

# Public Document Pack



## Regulatory Sub Committee

Thursday, 24 August 2023 2.00 p.m.  
Civic Suite - Town Hall, Runcorn

S. Young

**Chief Executive**

### **COMMITTEE MEMBERSHIP**

Councillor Pamela Wallace (Chair)

Councillor Mike Fry

Councillor Kath Loftus

*Please contact Kim Butler on 0151 511 7496 or via email  
[kim.butler@halton.gov.uk](mailto: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**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES FROM THE LAST MEETING</b>	<b>1 - 6</b>
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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 Monday, 3 October 2022 at Willow Room - Municipal Building, Widnes*

Present: Councillors Wallace (Chair), Abbott and Wainwright

Apologies for Absence: None

Absence declared on Council business: None

Officers present: K. Hesketh, L. Wilson-Lagan

Also in attendance: None

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

*Action*

EXB1 APPLICATION TO VARY A PREMISES LICENCE - ABI MINI MART, HALTON BROOK, RUNCORN

The Committee met to consider an application which has been made under Section 34 of the Licensing Act 2003 to vary the above premises licence. The hearing was held in accordance with the Licensing Act 2003 and Licensing Act 2003 (Hearings) Regulations 2005.

**1. Preamble**

A meeting of the Regulatory Sub-Committee (acting as Licensing Committee under the Licensing Act 2003) of Halton Borough Council was held at Municipal Building, Widnes on Monday 3 October 2010 commencing at 10:00 am.

The meeting was held to hear an application made under section 34 of the Licensing Act 2003 for a variation of a premises licence for the ABI Mini Mart in Halton Brook, Runcorn. The application had been amended prior to the hearing following discussions with the Police. It was the amended application that was to be determined as there remained one relevant representation from local residents, Mr and Mrs Wend, which had not been withdrawn.

In attendance were:-

1. Members of the Regulatory Sub-Committee comprising Cllr Wallace, Cllr Abbott and Cllr Wainwright (the sub-committee)
2. Mr Aravendan Kanthanathan (the applicant)
3. Mr Ian Rushton (the applicant's Licensing Agent and representative)
4. Kim Hesketh (Licensing Manager)
5. Elizabeth Wilson-Lagan (Legal Adviser)

Mr and Mrs Wend, who had made relevant representations did not attend. The sub-committee were satisfied that Mr and Mrs Wend had been properly notified of the hearing and noted that they had not confirmed their attendance pursuant to Regulation 8 of the Licensing Act 2003 (Hearings) Regulations 2005. The notification was sent both by email and hand delivered to their address. They were also contacted on 29 September 2022 to check whether they would be attending the hearing. No response had been received. In light of this, the sub-committee determined to hear the matter in their absence.

After the chair of the sub-committee, Cllr Wallace, had introduced the parties, the Legal Adviser, Elizabeth Wilson-Lagan, outlined the procedure to be followed. Licensing Manager, Kim Hesketh, then outlined the nature of the application and the relevant representations that had been made. The sub-committee were advised that two relevant representations had been made in respect of the original application but one of the representations had been withdrawn following the amended application and after preparation of the agenda but prior to the hearing. The sub-committee was not to have regard to the second representation.

## **2. Details of existing premises licence**

The current licensable activities are as follows:-

Supply of Alcohol	Monday to Sunday	07:00 to 23:00
Hours open to public	Monday to Sunday	06:00 to 23:00

## **3. Details of the application (as amended before the hearing)**

The application as amended following agreement with the Police is for a variation of the existing premises licence as follows:-

Provision of late night refreshment	Monday to Sunday	23:00 to 01:00
Supply of Alcohol (off premises)	Monday to Sunday	06:00 to 01:00
Hours open to the public	Monday to Sunday	06:00 to 01:00
Delivery service only	Monday to Sunday	01:00 to 02:00

Delivery conditions:-

Alcohol may not be sold from the delivery vehicle.

The delivery driver may only carry alcohol that has been pre-ordered.

Conditions on CCTV

The premises will retain CCTV footage in an unedited format for a minimum of 28 days.

CCTV shall be provided to the Police and Local Authority upon reasonable request.

#### **4. The hearing**

Mr Rushton presented the case on behalf of the applicant. He explained that the applicant had purchased the premises in a poor condition and had refurbished it. The premises is a local convenience store which sells a range of goods and it is considered an asset. Alcohol is only part of the business. The applicant is an extremely experienced retailer with over 25 years of experience and he owns various licensed premises. In respect of the ABI Mini Mart, he is the designated premises supervisor and he is responsible for the running of the business on a daily basis. The shop is run well and in accordance with the licensing objectives. This is evidenced by the fact that there have been no reviews of the premises licence, complaints or problems. The applicant is keen to develop the business further and intends on extending its alcohol licence until 2 am, with the last hour being a delivery service. As for the provision of late night refreshment, it is the applicant's intention to install a coffee machine.

Mr Rushton then took the sub-committee through Appendix B of the agenda and the conditions on CCTV, staff training and the additional conditions agreed with the Police in support of the application and how the applicant intends to achieve the licensing objectives.

He went on to state that the fact that there had been no relevant representations from the responsible authorities spoke volumes and reminded the sub-committee that the Police were their main advisers on the crime and disorder licensing objective. He explained that he had emailed the 2 objectors to explain the application and to offer them reassurance. One of the objections had been removed after this contact but unfortunately he was unable to speak to Mr and Mrs Wend prior to the hearing. In terms of Mr and Mrs Wend's objections, he advised that there would be

cameras on the outside of the premises as well as indoors and it would be given to police if there were any issues. As for the sale of alcohol, he advised that it was an offence and a condition of the licence that alcohol could not be sold to those that are drunk or underage. The representations made by Mr and Mrs Wend are based on a fair bit of speculation and no evidence had been provided in support of their objections which was key and meant that a refusal could not be maintained on this basis. If there were any issues, the review process acts as a safety net and action could be taken. He concluded by saying that the application was strong and the conditions comprehensive.

