

# Public Document Pack



## Regulatory Sub Committee

Friday, 31 May 2024 1.30 p.m.  
The Board Room - Municipal Building,  
Widnes

S. Young

**Chief Executive**

### **COMMITTEE MEMBERSHIP**

Councillor Pamela Wallace (Chair)  
Councillor Irene Bramwell  
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 Wednesday, 12 June 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 MEETING ON 22 APRIL 2024</b>	<b>1 - 7</b>
<b>2. MINUTES FROM THE MEETING ON 26 APRIL 2024</b>	<b>8 - 14</b>
<b>3. 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>4. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - ALCHEMY, HIGH STREET, RUNCORN, WA7 1AU</b>	<b>15 - 74</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 or voting on the item.

**REGULATORY SUB COMMITTEE**

*At a meeting of the Regulatory Sub-Committee on Monday, 22 April 2024 at the Town Hall, Runcorn*

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

Apologies for Absence: None

Absence declared on Council business: None

Officers Present: K. Hesketh (Licensing Manager) and A. Strickland (Legal Advisor)

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

	<i>Action</i>
<p>EXB6 MINUTES FROM THE LAST MEETING</p> <p>The minutes of the meeting held on 22 November 2023, having been circulated were signed as a correct record.</p>	
<p>EXB7 APPLICATION FOR A PREMISES LICENCE - ESPOSITOS, HIGHLANDS ROAD, RUNCORN, WA7 4PT</p> <p>The Committee met to consider an application which has been made under Section 17 of the Licensing Act 2003 to grant the above premises licence. The hearing was held in accordance with the Licensing Act 2003 and Licensing Act 2003 (Hearings) Regulations 2005.</p> <p style="text-align: center;"><b>PREAMBLE</b></p> <p>A meeting of the Regulatory Sub-Committee (acting as Licensing Committee under the Licensing Act 2003) of Halton Borough Council, was held at Runcorn Town Hall on Monday 22 April 2024 commencing at 3.30pm.</p> <p>The meeting was held to hear an application made under section 17 of the Licensing Act 2003 for the grant of a Premises Licence for Espositos Deli Limited, Runcorn. The application was amended twice prior to the hearing. Once to</p>	

reduce proposed hours of operation and a second time following discussions between the Applicant and Cheshire Police (following which the Applicant and Police had reached agreement on conditions). Following the reduction in hours, three objectors withdrew their objection, leaving just two relevant objections from local residents – namely Janet Waine and Mrs Broady. It was this amended application that was determined.

In attendance were:-

1. Members of the Regulatory Sub-Committee comprising Cllr Pamela Wallace (Chair), Cllr Mike Fry and Cllr Kath Loftus ('the Sub-Committee')
2. Danny and Lisa Esposito (the Applicant)
3. Mrs Broady (the Objector)
4. Kim Hesketh (Licensing Manager)
5. Alex Strickland (Legal Adviser)

Janet Waine, who had made relevant representations did not attend, but the Sub-Committee took account of her written representation and was content to proceed in her absence.

After the Chair of the Sub-Committee had introduced the parties, the Legal Adviser, outlined the procedure to be followed. The Licensing Manager presented the Licensing Report with appendices including Location Plan (Appendix A), Application (Appendix B), Original objection from Cheshire Police (Appendix C), Remaining Objections (Appendix D) and extracts from policy and guidance (Appendix E) - setting out the nature of the application and the relevant representations that had been made. The Sub-Committee was advised that two relevant representations remained, with three having been withdrawn prior to the hearing. The Sub-Committee did not have regard to any representations that were withdrawn.

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

The application as amended following agreement with the Police is for the following:- the grant of a Premises Licence as follows:-

Supply of Alcohol (off premises)

Monday to Sunday 11.00 to 17:00

Hours open to the public

Monday to Sunday 09.00 to 17:00

Operating Schedule – the conditions as set out in the Operating Schedule to the Application dated 28/2/2024, (set out in Appendix B to the Licensing Report), mandatory conditions under the Licensing Act 2003 and additional conditions agreed between the applicant and Cheshire Police (leading to the withdrawal of objections originally set out at Appendix C to the Licensing Report) as follows:-

