receptacles.

Between the hours of 22:00 and 6:00, no waste or glass bottles shall be moved or deposited outside.

At the start of any regulated entertainment a check will be undertaken outside of 2 Ross Street to ascertain whether the volume of the entertainment is likely to cause a public nuisance. A log will be maintained showing when the check was undertaken and to confirm that the level is deemed not to be loud enough to cause a public nuisance. If any action is taken to reduce the volume this is to be recorded. A copy of the log will be made available for inspection by the Responsible Authorities.

E. Mandatory Conditions

As required under section 19 and 21 of the Licensing Act 2003.

REASONS FOR DETERMINATION

The reasons for the Sub-Committee's decision is as follows:-

- i. In respect of the prevention of crime and disorder, the Sub-Committee has taken into consideration the statutory guidance which provides that licensing authorities should look to the Police as the main source of advice on crime and disorder. It has therefore placed significant weight on their concerns. However, the Sub-Committee does not consider there is compelling evidence to refuse the application and the concerns of the Police were adequately dealt with by the conditions they have proposed in the alternative to a refusal.
- ii. In support of this, evidence was heard from the Police that the applicant is of good character and that they have no issues with her per se. Significantly, no evidence was provided to demonstrate that she had any connection to the previous business, Annie's Bar.
- iii. Furthermore, significant weight was placed on the Applicant's evidence that despite her young age, she had 5 years of experience in the industry working at Wetherspoons and had grown up in pubs as her father was the manager of a pub in the local area. The Sub Committee was also reassured by the fact that she would be supported by her stepsister who has over 10 years' experience in the trade and who would have a significant role in Banksey's Bar as it was a joint venture; her father who has over 17 years' experience; and the manager of Banksey's Bar, Gavin Pye who also has over 8 years' experience. The Sub Committee agreed that together this was a substantially experienced team to manage the Premises in a safe and responsible manner.
- iv. As for the residents' evidence which detailed various incidents of anti-social behaviour at the premises when it was known as Annie's Bar, the statutory guidance is clear that each application must be considered on its own merits. Banksey's Bar is a different business to Annie's Bar and is ran by different people. The applicant emphasized that Banksey's Bar would be a wine bar/ café and, at some point in the future, may also offer tapas and finger plates. Unlike Annie's Bar, the focus is not on music or dancing which is demonstrated by the fact that they have replaced the dance floor with more seating and are no longer seeking regulated entertainment. The Sub-Committee noted that this was corroborated later on by the Environmental

Health Officer, Mr Wilson, who advised that the layout of the Premises was different to Annie's Bar and stated that he would be surprised if the Premises became another Annie's Bar. It was also noted that some of Ms Halliday's fears were allayed on hearing the applicant's evidence. As such, the Sub Committee found there was no evidence that the Premises would be operated like Annie's Bar and, although not currently in operation, there was evidence that it would be a calmer bar with a different target of clientele. Furthermore, the Police conditions on CCTV, the use of door staff for regulated events, and search and drugs policies adequately deal with any such potential risks of crime and disorder. These conditions are also in accordance with the Council's own statement of policy.

- v. As for public nuisance, the Sub Committee has every sympathy with the residents given the past issues but again it must consider the application on its merits. That said, evidence was heard on the size of the premises, its very close location to residential premises and the fact that Premises' main door and windows were on Ross Street which is primarily residential. Ms Fletcher, in particular, described the houses on Ross Street being close to the Premises as they were terrace houses and that there were no grass verges to mitigate the impact of any noise. She also recounted how she would hear glass bottles being thrown out in the early hours of the morning when the premises was Annie's Bar despite living 13 doors away. As such, Sub-Committee considered that the noise related conditions, particularly conditions 34, 35, 36, 39 and 40, were necessary to promote this licensing objective.
- vi. In respect of the sound limiter condition proposed by Environmental Health, the Sub-Committee is mindful of the statutory guidance on this and considers that this condition is disproportionate and not justified in light of the amendment to the licensing hours (discussed further below) and the other conditions.
- vii. In addition, evidence was heard from the applicant that smokers would be directed to the front of the Premises on Albert Road. The Sub-Committee therefore considered conditions on providing a cigarette bin and keeping the area immediately outside the Premises clean were also necessary and proportionate.