Questions were posed by the sub-committee on the delivery service and it was confirmed that this would be sub-contracted out to a company like Uber Eats/ Deliveroo. They are provided with a copy of the licence and there would be a contract in place to ensure compliance with the conditions. The delivery drivers would be provided by these professional companies and if there were any concerns regarding the age of the buyer, the sale would be refused and the alcohol brought back to the shop. Payment would be made electronically. Mr Rushton also referred the sub-committee to the additional conditions on delivery and CCTV. The applicant also confirmed that the last order for delivery would be 30 minutes before closing time. Mr Rushton emphasized that the Applicant was a responsible licence holder and did not want any problems.

The Members confirmed that they had read the relevant representations from Mr and Mrs Wend and did not require them to be read out at the hearing.

Mr Rushton summed up the applicant and the case in support. The sub-committee then retired to consider the matter. All parties except the sub-committee members and the legal adviser left the room.

## **5. The determination**

The sub-committee resolved to grant the application (as amended) subject to the hours set out below, the additional conditions agreed with the Police as detailed in section 3 above and the conditions in the operating schedule.

Provision of late night refreshment	Monday to Sunday 23:00 to 01:00
Supply of Alcohol (off premises)	Monday to Sunday 06:00 to 01:00
Hours open to the public	Monday to Sunday 06:00 to 01:00
Delivery service only	Monday to Sunday 01:00 to 02:00

## **6. Specific reasons for the determination**

In making its determination, the sub-committee had regard to the licensing objectives, the statutory guidance and Halton Council's own Statement of Licensing Policy.

The sub-committee found that:-

1. The ABI Mini Mart is an established convenience store which has held a licence to sell alcohol (off premises) since 9 December 2015. The sale of alcohol is only part of the business. Since that time, there have been no reviews of the licence or complaints received or problems that the sub-committee is aware of.
2. The applicant is an experienced retailer with over 25 years of experience and he can therefore be trusted to continue to run the premises in a responsible manner and in promotion of the licensing objectives.
3. The Council's own statement of policy states that in respect of shops, stores and supermarkets that "the norm will be for such premises to be free to provide sale 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.
4. As set out in the statutory guidance, the sub-committee is to look to the Police as the main source of advice on crime and disorder. Significantly, the Police have removed their objections having reached an agreement on the amended hours of opening, the option of a delivery service and the additional conditions on how the delivery service is to operate and on CCTV. Equally, no representations have been received from the environmental health department. As neither the Police nor the environmental health department object to the amend application, the inference drawn from this is that it is their expert professional position that the proposal is not considered likely to undermine the licensing objectives. Significant weight has to be attached to that position as each are considered the lead in their respective fields.
5. In respect of Mr and Mrs Wend's concerns regarding the late night/ early hour distribution with people driving down the street and antisocial behaviour disturbing the peace, the statutory guidance makes it clear that in considering public nuisance, the actions of individuals beyond the immediate area surrounding the premises are matter for the personal responsibility of individuals under the law. However, the Applicant has agreed to additional conditions on the delivery service and CCTV and it is already a condition of the licence that deliveries are to be arranged at appropriate times so as not to cause any disturbance to local residents. These conditions seek to monitor and combat issues of

nuisance and crime and disorder.

6. Whilst the sub-committee notes the concerns of Mr and Mrs Wend, there concerns are based largely on speculation. The sub-committee is mindful of the decision of Daniel Thwaites Plc v Wirral Borough Council and others which made it clear that the sub-committee should look for real evidence and only impose regulation were the circumstances require it. Mr and Mrs Wend have not provided any evidence in support of their representations.
7. On balance, it therefore finds that application does not undermine the licensing objectives.

The sub-committee recommends that the premises and residents engage in dialogue should there be any concerns in future. In the event that the proposed operation of the premises does lead to issues, residents are strongly advised to report matters to the police and environmental health where appropriate.

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 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.

#### **7. Time that the determination shall take effect**

Forthwith

*Meeting ended at 11.10 a.m.*



<b>REPORT:</b>	Regulatory Sub-Committee
<b>DATE:</b>	24 August 2023
<b>REPORTING OFFICER:</b>	Operational Director – Legal and Democratic Services
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Application for a Premises Licence – Banksey’s Bar, 75 Albert Road, Widnes, WA8 6JS
<b>WARDS:</b>	Appleton

## 1. PURPOSE OF REPORT

To assist Members of the Regulatory Committee in their consideration of an application by Miss Bethany Christine Owens for the grant of a premises licence for Banksey’s Bar, 75 Albert Road, Widnes, WA8 6JS.

## 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 situated on the corner of Albert Road/Ross Street in Widnes Town Centre. It is surrounded by commercial premises, including Wetherspoons, and is located in close proximity to residential premises on Ross Street. A copy of a plan is attached at **Appendix A**.

3.2 The premises has been a licensed premises since 24 November 2005 and, overtime, it has been known as Tony’s Bistro, Meloni’s, Goodfellas and, more recently, Annie’s Bar. Annie’s Bar held a licence from 9 September 2019 until it was surrendered on 12 January 2023, although it had closed before this date.

3.3 The Applicant is the new owner of the premises, now known as Banksey's Bar, and applies for a premises licence in the terms set out below.

#### 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 B**.

4.3 According to the application, Bankseys Bar will be a wine bar/ café. In summary the applicant seeks:

Hours open to the Public Monday to Thursday 11.00 to 00.30 and Friday to Sunday 11.00 to 01.30

Supply of alcohol Monday to Thursday 11.00 to 00.00 and Friday to Sunday 11.00 to 01.00

Live & Recorded Music Monday to Thursday 11.00 to 00.00 and Friday to Sunday 11.00 to 01.00

Late Night Refreshment Monday to Saturday 23.00 to 00.00 and Sunday 23.00 to 23.30

4.4 Notably, save for the provision of late night refreshment, the licensable activities and hours are the same as those that were permitted under the premises licence held by Annie's Bar.