- *To protect the cafe/deli nature of the venue as proposed in the application and to prevent it from becoming a vertical drinking establishment:*
- *Alcohol will only served to customers who are seated in the inside or outside area that falls within the parameters of the premises licence.*
- *The Licensee shall ensure that no drinks shall be sold by staff service or otherwise to be consumed in the 'outside area' of the premises other than in a container made from non-splintering plastic, paper, shatterproof glass, polycarbonate, toughened, laminated or a similar standard of safety glass.*
- *No glass bottles to be permitted in the outside area, drinks must be decanted into an appropriate drinking vessel.*
- *Staff members will conduct regular walkthroughs to monitor all areas to ensure that no problems arise.*
- *Staff will regularly remove bottles, glasses and remove any breakages immediately to reduce risk of injury.*
- *Unaccompanied children will only be permitted to purchase non-alcoholic beverages, snacks or ice-cream to take away from the premises.*
- *Any children using the seating area inside or outside that falls within the parameters of the premises licence must be accompanied by an appropriate adult and they must be supervised at all times.*

## **2. The Hearing**

The Applicant and the Objector were allowed a maximum of 20 minutes each to present their case.

Mr Danny Esposito (Applicant) confirmed that the proposed alcohol offering was to be supplementary to the general café business, making clear it was regarded as a 'small addition', so that customers could enjoy a 'pizza slice with a drink in the sun' and that there was no intention to turn the premises into 'a bar where people stay for hours'. Mr Esposito made clear that the business environment had been 'really tough' since COVID with lots of operators

finding the market difficult. The proposal here was seen as a chance to make up some revenue. It was claimed that there was lots of support from customers. The Applicant made clear that he was a responsible operator and that he ran other sites in the Liverpool City Region. These sites are now linked to a security firm which can be on the site in 15 minutes in case of any anti-social behaviour difficulties. Mr Esposito has a business history of 25 years within the Borough of Halton and he made the point that the supply of alcohol would be a trial operation to see if it worked. He referred to another premises in the area (Bakehouse) and indicated there were no problems with the licence that operated there. They undertook to engage a security company (which they used at another outlet and have not yet had to call upon) and indicated deliveries would only take place on Tuesday and Friday. Challenge 25 would be operated, the amount of alcohol on site would be small and would be stored safely. If there were difficulties with customers, they would be asked to leave. Mr Esposito made clear he understood the need to clear the premises by 5pm and therefore would be open to an additional condition to restrict alcohol sales from 4.30pm to allow for drinking up time prior to the premises being cleared by 5pm.

Mrs Broady (Objector) made clear that she was there in support of the written representations (Appendix D in the Licensing Report) of herself and Janet Waine, her only concern was the protection of children. She accepted that Mr Esposito ran a good business and was a responsible operator, but her concerns were when alcohol was introduced into a scenario and 'everyone was in party mood'. This could make it difficult to 'keep an eye' on children, and a potential danger that fake ID could be used. Mrs Broady made clear that often the premises were busy and it was not fair to put staff under more pressure that alcohol sales would bring.

Mrs Broady summed up her concerns were for the safety of children, about how conditions could be enforced when staff were under pressure and about the need to maintain staff welfare.

The Applicant summed up making clear that he wanted to continue to run a responsible operation and that if he thought that alcohol sales was preventing that he would stop them.

The Sub-Committee asked questions for clarification of Mr Esposito and he offered an extra condition to govern drinking up time from 4.30pm. He also underlined the point

(which was contained in the Application) that if the alcohol sales were giving rise to problems that were undermining his good business reputation that he would not continue it.

Mrs Broady acknowledged that Mr Esposito had answered some of her concerns and had engaged in a positive way with the issues she had raised, both in writing and during the hearing.

### **3. The Determination**

The Sub-Committee resolved on a unanimous basis to grant the application (as amended) subject to the hours set out below, the additional conditions agreed with the Police as detailed in section 2 above and the conditions in the Operating Schedule (and any mandatory conditions under the Licensing Act 2003).

#### Supply of Alcohol (off premises)

Monday to Sunday 11:00 to 17:00

#### Hours open to the public

Monday to Sunday 09:00 to 17:00

PLUS – an additional condition to be placed on the Operating Schedule to state that last alcohol sales shall take place at 4.30pm to allow 30 minutes drinking up time before the premises close.

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

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

The Sub-Committee found that: -

1. The Applicant had improved the prospects of being granted a licence by reducing substantially the hours from what was originally applied for, so that all alcohol sales would stop by the evening.
2. The Applicant was an experienced operator with several sites and a history of positive trading within the Borough of Halton, who had expressed a wish to run a responsible operation fully in line with the promotion of the licencing objectives.
3. As set out in the statutory guidance, the Sub-Committee looks to the Police as the main source of advice on crime and disorder. Significantly, the Police have removed their original objections (at Appendix C

of the Licensing Report) having reached an agreement on the amended hours of opening and agreed conditions of operation covering a range of issues from CCTV to Challenge 25 and measures to protect Children.

