

# Public Document Pack



## Regulatory Sub Committee

Monday, 22 April 2024 3.30 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 on Tuesday, 23 April 2024*

**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>
<b>2. DECLARATION OF INTEREST (INCLUDING PARTY WHIP DECLARATIONS)</b>	
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 and voting on the item.	
<b>3. APPLICATION FOR A PREMISES LICENCE - ESPOSITOS, HIGHLANDS ROAD, RUNCORN, WA7 4PT</b>	<b>7 - 50</b>

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**REGULATORY SUB COMMITTEE**

*At a meeting of the Regulatory Sub Committee on Wednesday, 22 November 2023 at the Civic Suite - Town Hall, Runcorn*

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

Apologies for Absence: None

Absence declared on Council business: None

Officers present: K. Hesketh, W. Pringle (Observer) and E. Wilson-Lagen

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

	<i>Action</i>
<p>EXB4 MINUTES FROM THE LAST MEETING</p> <p>The minutes of the meeting held on the 24 August 2023 having been circulated were signed as a correct record.</p>	
<p>EXB5 APPLICATION FOR A PREMISES LICENCE - MARTINS, 36 BECHERS, WIDNES, WA8 4TE</p> <p>The Sub-Committee met to determine an application made under Section 17 of the Licensing Act 2003 by Alliance Property Holding Limited for a premises licence for Martins, 36 Bechers, Widnes, WA8 4TE ("the Premises"). The hearing was held in accordance with the Licensing Act 2003 and Licensing Act 2003 (Hearings) Regulations 2005.</p> <p><b><u>PREAMBLE</u></b></p> <p>The hearing was held as relevant representations had been received from two local residents, Ms Charline Wolsstencroft and Mr Majdi Ibrahim Rhuma ("the objectors"), who had objected to the application predominantly on the grounds of the prevention of crime and disorder, although public nuisance and the protection of children from harm also appeared in issue.</p> <p>The Applicant's Area Manager, Matthew Griffiths, was in attendance and was represented by their Solicitor, Mr Alex Green of Gosschalks LLP.</p>	

The objectors did not attend and no notice had been received from either of them indicating their attendance. The Sub-Committee therefore took legal advice on whether the hearing could proceed in their absence and the Sub-Committee's attention was drawn to Regulation 20(2) of the Licensing Act 2003 (Hearings) Regulations 2005 ("the Regulations"). After hearing from Ms Hesketh and Mr Green, the Sub-Committee were satisfied that notice of the hearing had been properly served on the objectors on 31 October 2023, in accordance with Regulations 6 and 7 and it did not consider it was in the public interest to adjourn the hearing. On that basis, the Sub-Committee resolved to hear the application in the objectors' absence.

It was agreed that Ms Hesketh would read out the objectors' relevant representations during the hearing.

### **DETERMINATION**

The Sub-Committee has considered the application, the relevant representations and the applicant's oral submissions given at the hearing.

In reaching its decision, the sub-committee also took into consideration the Licensing Objectives as well as the revised statutory guidance issued under section 182 of the Act ("the statutory guidance"), the relevant case law and Council's own statement of Licensing Policy.

The Sub-Committee resolved to grant the application subject to the hours and the conditions below:-

### **HOURS**

Supply of Alcohol (off premises)	Monday – Sunday	06:00 – 23:00 hrs
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### **CONDITIONS**

#### **a) Operating Schedule**

1. CCTV shall be provided on the premises and shall be kept in good working order.
2. All staff engaged in the sale of alcohol will be trained in accordance with the premises licence holder's training procedures.
3. All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in

relation to the proof of age “Challenge 25” scheme to be applied on the premises. The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (PASS) card and Military ID and any other locally or nationally approved form of identification.

4. All checkout operators will operate a refusal log.
5. The premises licence holder undertakes ongoing risk assessments in order to comply with Health and Safety Legislation.
6. Till prompts are in use at the store.

### **Police Conditions**

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

1. Recorded CCTV images will be maintained and stored for a period of twenty-six days.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. Copies of footage will be provided to officers on request following a request to the premises licence holder's centralised IT department.
3. Recordings are fit for their intended purpose.
4. Good quality images are presented to the officer in a format that can be replayed on a standard computer.
5. The operating schedule also makes reference to a challenge 25 policy being in operation at the premises, to further enhance this the following to apply:
  - i. Publicity materials notifying customers of the operation of the “Challenge 25” scheme shall be displayed at the premises.
  - ii. A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.
  - iii. The Premises Licence Holder shall conduct six monthly training reviews with all members of staff

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

- iv. A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.
- v. Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

**b) Mandatory Conditions**

As required under section 19 of the Licensing Act 2003.