4.5 In respect of live and recorded music, the applicant has confirmed that this will be provided by a juke box and karaoke, both of which will take place indoors. Equally, the applicant only seeks the supply of alcohol on the premises, meaning that off-sales will not be licensed.

4.6 Within the operating schedule set out in Part 3 of 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;
- No children on the premises at any time;
- Challenge 25 Policy;
- Regular toilet checks;
- Regular staff training;

- A search policy for drugs and weapons;
- Last entry to the premises will be 30 minutes before terminal hour;
- First aid on premises;
- Only toughened glass to be used and no glasses outside the premises
- Notices will be displayed asking patrons to respect neighbours;
- All windows to be closed at 23:00 hours
- Noise levels to be monitored at all times.
- No nudity or semi nudity at any times.

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

## **5. REQUIREMENT FOR A HEARING**

5.1 The application was submitted on 4 July 2023 and was advertised in the local newspaper on 8 July 2023. Officers have confirmed that the advertisement requirements were complied with.

5.2 During the 28 days representation period, the Licensing Authority received relevant representations from the Council's Environmental Health Department, Cheshire Police and local residents as detailed below.

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, Cheshire Police and Environmental Health.

5.7 The Applicant and the Police have indicated that they will be making submissions to the Sub-Committee at the hearing. The other parties have all been informed of the hearing.

## 6. THE REPRESENTATIONS

### 6.1 RESPONSIBLE AUTHORITIES

#### **Environmental Health**

Environmental Health has no objection to the licence application, in principle. There is a history of noise complaints associated with regulated entertainment under the previous ownership/management. This resulted in the serving of an abatement notice in June 2021 regarding noise from regulated entertainment. They have suggested the condition below to control noise.

“The doors opening onto Ross Street are kept closed at all times when regulated entertainment is taking place”.

This condition has been accepted by the applicant.

#### **Cheshire Police**

Relevant objections have been received from Cheshire Police and are appended to this report at **Appendix C**. This is a restricted item as it contains exempt information which is also of a sensitive nature.

The Police have asked the Sub-Committee to refuse the application on the grounds of Crime and Disorder and, in the event that the application is granted, they recommend a number of conditions to be attached to the licence.

### 6.2 ANY OTHER PERSON

Ten representations have been received from local residents who object to the grant of a premises licence on all 4 licensing grounds, with the main issue being the hours of operation and likelihood of noise nuisance. A copy of the objections can be found at **Appendix D** of this report.

### 6.3 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 E**.

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.

...

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.

...

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).

23. The Council will encourage the provision of a wide range of entertainment activities within the Halton area including promotion of live music, dance and so on, in the interests of broadening cultural opportunities within the local community.

...

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.  
[...]

#### **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.

[...]

#### **84. Plastic containers and toughened glass**

85. The Council has concerns about the dangers of bottles and glasses being used as weapons. It believes that the use of safer forms of glasses can help to reduce injuries and will expect applicants to state in their operating schedule what proposals they have to minimise such injuries through the use of safer forms of glasses, bottles and other means.

86. Consideration will therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries. Location and style of the venue, the activities carried on there, and the hours of operation, would be particularly important in assessing whether a condition is necessary: for example, the use of glass containers on the terraces of outdoor sports grounds may be of concern.

#### **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.



## 94 Drugs

The Council recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises but it is recognised that conditions may need to be attached to the licences for certain venues if representations are received. The aim will be to endeavour to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions will take into account the relevant guidance and advice from appropriate bodies. The Council expects licensees of all venues to take all reasonable steps to:

- Prevent the entry of drugs into licensed premises
- Prevent drugs changing hands within the premises
- Understand the signs of drug misuse in people so that practical steps can be taken to deal with any instances that occur
- Have appropriately trained staff to deal with drug related incidents.

The Council expects licensees to permit the access and use of drug dogs within the public and staff areas of the premises upon request of the Council and/or police involved in such an initiative. The increasing prominence and dangers that can occur from Novel (New) Psychotic Substances (Legal Highs) is recognised and the Council would encourage all venues to include suitable steps within their Drugs Policy to deal with legal highs. The Council will consider whether it would be appropriate to impose a condition in order to promote one or more of the statutory licensing objectives where there is evidence to do so.

## **95 The control of excessive Alcohol consumption**

It is an offence under the Licensing Act 2003 to sell to, or obtain alcohol for, a person who is drunk on licensed premises.

In practical terms this includes:

- Selling an alcoholic drink to someone who you know is drunk
- Buying an alcoholic drink for someone who you know is drunk

The Council expects all premises licence holders to take steps to control excessive consumption and drunkenness on relevant alcohol licensed premises. All serving staff should be trained in recognising the signs of drunkenness, how to refuse service and the premises duty of care. The premise should display prominent signage at point of sale that it is an offence to sell alcohol to anyone who is drunk.

This will reduce the risk of anti-social behaviour occurring both on and away from the premises after customers have departed. Premises licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities.

...

## **96. Capacity limits**

97. Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

...

## **98. Good Management**

99. Certain kinds of physical environment within places subject to premises licences (such as an over preponderance of vertical drinking) are generally thought to be less conducive to avoiding crime and disorder. Good management and adequate staff training are vital. Where appropriate the provision of food in addition to alcohol can have a beneficial effect. Where food is provided it is good practice (but not mandatory under the licensing system) to have regard to current practice on healthy eating. The Council encourages premises licence holders to take an active part in local Pub Watch and Arc Angel schemes.