- viii. As for the remaining licensing objections – protection from children from harm and public safety – again the Sub Committee considered that the Police conditions adequately deal with these concerns as do the conditions proposed by the applicant on the operating schedule.
- ix. Submissions were also heard from the residents about the proposed hours of the license. In taking into account the Council's statement of licensing policy, particularly paragraphs 39 and 48, the Sub Committee considered that the close proximity of the Premises to the residential premises justified a reduction in the hours, so as not to undermine the licensing objections, particularly the prevention of statutory nuisance as discussed further at paragraph v. above. The Sub Committee considers that the new hours strike the right balance between the interests of the residents who live in Ross Street and the Applicant's business.

The Sub-Committee have been comforted by the cooperative nature of the Applicant and the willingness to work with residents going forward. Again this shows how she is a responsible business owner. It is hoped that this open communication is maintained by all parties, if there are future issues.

If issues do crop up, the Sub-Committee would like to remind residents that there are powers to deal with premises if a licence leads to the licensing objectives being undermined. Not least is the power for residents or responsible authorities to bring review proceedings where steps can be taken to restrict the licence, impose further conditions or, in extreme circumstances, revoke the licence when evidence shows issues result from a licensable activity. Action can also be taken separately by environmental health in relation to statutory noise nuisance, if reported. The sub-committee hopes that this brings some reassurance to the residents.

TIME THAT THE DETERMINATION SHALL TAKE EFFECT

Forthwith.

Meeting ended at 6.31 p.m.

REPORT:	Regulatory Sub-Committee
DATE:	22 November 2023
REPORTING OFFICER:	Operational Director – Legal and Democratic Services
PORTFOLIO:	Resources
SUBJECT:	Application for a Premises Licence – Martins, 36 Bechers, Widnes, WA8 4TE
WARDS:	Hough Green

1. PURPOSE OF REPORT

To assist Members of the Regulatory Committee in their consideration of an application by Alliance Property Holdings Limited for the grant of a premises licence for Martins, 36 Bechers, Widnes, WA8 4TE.

2. **RECOMMENDATION:** That the Committee considers the contents of the report and makes a determination on the application.

3. BACKGROUND INFORMATION

3.1 The premises is located on a small retail area known as Bechers in Widnes (Hough Green Ward) and it is surrounded by a housing estate. A location plan is attached at **Appendix A**.

3.2 The premises is currently open as Martins's which is a convenience store but does not sell alcohol. The current opening hours are Monday to Saturday 06.00 to 19.00 and Sunday 07.00 to 17.00. This application is to allow the sale of alcohol and to increase the opening times.

3.3 Within the retail area is a row of shops which includes, a dessert shop, a chippy and another licensed premises. The opening hours for the latter are between 08.00 and 23.00. Attached to this report at **Appendix B** are pictures showing the area which also include Martins and the licensed premises.

3.4 The applicant, Alliance Property Holdings Limited is a company that is described on Companies House as - retail sale in non-specialised stores with food, beverages or tobacco predominating. They have a number of premises licences in

Halton already and have vast experience in running licensed premises.

4. THE APPLICATION

4.1 The application has been made under section 17, of the Licensing Act 2003 (“the Act”).

4.2 A copy of the application can be found at **Appendix C**.

4.3 According to the application, Martin’s will remain as a convenience store. In summary the applicant seeks:

Hours open to the Public	Monday to Sunday	06.00 to 23.00
Supply of alcohol	Monday to Sunday	06.00 to 23.00

4.4 Within the operating schedule set out in the application, the applicant has set out the steps they intend to take to promote the four licensing objectives. These include:-

- CCTV Recording at all times;
- Trained in accordance with the premises licence holders training procedures;
- Challenge 25 Policy;
- Operate refusal log’
- Premises licence holder undertake ongoing risks;
- Till prompts.

4.5 These steps will form the basis for conditions on the licence.

5. REQUIREMENT FOR A HEARING

5.1 The application was submitted on 28 September 2023 and was advertised in the local newspaper on 5 October 2023. Officers have confirmed that the advertisement requirements were complied with.

5.2 During the 28 days representation period, agreed representations were received from Cheshire Police and two relevant representations were received from members of the public. Further details of these can be found at section 6.1 of this report.

5.4 Where relevant representations have been made and not withdrawn, the licensing authority must hold a hearing to consider them (unless otherwise agreed by the parties).