**REASONS FOR DETERMINATION**

The reasons for the sub-committee's decision are as follows:-

- a) The Applicant is an experienced and responsible retailer, being part of Morrisons who are responsible for over 1200 convenience stores.
- b) In respect of the prevention of crime and disorder, the Sub-Committee heard no evidence that crime was an issue in the area or connected to the Premises. The Sub-Committee is mindful of the statutory guidance which provides that its determination should be evidence based as well as the decision of Daniel Thwaites Plc v Wirral Borough Council and others. This serves as a reminder that the Sub-Committee should look for real evidence and only impose regulation where the circumstances require it. The circumstances in this case simply do not justify the refusal of the application on this ground.
- c) This is supported by the fact that the Police, or any other responsible authority for that matter, have not objected to the application and consider the conditions (as amended by them) promote the licensing objectives. As set out in the statutory guidance, the Sub-Committee are to look to the Police as the main source of advice on crime and disorder and, therefore, the sub-committee have given significant weight to their position.

- d) Furthermore, the conditions on the use of CCTV adequately deal with the risk of crime and disorder. The Sub-Committee was also comforted by the fact that the applicant takes crime and disorder seriously.
- e) As for public nuisance, again no evidence was heard that this was an issue connected with the premises. The premises are already in operation, selling a variety of products, and it is not clear why the provision of alcohol would increase any such nuisance, particularly as there is already a licensed premises situation next door.
- f) Whilst there may be some anti-social behaviour from children in the area, the Sub-Committee is again mindful of the statutory guidance which provides that “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”. These are not therefore matters within the control of the applicant.
- g) As for the protection of children from harm and the suggestion that alcohol will be sold to children, the Sub-Committee considers that this ground is of a speculative nature and, in any event, considers ‘the Challenge 25’ and training conditions adequately deals with this risk. As set out above, the sub-committee accepts that the applicant is a responsible retailer and has a strict policy and procedure in place to ensure that alcohol is not sold to children. This is also supported by the fact that they employ a third party to carry out secret test purchasing.
- h) Finally, as for the licensable hours, the statutory guidance and the Council’s own statement of licensing policy provide that “shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours”. In light of the above, there is no good reason to restrict these hours.
- i) On balance, the sub-committee finds that the application (as amended by the Police conditions) promotes 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 responsible authorities, such as the Police or Environmental Health, where relevant.

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. The Sub-Committee hopes that this brings some reassurance to the residents.

**TIME THAT THE DETERMINATION SHALL TAKE EFFECT**

Forthwith.

*Meeting ended at 2.30 p.m.*

<b>REPORT:</b>	Regulatory Sub-Committee
<b>DATE:</b>	22 <sup>nd</sup> April 2024
<b>REPORTING OFFICER:</b>	Operational Director – Legal and Democratic Services
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Application for a Premises Licence – Espositos, Highlands Road, Runcorn, WA7 4PT
<b>WARDS:</b>	Beechwood and Heath

## 1. PURPOSE OF REPORT

To assist Members of the Regulatory Committee in their consideration of an application by Espositos Deli Limited for the grant of a premises licence for Espositos, Highlands Road, Runcorn, WA7 4PT

## 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 Highlands Road, Runcorn and is in close proximity to residential premises. A copy of a plan is attached at **Appendix A**.

3.2 The premises is currently open as a café offering coffees, sandwiches, ice creams and cakes to the public.

## 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, the applicant seeks the following

Hours open to the Public Monday to Sunday 09.00 to 21.00

Supply of alcohol Monday to Sunday 09.0 to 21.00

4.5 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:-

- A written notice of authority records for all staff who sell alcohol;
- Adequate training for staff and records kept for inspection;
- Contact details of the Designated Premises Supervisor available to staff and the authorities;
- Challenge 25 Policy;
- No self service to customers;
- CCTV Recording at all times;
- Policy in place for maintain a safe venue for customers and staff;
- The DPS will liaise with the authorities to ensure all aspects of public safety are adhered to;
- Appropriate firefighting equipment, fire risk assessments;
- Effective lighting;
- Areas kept free of litter;
- Any noise, smells, light pollution and any other potential nuisance to be monitored and kept to a acceptable level;
- Notices displayed asking customers to be considerate of local residents;
- Deliveries to and waste removed from site are undertaken at a time in a manner that does not cause disturbance;
- The emptying of bins into skips, the removal of refuse from the building and the refuse collections will not take place between 23.00 to 07.00;
- Supplier deliveries will not take place between 23.00 to 07.00;
- Refusal register to be maintained;
- Under 18 will not be permitted to remain on the premise without adult supervision after 8.00pm unless attending a pre booked private function;
- Notices advising adults that it is an offence to purchase alcohol on behalf of under 18 years old will be prominently displayed.