100. Another aspect of good management in relation to door supervision is to have proper systems in place to comply with the Private Security Industry Act 2001 and to think about how good door supervision systems can contribute to crime reduction both within and outside of premises. Applicants will be expected to have considered these and all relevant issues and to reflect these within their operating schedules

- 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

**11.2 Employment Learning and Skills in Halton**

N/A

**11.3 A Healthy Halton**

N/A

**11.4 A Safer Halton**

None

**11.5 Halton's Urban Renewal**

None

**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**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
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](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>

PREMISES

The map shows a residential area with several streets including Deacon Rd, Saxon Terrace, Ross St, Myler & Co, Cross St, and Bradley Way. A purple line highlights a specific area labeled 'PREMISES' which includes 'The Academy of Dental Nursing' and 'Bargain Booze Convenience Store'. Other businesses and landmarks include 'Early Learners Nursery - Widnes', 'RKL Motors & Collectables', 'Day 2 Day Super Market', 'Star Moon Chinese Takeaway', 'Pixiv Caribbean Flavours 2', 'Adams Estate Agents', 'Tsunami Tattoo lucky 13', 'The Gingerbread Tea House', 'Annie's Bar', 'Reeds Rains Estate Agents Widnes', 'Barclays ATM', 'Maz's Gent's Hair Salon', 'Today's Extra - Wisniam Convenience Store', and 'Looking Good'. The map interface includes a search bar, navigation controls, and a scale bar.

**Application for a premises licence to be granted under the Licensing Act 2003****Please read the following instructions first**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.


You may wish to keep a copy of the completed form for your records.

I/We Bethany Christine Owens  
*(insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

**Part 1 – Premises details**

Postal address of premises or, if none, Ordnance Survey map reference or description			
75 Albert Road <del>Banksey</del> Widnes Bankseys			
Post town	Widnes	Postcode	WA86JS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 3300.00

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as appropriate **Please tick as appropriate**

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
	i as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)
	ii as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
	iii as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
	iv other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)

c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

**(A) individual applicants (fill in as applicable)**

Mr	Mrs	<u>Miss</u>	Ms	Other Title (for example, Rev)	
Surname			First names		
OWENS			BETHANY CHRISTINE		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality		BRITISH / ENGLISH			
Current residential address if different from premises address		[REDACTED] WIDNES HALTON CHESHIRE			
Post town	WIDNES		Postcode	[REDACTED]	
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)		[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					



Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
05	08	1023

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

DD	MM	YYYY

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

WINE BAR / CAFE

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	

e)	live music (if ticking yes, fill in box E)	✓
f)	recorded music (if ticking yes, fill in box F)	✓
g)	performances of dance (if ticking yes, fill in box G)	✗
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	✓

<b>Provision of late night refreshment</b> (if ticking yes, fill in box I)	✓
<b>Supply of alcohol</b> (if ticking yes, fill in box J)	✓

**In all cases complete boxes K, L and M**

**E**

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finis h		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11.00 AM	24.00 MIDNIGHT	Please give further details here (please read guidance note 4)		
Tue	11.00 AM	MIDNIGHT			
Wed	11.00 AM	MIDNIGHT	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	11.00 AM	MIDNIGHT			
Fri	11.00 AM	1.00 AM	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11.00 AM	1.00 AM			
Sun	11.00 AM	1.00 AM			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finis h		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11.00 AM	MIDNIGHT	Please give further details here (please read guidance note 4)  Juke Box.		
Tue	11.00 AM	MIDNIGHT			
Wed	11.00 AM	MIDNIGHT	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	11.00 AM	MIDNIGHT			
Fri	11.00 AM	1.00 AM	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11.00 AM	1.00 AM			
Sun	11.00 AM	1.00 AM			

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing  KARAOKE		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	11.00 AM	MIDNIGHT		Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Tue	11.00 AM	MIDNIGHT	<b>Please give further details here</b> (please read guidance note 4)		
Wed	11.00 AM	MIDNIGHT			
Thur	11.00 AM	MIDNIGHT	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri	11.00 AM	1.00 AM			
Sat	11.00 AM	1.00 AM	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun	11.00 AM	1.00 AM			

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
		h		Both	<input type="checkbox"/>
Mon	23:00 <del>11:00</del>	AM MIDNIGHT	<b>Please give further details here</b> (please read guidance note 4)		
Tue	23:00 <del>11:00</del>	AM MIDNIGHT			
Wed	23:00 <del>11:00</del>	AM MIDNIGHT	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	23:00 <del>11:00</del>	AM MIDNIGHT			
Fri	23:00 <del>11:00</del>	AM MIDNIGHT	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	23:00 <del>11:00</del>	AM MIDNIGHT			
Sun	23:00 <del>11:30</del>	AM 11:30 PM			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finis h		Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11.00 AM	MIDNIGHT	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Tue	11.00 AM	MIDNIGHT			
Wed	11.00 AM	MIDNIGHT			
Thur	11.00 AM	MIDNIGHT	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	11.00 AM	1.00 AM			
Sat	11.00 AM	1.00 AM			
Sun	11.00 AM	1.00 AM			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		BETHANY CHRISTINE OWENS
Date of birth		
Address		[REDACTED] WIDNES HALTON CHESHIRE.
Postcode	[REDACTED]	
Personal licence number (if known)		PLHBC [REDACTED]
Issuing licensing authority (if known)		HALTON BOROUGH COUNCIL

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

PROVISION OF 1 GAMING MACHINE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)

State any seasonal variations (please read guidance note 5)

Day	Start	Finish
Mon	11.00	12.30
	AM	AM
Tue	11.00	12.30
	AM	AM
Wed	11.00	12.30
	AM	AM
Thur	11.00	12.30
	AM	AM
Fri	11.00	1.30
	AM	AM
Sat	11.00	1.30
	AM	AM
Sun	11.00	1.30
	AM	AM

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)



**M**

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

CCTV RECORDING AT ALL TIMES  
NO CHILDREN ON PREMISES AT ANY TIME.  
CHALLENGE 25 POLICY SHALL BE OPERATED

**b) The prevention of crime and disorder**

A CHALLENGE 25 POLICY OPERATED AT ALL TIMES.  
FORMS OF I.D. ACCEPTED WILL BE APPROVED BY POLICE OR  
OTHER RESPONSIBLE AUTHORITY.  
REGULAR TICKET CHECKS & REGULAR STAFF TRAINING.