5.5 The hearing is held in accordance with the Act and the Licensing Act 2003 (Hearings) Regulations 2005. The

procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.

- 5.6 The hearing is solely concerned with those aspects of the application, which has been the subject of the relevant representations as defined in the Act. These are the representations made by the residents.
- 5.7 All parties have all been informed of the hearing but at the time of drafting this report confirmation is awaited as to whether they intend on attending the hearing to make oral submissions to the Sub-Committee.

6. THE REPRESENTATIONS

6.1 RESPONSIBLE AUTHORITIES

Cheshire Police

Agreed representations have been received from Cheshire Police and are appended at **Appendix D** of this report.

- 6.2 No other representations have been received from the Responsible Authorities.

6.3 ANY OTHER PERSON

Two representations have been received from local residents who object to the grant of a premises licence. The main ground on the prevention of crime and disorder namely the potential increase in anti-social behavior from children and the licensing hours. However it appears that the prevention of public nuisance and the protection of children from harm may also be an issue. A copy of the objections can be found at **Appendix E** of this report.

6.4 EVIDENCE

In accordance with the normal procedure it is noted that the relevant representations do not amount to evidence. The objectors have been requested to supply the evidence they intend to rely on no later than 5 working days prior to the hearing. When received this will be forwarded to the applicant and members of the committee.

7. LEGAL AND POLICY FRAMEWORK

- 7.1 The Sub-Committee must determine the application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder;
- The prevention of public nuisance;
- Public Safety;
- The protection of children from harm.

7.2. In making its decision, the Sub-Committee must also have regard to the national guidance issued under section 182 of the Licensing Act 2003 (“the Guidance”) and the Council’s Statement of Licensing Policy (“Policy”).

7.3 Relevant sections from the Guidance can be found at **Appendix F**.

7.4 Members’ attention is also drawn to the following paragraphs of the Council’s Statement of Licensing Policy:-

1. Introduction

...

5. The Council wish to promote these objectives whilst still encouraging a vibrant and sustainable entertainment and leisure industry. The Council recognises both the needs of local residents for a safe and healthy environment in which to work and live and the importance of safe and well-run entertainment and leisure facilities to the area.

11. The Council will carry out its functions under the Act with a view to promoting the licensing objectives, namely;

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm

...

12. No one objective is considered to be of any more importance than any other.

...

13. In carrying out its functions the Council will also have regard to this Policy and to the Guidance as issued by the Secretary of State under section 182 of the Act from time to time

...

14. Individual applicants will be required to address the licensing objectives and address the issues of the needs of the local community, the way in which the premises is to operate, the size, location and type of premises, and any entertainment which is to be provided.

...

15. The Council's vision as set out within the Corporate Strategy 2018/2020 and within Halton's fifteen year Sustainable Community Strategy 2011–2026 is that:

“Halton will be a thriving and vibrant Borough where people can learn and develop their skills; enjoy a good quality of life with good health; a high quality, modern urban environment; the opportunity for all to fulfil their potential; greater wealth and equality, sustained by a thriving business community; and safer, stronger and more attractive neighbourhoods”.

...

17. Locally due to the high levels of alcohol-related harm Halton experiences the Halton Health and Wellbeing Strategy 2017/2022 includes the reduction in the harm from alcohol as a priority area.

18. The strategy identified a number of issues which may be affected by the licensing regime in Halton including:

- A significant proportion of cases of domestic violence are alcohol related
- Alcohol related crime and alcohol related violent crimes are worse in Halton than for both the North West and England as a whole
- Alcohol specific admissions (both among adults and those aged under 18) are much higher than the national and regional averages.

19. In addition due to the high levels of alcohol-related harm Halton was one of only twenty areas in the country to be awarded the status of being a “Local Alcohol Action Area” (LAAA). This award provided support from the Home Office and Public Health England during 2014/15 related to addressing the harm from alcohol across three areas – health, crime and anti-social behaviour, and diversifying the night time economy.

...

20. Working in collaboration a local alcohol strategy has been developed and agreed. The Halton Alcohol Strategy: Reducing alcohol-related harm across the life course, 2014-2019 makes the case that the impact of drinking on public health and community safety in Halton is so great that radical steps are needed to change our relationship with alcohol.

...