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

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

5.1 The application was submitted on 28 February 2024 and was advertised in the local newspaper on 7 March 2024. 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 Cheshire Police and five 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 and Cheshire Police.
- 5.7 The applicant has offered amended hours to the application since the objections from the two residents and Cheshire Police. The new hours are as follows:
- Hours open to the public**  
Monday to Sunday 09.00 to 17.00
- Supply of alcohol**  
Monday to Sunday 11.00 to 17.00
- 5.8 Since the new hours have been offered residents who have objected to the application have been contacted and three resident has since been withdrawn. There are now a total of two objections.
- 5.9 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**

#### **Cheshire Police**

Relevant objections have been received from Cheshire Police and are appended to this report at **Appendix C**.

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

condition, that SIA registered door supervisors shall be employed when licensable activity is taking place.

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

6.3 **ANY OTHER PERSON**

Five representations have been received from a local residents who object to the grant of a premises licence on all 4 licensing grounds, with the main issue being crime and disorder and public nuisance with the likelihood of anti-social behaviour. A copy of the objections can be found at **Appendix D** of this report.

6.4 **EVIDENCE**

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

**7. LEGAL AND POLICY FRAMEWORK**

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

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

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

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

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

**Introduction**

...

5. The Council wish to promote these objectives whilst still encouraging a vibrant and sustainable entertainment and

leisure industry. The Council recognises both the needs of local residents for a safe and healthy environment in which to work and live and the importance of safe and well-run entertainment and leisure facilities to the area.

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

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

...

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

...

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

...

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

...

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

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

...

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

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

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

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

...

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

...

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

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

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

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

33. Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at

temporary events within the terms of the Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, the Council will focus its attention on the premises being used for licensable activities and the vicinity of those premises

...

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

[...]

### **35 The need for licensed premises**

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

[...]

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

- planning controls;

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

[...]

#### **48. Licensing hours**

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

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

50. The term “zoning” is used in the Guidance to refer to the setting of fixed trading hours within a designated area. At the moment the Council sees no need to adopt such a policy. The Council has followed the advice in the Guidance and will not be adopting such a Policy within the Borough. However, stricter conditions with regard to noise control will be expected in areas which have denser residential accommodation, but

this will not limit opening hours without regard to the individual merits of any application.

...

### **57. Protection of children from harm**

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

[...]

### **73. Proof of Age**

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

[...]

### **87. CCTV**

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

### **92. Crime prevention**

93. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect

local crime prevention strategies. For example, the provision of closed circuit television cameras in certain premises. Conditions will, where appropriate, also reflect the input of the local Crime and Disorder Reduction Partnership.

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

## **8. OPTIONS**

- 8.1 The Committee has the following options under Section 18 of the Act:
  - (1) Grant the application subject to such conditions that are consistent with the operating schedule and any mandatory conditions;
  - (2) Modify the conditions of the licence, by altering or omitting or adding to them;
  - (3) Reject the application in whole or in part.