**c) Public safety**


THE PREMISES WILL OPERATE A SEARCH POLICY FOR DRUGS  
AND WEAPONS.  
LAST ENTRY TO PREMISES WILL BE 30 MINS BEFORE TERMINAL HOUR  
FIRE AID ON PREMISES  
ONLY TOUGHENED GLASSWARE TO BE USED.  
NO GLASSES OUTSIDE THE PREMISES

**d) The prevention of public nuisance**

NOTICES WILL BE DISPLAYED ASKING PATRONS TO RESPECT  
NEIGHBOURS.  
ALL WINDOWS TO BE CLOSED AT 23:00 HRS  
NOISE LEVELS TO BE MONITORED AT ALL TIMES.

**e) The protection of children from harm**

NO NUDITY OR SEMI NUDITY AT ANY TIME.  
NO CHILDREN ON PREMISES AT ANY TIME.

	<p>the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> <li>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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	03/07/2023
Capacity	DPS / MANAGER / PROMOTOR.

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)	
Post town	Postcode
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

**Notes for Guidance**

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**Checklist:**

Please tick to indicate agreement

	<ul style="list-style-type: none"> <li>• I have made or enclosed payment of the fee.</li> </ul>	
	<ul style="list-style-type: none"> <li>• I have enclosed the plan of the premises.</li> </ul>	
	<ul style="list-style-type: none"> <li>• I have sent copies of this application and the plan to responsible authorities and others where applicable.</li> </ul>	
	<ul style="list-style-type: none"> <li>• I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.</li> </ul>	
	<ul style="list-style-type: none"> <li>• I understand that I must now advertise my application.</li> </ul>	
	<ul style="list-style-type: none"> <li>• I understand that if I do not comply with the above requirements my application will be rejected.</li> <li>• [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).</li> </ul>	

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

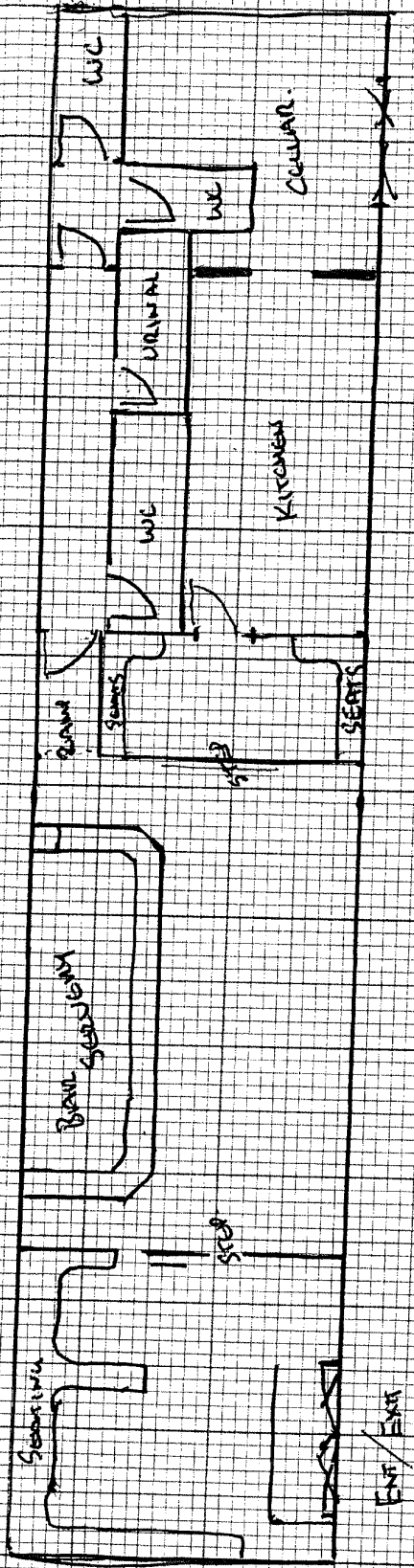
It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment 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.

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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</li> </ul>
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BANKSEYS BAR TS ALBERT RD BROWNS WASH 635



WHOLE OF PREMISES TO BE LICENSED

ALBERT  
RD

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

Document is Restricted

## APPENDIX D

To whom it may concern.

I'm writing this e-mail to object to the licensing hours off Banksy Bar. I have lived in Ross Street for almost 30 years. Always loved the central location to shops. But past couple of years have been a nightmare. Starting with Annie's Bar and it's loud music and late night revellers. Having always worked wkends too then going to work on a few hours sleep because of the noise is not on. So when I read about the late night hours of new Bar. I am not happy at all. At 60 years of age and working and paying my taxes. And if any of councillors would like to spend a weekend living near Bar and what we have to put up feel free. I'm not objecting to the Bar just it's late opening hours and loud music. Why is entrance door not on main road? Instead of side street. I STRONGLY OBJECT TO THE OPENING HOURS OFF THIS BAR.

Yours sincerely

Yvonne Jones

**FURTHER INFORMATION:**

Sent: Tuesday, July 11, 2023 8:10 pm

Mrs Yvonne Jones

[REDACTED], Widnes, Halton [REDACTED]

**ACCESS TIMES AND PREFERRED CONTACT METHOD (PREMISES):**

E-mail preferred)

**Objections to Banksey's Bar opening in Ross Street, Widnes, Cheshire.**

Jane Hargreaves,

[REDACTED] Cheshire, [REDACTED]  
[REDACTED] / 31/07/2023

I have lived in Ross Street for 33 years and I am aware that there has always been a bar at the bottom of our street. When it was Tony's Bar it was a lounge bar where people dropped in on there way on to pubs/clubs further up or down the street. I cannot recall any issues with Tony's Bar he was a lovely man who respected our street. When the building became Annie's Bar it became a nightmare of issues for the residents of Ross Street the owners were not friendly or respectful. We had to resort to continuously complaining to the local council about noise levels, public safety, intimidation, littering of bottles and used condoms, open drug dealing, fighting/arguments. I would often go to work as a nurse on little or no sleep due to noise issues. I am aware that other residents had the same experience and now have concerns about this happening again which would leave us no choice other than to continuously complain to our local council bodies once again. I live at the top of the street and experienced all the above issues from Annie's Bar it must be difficult for residents living nearer to the bar.