21. The vision of the strategy is to: “Enable people in Halton to have a sensible relationship with alcohol that promotes good health and wellbeing and ensures Halton is a safe place to live”.

22. In order to achieve this vision and minimise the harm from alcohol in Halton the strategy will seek to deliver three interlinked outcomes:

1. Reduce alcohol-related health harms
2. Reduce alcohol-related crime, antisocial behaviour and domestic abuse
3. Establish a diverse, vibrant and safe night-time economy.

22. So far as is consistent with the licensing objectives, the Council will carry out its licensing functions with a view to promoting these priorities and themes (including priorities and themes which may be adopted from time to time).

33. Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, the Council will focus its attention on the premises being used for licensable activities and the vicinity of those premises

...

34. In addressing this matter, the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

[...]

35 The need for licensed premises

36. There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the Council in

discharging its licensing functions. "Need" is a matter for planning committees and for the market.

[...]

46. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres. Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. The general public needs to be made aware that there is a much broader strategy for addressing these problems than the licensing regime of the Act. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- closure notices and orders under the Anti-Social Behaviour, Crime and Policing Act 2014; and
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

[...]

48. Licensing hours

49. With regard to licensing hours, consideration will be given to the individual merits of an application.

- The Council recognises that, in certain circumstances, longer licensing hours with regard to the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- The Council also wants to ensure that licensing hours should not inhibit the development of a thriving and safe evening and night-time local economy.

50. The term “zoning” is used in the Guidance to refer to the setting of fixed trading hours within a designated area. At the moment the Council sees no need to adopt such a policy. The Council has followed the advice in the Guidance and will not be adopting such a Policy within the Borough. However, stricter conditions with regard to noise control will be expected in areas which have denser residential accommodation, but this will not limit opening hours without regard to the individual merits of any application.

...

57. Protection of children from harm

58. The Body the Council judges to be competent to act as the responsible authority in relation to the protection of children from harm is Halton Borough Council People Directorate: contact details are set out in Appendix A.

[...]

51. Shops stores and supermarkets

52. With regard to shops, stores and supermarkets, the norm will be for such premises to be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

[...]

73. Proof of Age

74. It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. It is also an offence for an over 18 to purchase alcohol for an under 18 – this is called proxy purchasing. To prevent such crimes, it may be necessary to require a condition to be applied at certain licensed premises going beyond the mandatory minimum requirements requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports. Trading Standards regulate the sale of alcohol to under 18s and can provide advice and materials relating to the prevention of underage sales. They can also provide free staff training.

[...]

87. CCTV

88. The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

92. Crime prevention

93. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies. For example, the provision of closed circuit television cameras in certain premises. Conditions will, where appropriate, also reflect the input of the local Crime and Disorder Reduction Partnership.

- 7.5 A full copy of the Guidance and the Council's Policy will be available at the hearing.
- 7.6 Every case must be considered on its own merits. The Sub-Committee may depart from the Guidance and Policy if there is good reason to do so. However, proper reasons must be given.
- 7.7 In addition to the above, the Committee must have regard to its wider duties under section 17 of the Crime and Disorder Act 1998 and Article 1 of the First Protocol of the Human Rights Act 1998.

8. OPTIONS

8.1 The Committee has the following options under Section 18 of the Act:

- (1) Grant the application subject to such conditions that are consistent with the operating schedule and any mandatory conditions;
- (2) Modify the conditions of the licence, by altering or omitting or adding to them;
- (3) Reject the application in whole or in part.

9. POLICY IMPLICATIONS

9.1 None

10. FINANCIAL CONSIDERATIONS

10.1 There are no special financial considerations to the Authority which need to be highlighted at this stage. However, it should be noted that the decision of the sub-committee is subject to appeal to the Magistrates' Court. If an appeal is made, there will be costs associated with this.

11. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

11.1 Children and Young People in Halton

None identified.

11.2 Employment Learning and Skills in Halton

None identified.

11.3 A Healthy Halton

None identified.

11.4 A Safer Halton

None identified.

11.5 Halton's Urban Renewal

None identified.

12. RISK ANALYSIS

12.1. The Council is required to hold the hearing in accordance with the Licensing Act 2003. Failure to do so, may mean that the Council is

acting in breach of its obligations under that Act.