## **9. POLICY IMPLICATIONS**

- 9.1 None

## **10. FINANCIAL CONSIDERATIONS**

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

## **11. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **11.1 Children and Young People in Halton**

None

### **11.2 Employment Learning and Skills in Halton**

None

**11.3 A Healthy Halton**

None

**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.

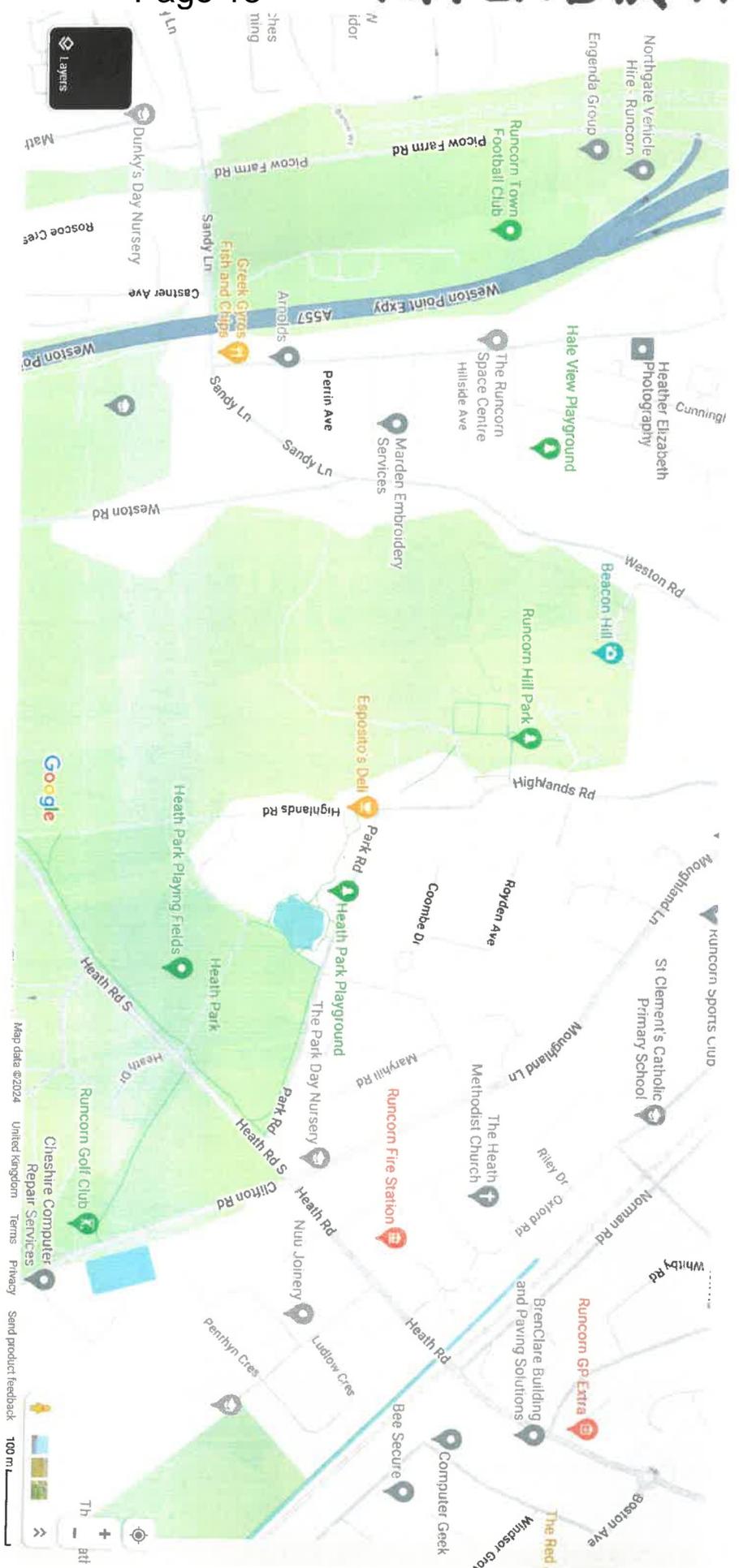
**14. CLIMATE CHANGE IMPLICATIONS**

- 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**

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

- [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)
- <https://www3.halton.gov.uk/Documents/business/licencing/alcoholent/StatementofLicensingPolicy.pdf>



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**Halton**  
**Application for a premises licence**  
**Licensing Act 2003**

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

\* required information

### Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?  
 Yes  No

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

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

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

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

### Applicant Business

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

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

Registration number

Business name  If your business is registered, use its registered name.

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

Continued from previous page...

Director of Espositos Deli Limited

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /

\* Nationality  Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?  /  /

dd mm yyyy

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

dd mm yyyy

Provide a general description of the premises

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

Cafe/Deli situated in Runcorn Hill Park. At present we supply coffee, sandwiches, icecream and cakes to the public with indoor and outdoor seating

*Continued from previous page...*

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

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

Yes

No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

**Section 13 of 21**

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

See guidance on regulated entertainment

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

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

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

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

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

**Name**

First name

Family name

Date of birth  /  /

Continued from previous page...

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

There will be no adult entertainment or services

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start  End

Start  End

WEDNESDAY

Start  End

Start  End

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

State any seasonal variations

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

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

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

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

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

*Continued from previous page...*

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

The premises licence holder, DPS, management and staff are mindful of the cumulative impact issues in the area and will constantly assess any risks to the licensing objectives. They will work in partnership with the authorities and local people alike in this respect. The staff will be properly authorised, equipped, trained and motivated in this task.