***The residents of Ross Street and Saxon Terrace do not want any animosity we just want to go about our lives in the relative peace that we have now anything else will have a direct impact on our mental health and wellbeing.***

Following the closure of Annie's Bar our street has returned to a normal residential street with little noise or disturbance. I am concerned at the prospect of having a bar at the bottom of our street following the issues that Annie's Bar previously caused for the residents of Ross Street.

**Main concerns for objection are:**

Increased noise level from live music/karaoke, audience participation.

Bar open 7 days a week from early in the day until early hours of the morning.

Taxi's dropping/picking customers off until early hours of the morning.

Increased footfall in our street where customers once intoxicated have no regard for our street or its residents – vomiting/urinating/sitting and leaning on our cars, talking, and chatting loudly as they walk up our street.

Open drug dealing in the street outside the bar as we experienced with Annie's Bar as you walked down to local shops you often feared confrontation from people under the influence of drugs or alcohol or both.

Increased litter/ beer bottles left outside your residence for you to pick up and throw away. Used condoms from people having sex in the entry at the top of the street.

Residents are often up early for work following sleepless nights from disturbances as described above.

Thank you for your time,

Jane

Jane Hargreaves

Widnes  
23 July 2023

Dear Sir/Madam,

Re: Bankseys Bar, Ross Street, Widnes.

I am writing to object to the licencing application that Bankseys Bar have recently submitted to the Council on the grounds of The prevention of public nuisance and The protection of children from harm.

My objection to the application is as follows;

The building is not very big, essentially it is the size of a small shop and is situated in **a residential street**. All the doors to the building, including 2 small windows open up into **a residential street**.

All noise, from customers or music from the bar will be heard by residents of Ross Street and Saxon Terrace. This cannot be avoided as the business relies heavily on getting lots of customers through the doors to make money and unfortunately noise is a product of that.

Whilst I acknowledge that the bar is under new ownership it is unfair, of me, to suggest that the residents of Ross Street and Saxon Terrace will be subject to the same extreme noise disturbance that was experienced, between 2019 and 2022, when the previous bar was open. However, by the very nature that it is still a pub, open long hours in a **residential street**, and the business is the same as it was previously then its highly likely that noise will be generated and this is more noise than we have had in the last 12 months since the previous bar shut.

If the bar opens it will lead to more foot and vehicle traffic as customers travel up and down the street to visit the bar. This will result in noise and disturbance to residents particularly well into the early hours of the morning over a weekend. Residents have to get up and go to work so should be able to expect to have a good nights sleep.

There is no dedicated car park to the pub. Parking is already a nightmare for residents in Ross Street and Saxon Terrace and it is difficult for residents to find a parking space during normal times. Customers who arrive by car will try and find a space somewhere close to the pub as they wont use the free car parks further away, Wherever they manage to park when they return to their vehicle there will be some noise disturbance from people talking and car doors slamming at whatever time they leave the pub.

Those customers who smoke will congregate outside the pub, as the pub does not have any outdoor space within the pub grounds, and they will be talking to one another, and as the night progresses the voices will get louder causing a disturbance to residents.



There will be constant noise disruption as people come and go into the bar, opening and closing the door, which is situated on a **residential street**. This noise disruption will increase as the evening progresses as people flock to a pub that plays music and will affect residents mainly around being able to go to bed to sleep.

As the building does not hold many people there is a risk, as happened previously, that customers won't be allowed in as the bar is full to capacity. There is a potential then for people to queue outside of the pub while waiting to enter the pub, making noise, or even the risk of a fight breaking out between people waiting in the queue, with the police called generating even more noise. Again resulting in disturbed sleep for residents or not being able to go to sleep at all before the bar closes as that's the only time it will be quiet. Totally unacceptable.

The pavement is not wide enough for other people to walk past the pub on their way home so are forced to walk in the road to get past which is a risk.

Noise at the end of the night when customers leave the premises at closing time stand around talking whilst waiting for taxis to get home. At the weekend this is going to be later than 1.30am. Then there will be additional noise, after 1.30am when the bar staff empty the beer/wine bottles into the large trade bins in the entry behind the pub disturbing residents sleep (if they are lucky enough to have managed to get to sleep). It is likely to be around 2am before staff then leave the building and then there is the noise of shutters being pulled down. Only then will it go quiet and residents will finally be able to go to sleep.

Everyone knows that when people drink they become loud and as the evening progresses and they continue to drink the noise levels increase which then causes a public nuisance.

All the above points affect the lives and comfort of every resident and we all have a right to a level of peace and quiet.

I am also concerned about the likelihood of increased litter in the surrounding area of the bar and across the road from the bar. I litterpick Ross Street and surrounding areas, as a volunteer, and have done this for a number of years. When the previous bar was open there were lots of cigarette butts, cigarette packets, old lighters etc discarded outside it. Besides that residents were regularly faced with stepping over vomit, broken glass in the road and on the pavement, used condoms, ladies underwear, used sanitary towels etc. Residents also witnessed people, on a couple of occasions coming out of the bar and going into the alleyway to urinate. On one occasion a resident found a woman crouching down urinating against the tyre of their car. Disgusting! Whilst I cannot say, for definite, that this will happen if this bar opens there is a strong likelihood that some or all of the above will happen at some time as you can't change the fact that people will be drinking and do some things when they've had a drink that they wouldn't dream of doing when they are sober.

This will leave the street looking unsightly and reflects badly on the residents of the street. People turning up to work at the estate agents in the area at the bottom of Ross Street have to wade through the rubbish and vomit which is unacceptable..

I also feel that it is important to provide the Committee with background information in relation to the building that the pub is located in.