13. EQUALITY AND DIVERSITY ISSUES

13.1 There are no equality and diversity issues to highlight.

14. CLIMATE CHANGE IMPLICATIONS

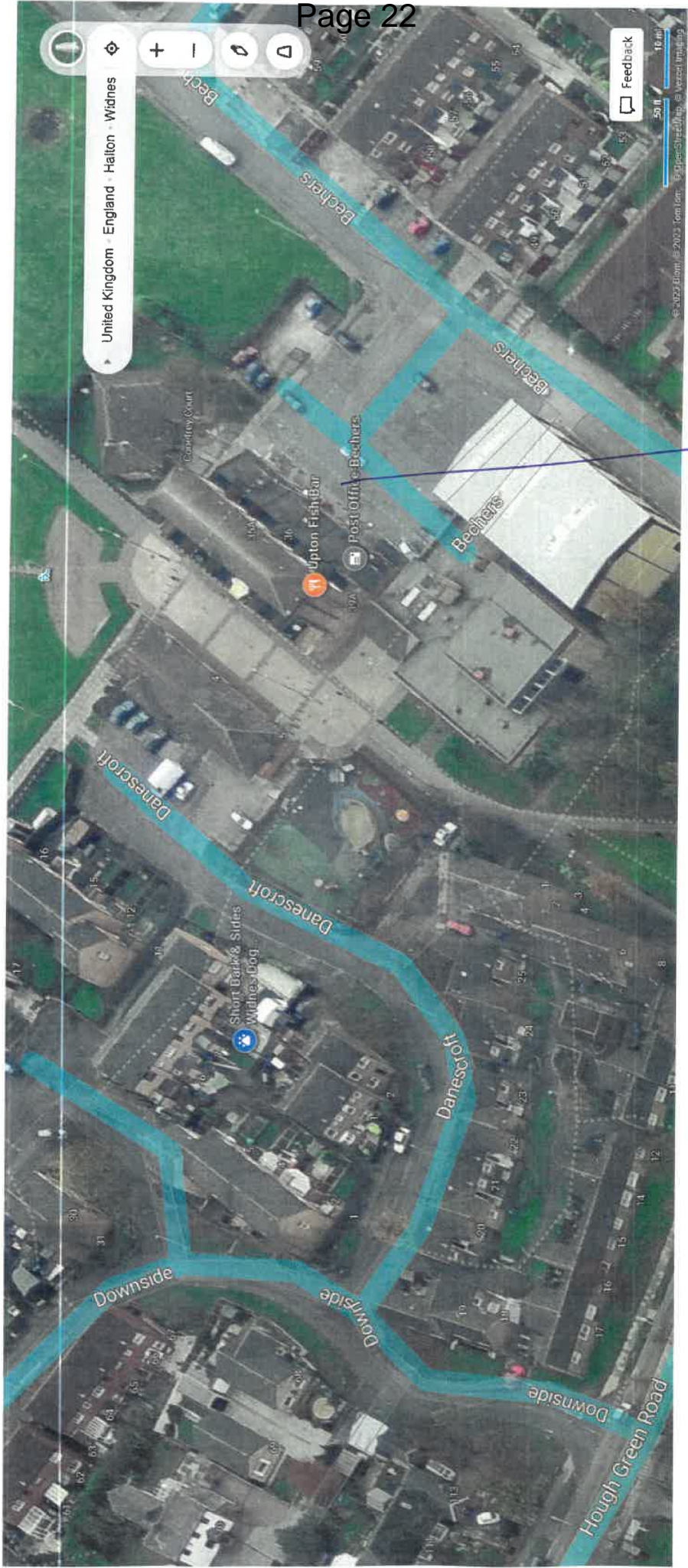
14.1 There are no climate change implications since the decision will have no effect on the environment.

15. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Guidance issued under Section 182 of the Licensing Act 2003	Licensing Section/ Government Website see link 1 below.	Kim Hesketh
Halton Council's Statement of Licensing Policy	Licensing Section/ Council website see link 2 below.	Kim Hesketh

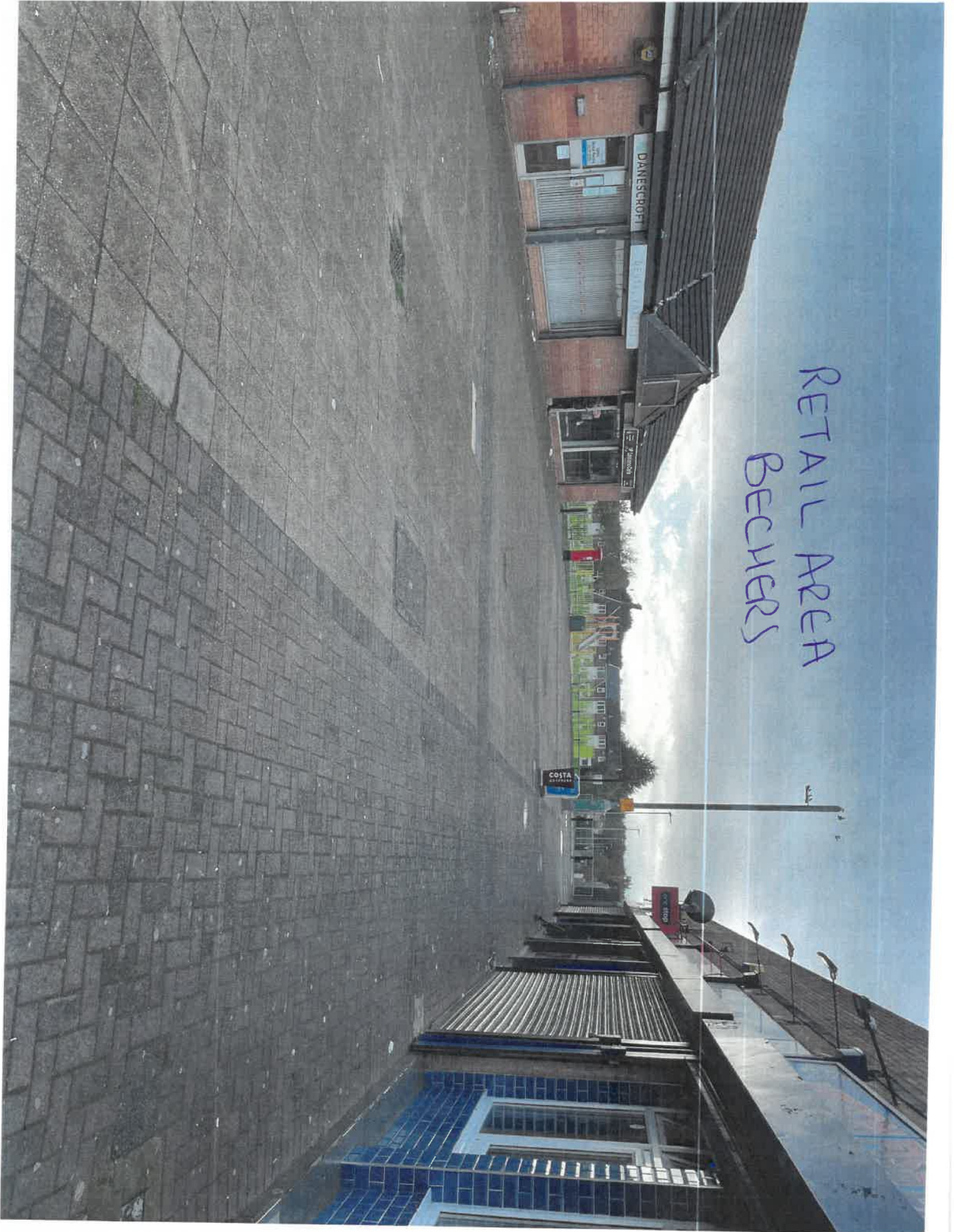
1. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
2. <https://www3.halton.gov.uk/Documents/business/licencing/alcoholent/StatementofLicensingPolicy.pdf>