There will be:

- A written notice of 'authority' record for all staff who sell alcohol
- Adequate training for staff and records kept for inspection
- Contact details of the Designated Premises Supervisor available to staff and to the authorities
- Challenge 25 policy will be in place for The sale of alcohol
- There shall be no self service of alcohol by customers
- Children under the age of 18 will not be allowed onto the premises after 10pm unless they are accompanied by an adult

b) The prevention of crime and disorder

The management and staff will take all necessary steps to ensure that the premises remain free from crime and disorder. This will include:

- An effective CCTV system
- CCTV coverage shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
- Cameras shall encompass all ingress and egress to the premises and all areas where the sale of alcohol occurs.
- Equipment shall be maintained in good working order and checked every 12 months
- The system shall record in real time and operate whilst the premises are open for licensable activities.
- The recordings shall be kept available for a minimum period of 28 days and handed to Police or Local Authority Office on request.
- The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual.
- Appropriate signage representative of the above shall be displayed in conspicuous positions.
- There will be sufficient members of trained staff available to be able to download evidence with the minimum of delay at the request of the Police or Local Authority approved Officer
- Staffing levels maintained appropriately to ensure adequate security.
- Staff being trained on all security issues including how to identify and refuse service to customers that are drunk, appear to be drunk or are suspected to be dependent drinkers
- Alcohol will not be allowed to leave the premises or outside seating area in open bottles or containers.
- A policy of zero-tolerance to drugs at the premises

c) Public safety

The management and staff will have an effective policy to maintain a safe venue for customers and staff. Any risk to safety will be assessed before the premises are opened to the public each day and throughout the hours of operation. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to.. The policy will include:

- Ensuring that the entrance, outside area and any walkways within the premises are kept free from obstruction
- Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff

d) The prevention of public nuisance

The DPS and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. Staff will ensure:

- The premises and public areas nearby are kept free from litter associated with the operation of the business

*Continued from previous page...*

- Any noise, vibrations, smells, light pollution and any other potential nuisance is monitored and kept to an acceptable level
- Notices will be appropriately displayed asking customers to be considerate of local residents and businesses and to dispose of waste responsibly when they leave the premises
- Deliveries to and waste removal from the site are undertaken at a time and in a manner that does not cause disturbance
- Notices will be placed to ask the customers to leave quietly after 9pm
- The emptying of bins into skips, the removal of refuse from the building, and refuse collections will not take place between 23:00 and 07:00.
- Supplier deliveries will not take place between 23:00 and 07:00

e) The protection of children from harm

A "Challenge 25" policy shall be operated at the premises at all times. The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority) Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police.

The DPS or other responsible person shall check and sign the register once a week. Alternatively an electronic point of sale refusals log shall be kept and made available on request to Police and Local Authority Officers.

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

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

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

Young people under the age of 18 shall not be permitted to remain on the premises without adult supervision after 08:00 p.m. unless attending a pre-booked private function. A diary of privately booked functions shall be kept and shall be made available for inspection at the request of Local Authority Officers and Police.

Notices advising adults that it is an offense to purchase alcohol on behalf of under 18 year olds shall be prominently displayed in the licensed area.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

*Continued from previous page...*

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

*Continued from previous page...*

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

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

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

100.00

**DECLARATION**

**Continued from previous page...**

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK, (Please read guidance note 15) The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