Historically the building has been a wine bar for approximately 30 years. Initially it was called Tonys Wine Bar and all the time it was open it never caused a public nuisance. The only music you may have occasionally heard was a bit of Spanish guitar music on a Sunday afternoon. It wasn't open late and closed at a reasonable time. It was definitely a very different kind of bar than the one that came next.

Unfortunately the wine bar then became a cocktail bar (approximately August 2019) called Annie's Bar. The new owner applied to the Council to extend the opening hours of the pub and it was approved as there were no objections from the residents. This was because none of the residents were aware of the application as the notice that the bar had to display had been displayed on a lamppost on the opposite side of the road to the bar. How convenient! Residents were only aware that the application had been approved when their lives were blighted by the noise from the bar. Residents were unable to go to sleep most weekends due to the noise that came from the bar and its customers. **It was a pub trying to be a club** and was definitely sited in the wrong part of Widnes.

Environmental Health Officers were involved, from the 1<sup>st</sup> day the bar was open and their involvement continued until the day the bar closed, issuing noise diaries etc. I live 14 doors away from the bar and I was very much affected by the long opening hours of Annie's bar. The impact on the people who lived closer to the bar was a lot worse. I used to dread weekends as I knew I wouldn't be able to go to sleep before the pub had closed and the staff had left which was around 2am, My mental health was affected which was not very nice. My grandchildren could not stay over because they couldn't get to sleep due to the noise generated by the bar. I wasn't the only resident affected and it was a very stressful time for everyone involved.

In addition during the time the bar was open several residents were forced to move out of Ross Street due to the strain it was having on their overall wellbeing as well as their mental health. It should never had come to that as they were members of our community,

Although I do not know what the impact of Bankseys bar will have on the residents of Ross Street, my fear is that we, the residents, will be subject to something similar to what we were subject to for 3 years during the time that the previous bar was open.

What I do believe is that a bar, playing a variety of music, including the possibility of live music (as per the licence application) and open till **12,30am Monday to Thursday and 01.30am on a Friday, Saturday and Sunday** has no place in a **residential street**. Residents in Ross street and Saxon Terrace have a right to expect a level of peace and quiet and certainly should be able to go to bed at a time they chose without the risk of having disrupted sleep due to the noise generated from the bar.. Residents have to get up and go to work, so need a restful nights sleep, and children should not have to go to school feeling tired because their sleep has been disturbed by the noise generated by the bar.

Whilst I understand that the bar is a new business and wants it to be a success I believe the Licencing Committee need to weigh up the risk of Public nuisance the bar will cause in a **residential area**.

I do not want history to repeat itself and residents end up in the same situation we were in between 2019 and 2022. Both myself and my neighbours would like to continue living our lives in the peace and quiet we have enjoyed since the previous bar closed. I believe that by refusing the licence application it will prevent any risk of public nuisance and will protect children living in the street from harm

I hope that the committee considers all objections/concerns that they have received in relation to this from residents who live in Ross street and Saxon Terrace and take into account the issues that the residents have previously had to endure when a bar is allowed to open for such long hours in a **residential area**.

Kind regards

Lyn Fletcher

Hello! I live on same street with the Banksey Bar and definetly i'm against to opening this bar. I wake-up every morning at 5 o'clock to go to work and with the last bar who was opened on the same place was very hard to keep my job because i sleep like 3 hours per night because the music was so loud and people screaming so hard. When the bar was opened was very hard to find a place to park my car because the street was full with others cars. Is very dangerous for my kids because drunks people was all the time on my street. They scrach my car,they vomiting front of my door.And almost every night the police was coming to split the fight because they was fighting almost every night,smashing glasses and other things.And are many many others problems if you let them to open this bar,so please do not let them to open the Banksey Bar. Thank you!

Hi! I against of opening the Banksey's Bar and this are the reason why: PREVENTION OF PUBLIC NUISANCE and PROTECTION OF CHILDREN FROM HARM.

Hi kim,

My name is Dawn Owen and i live on Ross street very close to the venue, i realise this is a new bar and can only write about the previous bar ( Annies bar).

My experience with the annies bar was enough to put me off living in this street from the moment it opened and i was very happy when it closed and to hear another bar may be opening in its place for longer hours including sunday night and is asking for a live music licence makes me physically sick.

I work from 5.50am every morning apart from weekends the previous bar kept me awake to the early hours every time it was open.

There were obvious drug activities going on, the door to the bar was open the majority of the time the customers were all over the road smoking being very loud using my doorway as a toilet as well as using the alleyways for all kinds of dubious behaviour the police were called numerous times the whole thing sounded like a street party every night it was open.

I understand you have to make a decision but in my opinion that premises is barley big enough for a shop so to consider opening a live music bar on a residential street is madness and if i do have to give up my job because of this i will be taking action to see what my legal options are.

Many Thanks, Dawn Owen

Dear Mrs Hesketh

I wish to lodge an objection against the opening of Banksey's Bar on the corner of Albert Road and Ross Street.

I don't see why it has to open until 1.00am on a Sunday. That's providing there are no lock ins meaning customers will leave later than 1.30am. Local people are up for work or school on a Monday morning, which they won't be happy about if they have been kept awake half the night. The doors are open especially through the summer, because there are no windows for ventilation. As far as I know there is no rear exit for customers to leave by if there is an emergency. We have to close our back windows because of the noise which will be worse if they have live music. We had all these issues with the Imperial.

Customers stand outside the bar smoking leaving the pavement littered with cigarette ends. It can be intimidating when walking past to go to the shops. It must be worse for parents walking past with young children listening to bad language on the way past.

Customers walk along our road talking loudly, shouting or fighting. Also there is the question of under age drinkers. Kids make more noise on the way home, as we know from when Top Of The Town was open. Taxis use our road as a rat run adding to the noise levels. People sometimes stop and urinate by the entry gates or between parked cars.

We have had drunken people lying outside our house at 7am in the morning. Each car we have had has been damaged. Our present one has a scratch from the bonnet to the boot on the passenger side.