A PRENDIX
A

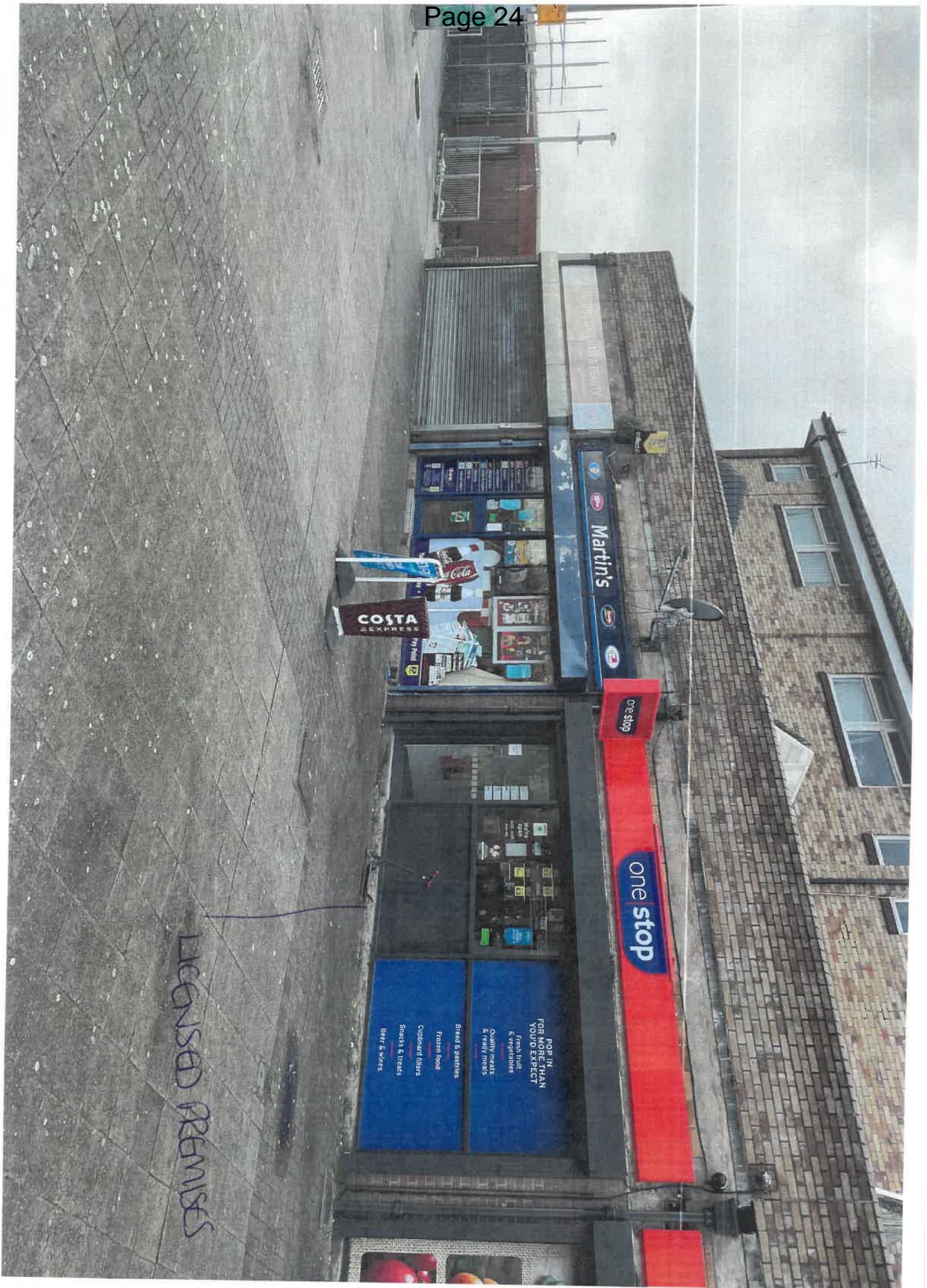


MARTINS





RETAIL AREA
BECHERS



LICENSED PREMISES

POP IN!
FOR MORE THAN
YOUR EXPECT

- Fresh fruit & vegetables
- Quality meats & ready meals
- Bread & pastries
- Frozen food
- Cupboard fillers
- Snacks & treats
- Beer & wines



MARTINS

LICENSED
PREMISES

Waffles • Crepes • Milkshakes • Ice Cream
Bee Sweet



RECHERS CONVENIENCE STORE

Costa Stop

Costa EXPRESS



Cash



Halton
Application for a premises licence
Licensing Act 2003

For help contact
legalservices@halton.gov.uk
Telephone: 0151 511 7879

* required information

Section 1 of 21

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 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

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

2 X1014399

Continued from previous page...