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

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

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

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

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

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

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

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

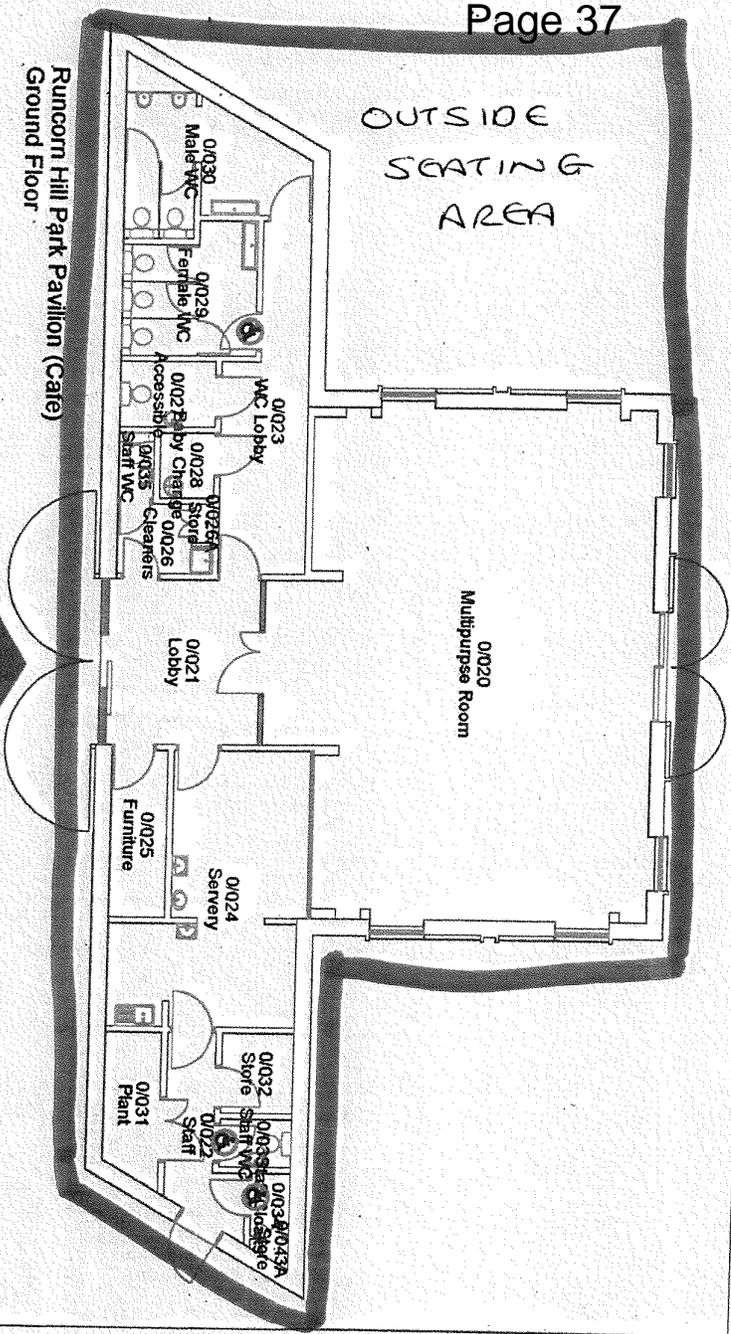
**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="Runcorn Deli"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
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Runcorn Hill Park Pavilion (Cafe)  
Ground Floor

Main Entrance



**Representation Form.**

**Responsible Authority.**

**POLICE**

Your Name	Lesley Halliday
Job Title	Police Licensing Officer
Postal and email address	Warrington Police Station, Charles Stewart House, 55 Museum Street, Warrington, WA1 1NE <i>Lesley.halliday@cheshire.pnn.police.uk</i>
Contact telephone number	01606 36 3580

Name of the premises you are making a representation about.	<b>Espositos</b>
Address of the premises you are making a representation about.	<b>Runcorn Hill Park Pavillion, Highlands Road, Runcorn, WA7 4PT</b>

Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children		
To prevent Public Nuisance		
To prevent crime and disorder	Yes	See Below
Public Safety		

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	See Below:
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COMMENTS:

On behalf of Cheshire Police, I wish to record an objection to the above application for the grant of a premises licence to Espositos, Runcorn Hill Park Pavillion, Highlands Road, Runcorn, WA7 4PT.

The grounds for the objection are that the police feel that granting this licence would undermine the licensing objective of prevention of crime and disorder. The park is already an area that attracts anti-social behaviour, and the police believe that if this licence is granted the risk that the anti-social behaviour would increase is very high.

Attached to this objection are details of types on anti-social behaviour incidents that have occurred in this location, some of which could have had serious consequences.

There are no concerns regarding the applicant or what their proposing with regards to the business operating model, the concerns and regarding the location as it's the police feel that the premises would become more of a magnet for the youths in the area which could lead to an increase in anti-social behaviour and also there's risk of possible under-age sales which would undermine the protection of children from harm licensing objective, we would therefore ask the Committee to refuse this application.

If the Committee are mindful to grant this application, then the only thing the Constabulary would ask is that they consider adding the following condition to the licence to help manage any possible anti-social behaviour incidents:

SIA registered Door Supervisors shall be employed whenever the premises are open for licensed activities, to such a number as the management of the premises consider are sufficient to control the entry of patrons to the premises and for keeping order in and around the premises when they are used for licensable activities.

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

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

The register shall be available for inspection on request by an authorised officer of the Council, the Security Industry Authority or a Police Officer.