This bar changes hands on a regular basis. Each time it changes hands it gets ripped out and refitted so we have to put up with all the mess from that. Skips parked outside the bar for weeks on end. This time round there was the top for a refrigerated unit left on the pavement for a few weeks. A big trip hazard for a person with sight issues.

Yours sincerely

Jeanette Everitt

Due to the protection of my two small children I object to the proposed opening hours of bankseys bar. As a father with two children in the house I am concerned that it will increase the chances of drunken behaviour/fights. The nuisance of having screaming/ shouting gangs of adults walking up and down our street in the middle of the night causing upset and waking the children is a big concern to us. We have previously had cars damaged in the street from passers by coming home late at night, drunk and behaving in a disorderly way.

Hi Kim

I would like to register my strong objection to the Banksey's bar recent application to have live music, recorded music and supply of alcohol.

I live very close to the venue and have personally seen a lot of unsociable behaviour from people drinking at Annie's bar, which it was previously.

We have seen fighting, shouting, screaming, loud music (I could hear the music over the radio in my bedroom), drug use in the street and even people urinating behind the estate agents. This plus thumping music at midnight or flashing blue lights outside my window (when police have previously attended), is not acceptable.

I have MS and I also have a full time job so noise and disorderly behaviour has a negative impact on my ability to sleep.

This residential area is not a place for an establishment like that and it is not fair on the people that have to live here.

If you need any further info, please let me know.

Kind regards

Concerned resident



Widnes, [REDACTED]

The Licensing Officer,  
Licensing Department,  
Halton Borough Council,  
Municipal Building,  
Widnes.

Dear Sir/Madam,

I am shocked to learn of the licensing application for the former Annie's Bar, now called Banksey's Bar. This establishment is right on top of residential housing and is clearly not a suitable building for a music and late bar venue, as history shows.

The building is very small. People open the door for ventilation and to smoke, spilling out on to the narrow pavement creating their own noise as well as allowing loud noise from within to spill out to cause even greater disturbance. This is based on my experience of the misery this venue previously caused.

There are parking issues in residential streets, fighting, urinating in the street, loud aggressive behaviour at the venue and on leaving. Customers block the pavements, so endangering public safety. The proposed ridiculously late hours of this place (including all day long) do not end when customers leave as staff will be clearing and closing up some time after that.

This proposal contravenes our right to peace and security as well as disturbing rest and sleep which damages health for older people like me but also those who are tired getting up for work. Children who are disturbed can also be made unwell as well as the impact on general wellbeing and educational attainment.

I appeal to you to not subject us to this constant disruption in our own homes where we are supposed to feel comfortable, safe and secure.

Yours faithfully,

Dennis Leigh (Mr)

[REDACTED] (MR)

[REDACTED]  
Widnes, [REDACTED]

**The Licensing Officer,  
Licensing Department,  
Halton Borough Council,  
Municipal Building,  
Widnes.**

Dear Sir/Madam,

I am shocked to learn of the licensing application for the former Annie's Bar, now called Banksey's Bar. After the horrendous experiences from the last time this bar operated, we hoped to have had a permanent respite from the disruption it caused to our neighbourhood. This establishment is right on top of residential housing and is clearly not a suitable building for a music and late bar venue.

The building is very small, with limited access and ventilation. People open the door for ventilation and purpose of smoking, spilling out on to the narrow pavement creating their own noise as well as allowing the already loud noise in the small space, to spill out to cause even greater disturbance. This is not based on guesswork but actual experience of the misery this venue previously caused.

Parking issues in residential streets, fighting, urinating in the street, loud aggressive behaviour at the venue and on leaving. The blocking of pavements, so endangering public safety.

The constant loud noise disrupting our right to peace and security as well as disturbing sleep which is damaging to health for older people like me but also those who are tired getting up for work as well as the children who are disturbed, impacting on their health and educational attainment.

Please do not subject us to this constant disruption and disturbance in our own homes in which we are supposed to feel comfortable, safe and secure.

Yours faithfully,

June Leigh (Mrs)

[REDACTED] (mes)

## 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;
- 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 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 evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

## **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.

[...]

### **Late night refreshment**

3.12 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves the supply of 'hot food or hot drink' between the hours of 23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises to which the public has access. Under Schedule 2, food or drink is considered to be 'hot' if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

3.13 Shops, stores and supermarkets selling only cold food and cold drink, whether it is immediately consumable or not, from 23.00 are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and takeaway food outlets where people may gather to purchase hot food or drink at any time from 23.00 and until 05.00. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a takeaway is handed to a customer over the counter.

3.14 Some premises provide hot food or hot drink between 23.00 and 05.00 by means of vending machines. The supply of hot drink by a vending machine is not a licensable

activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.

3.15 However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.

3.16 It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions.

3.17 The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is licensed by the provisions relating to the sale or supply of alcohol.

3.18 The supply of hot food or hot drink free of charge is not a licensable activity. However, where any charge is made for either admission to the premises or for some other item in order to obtain the hot food or hot drink, this will not be regarded as “free of charge”. Supplies by a registered charity or anyone authorised by a registered charity are also exempt.

3.19 Supplies made on moving vehicles (for example boats, trains or coaches) are also exempt. However supplies made from a vehicle which is permanently or temporarily parked, such as from a mobile takeaway van, are not exempt (see section 3.34 below for more detail on provisions for ‘Vessels, vehicles and moveable structures’).

3.20 Supplies of hot food or hot drink from 23.00 are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to: Revised Guidance issued under section 182 of the Licensing Act 2003 I 17 • a member of a recognised club supplied by the club; • persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation; • an employee of a particular employer (for example in a staff canteen); • a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises); • a guest of any of the above.

## **8. Applications for premises licences**

### **Steps to promote the licensing objectives**

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to

promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and

businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the consideration given to the licensing objectives and any measures that are proposed to promote them.

[...]

### **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 76 | Revised Guidance issued under section 182 of the Licensing Act 2003 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.