Applicant's position in the business LICENSING

Home country United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name HILMORE HOUSE

Street GAIN LANE

District

City or town BRADFORD

County or administrative area

Postcode BD3 7DL

Country United Kingdom

Agent Details

* First name GOSSCHALKS LLP

* Family name GOSSCHALKS LLP

* E-mail saskia_riches@gosschalks.co.uk

Main telephone number 01482 324252

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number OC431300

Business name GOSSCHALKS LLP

If your business is registered, use its registered name.

VAT number GB 433613472

Put "none" if you are not registered for VAT.

Legal status Limited Liability Partnership

Continued from previous page...

Your position in the business LICENSING

Home country United Kingdom

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name GOSSCHALKS LLP

Street 61 QUEENS GARDENS

District

City or town HULL

County or administrative area

Postcode HU1 3DZ

Country United Kingdom

Section 2 of 21**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

 Address OS map reference Description
Postal Address Of Premises

Building number or name MARTINS

Street 36 BECHERS

District

City or town WIDNES

County or administrative area

Postcode WAB 4TE

Country United Kingdom

Further Details

Telephone number

Non-domestic rateable value of premises (£) 5,800

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

ALLIANCE PROPERTY HOLDINGS LIMITED

Details

Registered number (where applicable)

00907499

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

COMPANY.

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

CONVENIENCE STORE.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SUNDAY

Start 06:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

LEEDS/PERL/09513/18

Issuing licensing authority
(if known)

LEEDS CITY COUNCIL

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 06:00

End 23:00

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

PLEASE SEE ATTACHED.

b) The prevention of crime and disorder

PLEASE SEE ATTACHED.

c) Public safety

PLEASE SEE ATTACHED.

d) The prevention of public nuisance

PLEASE SEE ATTACHED.

e) The protection of children from harm

PLEASE SEE ATTACHED.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my

* licence will become invalid if I cease to be entitled to live and work in the UK, (Please read guidance note 15) The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

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/premises-licence/halton/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.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	ARG/SR/125106.1285
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >

Conditions

CCTV shall be provided on the premises and shall be kept in good working order.

All staff engaged in the sale of alcohol will be trained in accordance with the premises licence holder's training procedures.

All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of age "Challenge 25" scheme to be applied on the premises. The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (PASS) card and Military ID and any other locally or nationally approved form of identification.

All checkout operators will operate a refusal log.

The premises licence holder undertakes ongoing risk assessments in order to comply with Health & Safety Legislation.

Till prompts are in use at the store.

APPENDIX D

The operating schedule makes reference to the use of a CCTV system to further enhance this the following to apply:

Recorded CCTV images will be maintained and stored for a period of twenty-Six days,

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. Copies of footage will be provided to officers on request following a request to the premises licence holder's centralised IT department.

Recordings are fit for their intended purpose,

Good quality images are presented to the officer in a format that can be replayed on a standard computer

The operating schedule also makes reference to a challenge 25 policy being in operation at the premises, to further enhance this the following to apply:

Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises.

A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.

The Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. An electronic record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.

Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

All other steps offered are welcome and acceptable to the Police and will assist in promoting all four objectives of the Act.

Charline Wolstencroft

Objection against Premises Licence in respect
of premises Martins, 36 Bechers, Widnes, WA8
4TE

Granting Martins a premises licence is not a
good idea. As we already have major problems
with anti-social behaviour in the area and
having another store that sells alcohol will only
make it worse.

I think it will increase crime in the area, and w'll
see more kids hanging around the shops
causing nuisance and further more result to
alcohol being sold to kids.

Charline Wolstencroft

Majdi Ibrahim Rhuma

I'm writing regarding the Premises Licence application that Martins at 36 Bechers, Widnes, WA8 4TE have applied for.

I'm against the council granting Martins a licence as we already have a lot of crime/ violence in the area and this will only add to it. I'm surprised the police hasn't put an objection in, as a number of local residents have shown concern having another liquor store in the area.

The hours that have been applied for to sell alcohol will increase the amount of kids standing around the shops causing havoc and anti social behaviour and trying to buy alcohol for other kids.

M. Rhuma

APPENDIX F

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.

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, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- 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.

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. 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 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. 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.

2.7 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. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

Public nuisance

2.18 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.

2.19 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 is important to remember that the prevention of public nuisance could therefore include lowlevel nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also 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. 2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. [...]

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 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.

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

9.38 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.

9.39 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.

9.40 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. Whilst 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 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.

Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Hours of trading

10.11 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.12 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.13 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.