Signed:

*Lestey Halliday*

Date: 22/03/2024

Created Time	IML Number	Beat	Opening Type	Location	What has happened
Jul 5, 2023 @ 19:38:43.213	IML-1589717	KA03	ASB - ALL PERSONAL/NUISANCE OR ENVIRONMENTAL : B	ACCESS ROADS TO RUNCORN HILL (OFF HIGHLANDS ROAD), RUNCORN, HALTON, WA7 4PT	#BOWLING GREEN RUNCORN HILL# youths breaking into bowling green - descr dark blue and light grey clothing - roughly 12-15yo mixture of boys and girls
Jun 30, 2023 @ 02:22:44.483	IML-1585195	KA03	ASB - ALL PERSONAL/NUISANCE OR ENVIRONMENTAL : B	RUNCORN HILL, HIGHLANDS ROAD, RUNCORN, HALTON, WA7 4PT	FIRE reporting two separate seats of fire in the hedgerow - large fires. ASB has been going on in the area and drinks cans and cannisters left at the scene - there are catering cream cannisters which are quite large. they are in the wooded area of the hill. no damage to any properties. a priestley college pass has been found - in the name of [REDACTED] visitor pass with a photograph - [REDACTED] is the host - dated 1 [REDACTED] this was found with the gas cannisters. FIRE LOG 2306014633
Jun 16, 2023 @ 21:19:05.222	IML-1574230	KA03	ASB - ALL PERSONAL/NUISANCE OR ENVIRONMENTAL : B	ACCESS ROADS TO RUNCORN HILL (OFF HIGHLANDS ROAD), RUNCORN, HALTON, WA7 4PT	there is a group of around 40 + youths roughly 12yrs - 17yrs on the top of runcorn hills doing nitros oxide cannisters, rp is concerned that they are on the edge of runcorn hills which are quite dangerous in itself doing nitros oxide which can affect their ability to be safe on the edge of the hills. rp is concerned they will fall off the edges and harm themselves.
Mar 27, 2023 @ 18:36:08.555	IML-1510273	KA03	ASB - ALL PERSONAL/NUISANCE OR ENVIRONMENTAL : B	ACCESS ROADS TO RUNCORN HEATH (OFF PARK ROAD), RUNCORN, HALTON, WA7 4QU	CALLER REPORTING APPROX 20 YOUTHS PLAYING FOOTBALL ON THE BOWLING GREEN AT HEATH PARK CAUSING DAMAGE TO THE SURFACE
Jul 25, 2023 @ 21:13:32.214	IML-1605244	KA03	ASSISTANCE TO OTHER AGENCIES / UTILITIES : EA	ACCESS ROADS TO RUNCORN HILL (OFF HIGHLANDS ROAD), RUNCORN, HALTON, WA7 4PT	FIRE REQUESTING ASSISTANCE. YOUTHS SET FIRE DELIBERATELY. CREW HAVE PUT THE FIRE OUT. APPROX 9 YOUTHS STILL IN AREA 13-14YRS. HAVE GONE TOWARDS THE SANDPIT AREA. 6 FEMALES AND 3 MALES. CREW THINKS THEY COULD START ANOTHER FIRE. FIRE SAID THIS IS REGULAR OCCURRENCE. INFORMANT - [REDACTED]
Jul 25, 2023 @ 20:57:53.479	IML-1605236	KA03	ASSISTANCE TO OTHER AGENCIES / UTILITIES : EA	ACCESS ROADS TO RUNCORN HILL (OFF HIGHLANDS ROAD), RUNCORN, HALTON, WA7 4PT	FIRE REQUESTING ATTENDANCE - HAVE PUT OUT A SMALL FIRE, OFFENDER YOUTHS STILL IN THE AREA FIRE LOG - 9750
Aug 8, 2023 @ 22:41:51.134	IML-1616206	KA03	CRIMINAL DAMAGE INCLUDING ARSON / MALICIOUS FIRES *SEE SPR / C60 : C60	RUNCORN HILL, HIGHLANDS ROAD, RUNCORN, HALTON, WA7 4PT	Cheshire fire and rescue have attended a fire at the junction of Sandy lane and Western Road on Runcorn Hill which has been started deliberately. Offender had left the scene prior to arrival
May 25, 2023 @ 18:48:50.880	IML-1555943	KA03	CRIMINAL DAMAGE INCLUDING ARSON / MALICIOUS FIRES *SEE SPR / C60 : C60	HEATH PARK GROVE, RUNCORN, HALTON, WA7 4PX	#boat lake shed# children committing crim dam, standing on the roof smashing it all up, throwing it in the lake.
Apr 22, 2023 @ 20:43:53.605	IML-1530531	KA03	CRIMINAL DAMAGE INCLUDING ARSON / MALICIOUS FIRES *SEE SPR / C60 : C60	ACCESS ROADS TO RUNCORN HILL (OFF HIGHLANDS ROAD), RUNCORN, HALTON, WA7 4PT	HEATH PARK OPPOSITE LOCATION - SEEN A VIDEO ON FACEBOOK OF PEOPLE DAMAGING FENCE POST - PULLING THEM OUT OF THE GROUND AND SNAPPING THEM
Jun 29, 2023 @ 22:59:06.096	IML-1585105	KA03	POLICE GENERATED : EP	ACCESS ROADS TO RUNCORN HILL (OFF WESTON ROAD), RUNCORN, HALTON, WA7 4LA	nj25 - have a male detained for a search.
Jun 29, 2023 @ 22:56:34.002	IML-1585102	KA03	POLICE GENERATED : EP	ACCESS ROADS TO RUNCORN HILL (OFF WESTON ROAD), RUNCORN, HALTON, WA7 4LA	NJ25 - 200 CHILDREN AROUND THE HEATH / TENNIS COURTS DOING NOS CANNISTERS

Jun 2, 2023 @ 14:29:01.711	IML-1562165	KA03	POLICE GENERATED : EP	ACCESS ROADS TO RUNCORN HILL (OFF HIGHLANDS ROAD), RUNCORN, HALTON, WA7 4PT	Incident created for management of resources for OP HEATED.
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**Kim Hesketh nee Fisher**

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**From:** Janet Waine [REDACTED]  
**Sent:** 20 March 2024 10:17  
**To:** Kim Hesketh nee Fisher  
**Subject:** OBJECTION TO FOR ALCOHOL LICENCE AT THE HEATH PARK CAFE, HIGHER RUNCORN

Dear Kim

I would like to express my objection to the application for an alcohol licence at the Runcorn Heath Park Cafe.

The park sits in a once quiet residential area. The upgrades to the park and introduction of a cafe have resulted in a massive increase in dog fouling on footpaths, traffic congestion, parking on pavements, litter and general noise levels. The introduction of yellow lines has been a waste of public money as they are ignored by drivers and remain unpoliced. The inadequate parking facilities close to the park adds to the burden.

On a positive note, the park does provide much needed free outdoor recreation for local people in particular those with young children. Given the issues with obesity and the cost-of-living crisis the park is a welcome healthy lifestyle facility for many Runcorn families and is busy most days. It is a quiet oasis in an area of natural beauty.

The application by the cafe company for an alcohol licence is something of a concern. The only beneficiaries to the application being granted would be a financial gain by the cafe owners. The area is home to many elderly people who I am sure will be gravely concerned about the application and if granted the impact it will have on not only their quality of life but on the area as a whole. Especially during the evening.

The park is used by young families with children who would I hope not to be drinking alcohol. The idea serving alcohol at the cafe where so many small children purchase ice cream and drinks along with snacks is not acceptable on so many levels and raises concerns of child welfare. I imagine the reason why the cafe owners have applied for an alcohol licence is to increase the evening footfall. This in itself is very concerning.

I am sure if this licence is approved, we will see an increase in drink related crime in this quiet residential area. This will no doubt add a further strain on police and emergency services.

Our town centres are evidence of the impact alcohol can have in terms of child safety, increased crime, public nuisance incidents and public safety. Why bring this to a park area?

There are already a number of hostelrys serving alcohol in the area. Another one is not required.

I do hope that this application is declined.

Regards  
Janet Waine  
[REDACTED]

Preferred pronouns She/Her/Hers

[REDACTED]  
[REDACTED]  
[REDACTED]  
25th March, 2024.

Re: Application to serve alcohol at Espositos Deli.  
Highlands Road, Runcorn. WA7 4PT.

I am deeply saddened to see that Espositos has applied for an alcohol licence.

Espositos has been a family friendly watering hole for locals and visitors to the area. School children call in after a busy day and it is good to see them socializing in a civilized manner, putting paid to all the criticism of them.

If alcohol becomes available the whole ethos will change. No longer will the area be a safe haven for children to play, explore and buy refreshments. Parents are more likely to warn them to keep away. There are plenty of places elsewhere selling alcohol. Please keep this park as safe as possible for children.

Yours  
H. L. Broady (Mrs.)

## APPENDIX E

### Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

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

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

### Licence conditions – general principles

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

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;

- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

### **Each application on its own merits**

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

### **Crime and disorder**

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

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

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

### **Public nuisance**

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include lowlevel nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health. 2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. [...]

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour

is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night

### **Protection of children from harm**

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

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

## **Offences relating to the sale and supply of alcohol to children**

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under

section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

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

9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

### **Proportionality**

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

### **Hours of trading**

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

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

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