4. The Sub-Committee gave substantial weight to the offering of the extra condition to allow 30 minutes drinking up time from the last alcohol sales at 4.30pm, taking some comfort that this will mean that as all alcohol sales are completed by early evening, there is less chance of anti-social behaviour undermining the crime and disorder licensing objective.
5. The Sub-Committee noted that the concerns expressed by Mrs Broady were important and a genuine expression of concern to uphold the important Licensing objective which is designed to protect children from harm. The Sub-Committee also made clear that such concerns were very important to them, being an expression of community-minded concern and noting that the Council took the issue of protecting children seriously. On balance though, this had to be weighed against the specifics of this application, and mindful of the court decision in Daniel Thwaites Plc v Wirral Borough Council, the Sub-Committee was not minded to impose additional regulation/conditions unless there were specific circumstances that warranted it. Although the two objections raised valid issues generally, the Sub-Committee were not convinced they were sufficient to impose additional conditions in this case. The Chair directed the Legal Adviser to relay the thanks of the Sub-Committee to Mrs Broady (and fellow objector, Janet Waine, who lodged the written objection) for raising such important issues and the Sub-Committee were grateful for the co-operative spirit that was present between all parties.
6. On balance, it therefore finds that application does not undermine the licensing objectives.

The Sub-Committee recommended that the premises and residents engage in dialogue should there be any concerns in future. Those present were also reminded that in the event that the proposed operation of the premises does lead to problems, residents are strongly advised to report matters to the Police and Environmental Health, where appropriate.

It was also noted that there are powers to deal with



premises if a licence leads to the licensing objectives being undermined. Options included reports to Environmental Health in relation to statutory noise nuisance, if reported and the possibility of a formal review of the Premises Licence should that be necessary. The Sub-Committee hoped that this brings some reassurance to the residents and the Sub-Committee made clear they wished the Applicant continued success in their business venture.

**5. Time that the determination shall take effect**

Forthwith

*Meeting ended at 4.35 p.m.*

**REGULATORY SUB COMMITTEE**

*At a meeting of the Regulatory Sub Committee on Friday, 26 April 2024 at The Board Room - Municipal Building, Widnes*

Present: Councillors Wallace (Chair) and Fry

Apologies for Absence: Councillor Loftus

Absence declared on Council business: None

Officers Present: Kim Hesketh (Licensing Manager) and Alex Strickland (Legal Advisor)

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

EXB8	APPLICATION FOR A PREMISES LICENCE - 182 LIVERPOOL ROAD, WIDNES, WA8 7JB	<i>Action</i>
------	--	---------------

The Committee met to consider an application which has been made under Section 17 of the Licensing Act 2003 to grant the above premises licence. The hearing was held in accordance with the Licensing Act 2003 and Licensing Act 2003 (Hearings) Regulations 2005.

**PREAMBLE**

A meeting of the Regulatory Sub-Committee (acting as Licensing Committee under the Licensing Act 2003) of Halton Borough Council was held at Municipal Building, Widnes on Friday 26th April 2024 commencing at 1.30pm.

The meeting was held to hear an application made under section 17 of the Licensing Act 2003 for the grant of a Premises Licence for a new convenience store at 182 Liverpool Road, Widnes. The application was amended prior to the hearing with the closing hour (both for premises opening and supply of alcohol) being amended to 11pm from midnight. It was confirmed during the hearing that the original request for the Late-Night Refreshment Licence (between 11pm and midnight) was being withdrawn. The hours requested for Sunday (both for premises opening and

supply of alcohol) were to be amended to start at 7am (rather than 6am) and finish at 10pm. It was this amended application that was determined by the Sub-Committee.

In attendance were:-

1. Members of the Regulatory Sub-Committee comprising Cllr Wallace (Chair), and Cllr Fry ('the Sub-Committee')
2. Mr. Rushton of JL Licensing representing the Applicant - namely Santha Kumar Nagarajah of SSAAT Limited ('the Applicant')
3. Councillor Wall speaking on behalf of local residents in support of the case put by the objectors (Ward Member)
4. Mrs. Deaves (the Objector)
5. Kim Hesketh (Licensing Manager)
6. Alex Strickland (Legal Adviser)

Councillor Kath Loftus who was scheduled to attend the Sub-Committee was absent and the Sub-Committee resolved at the outset to continue to hear the matter. The written submissions of the 17 objectors who had made relevant representations were considered by the Sub-Committee. Only one of those objectors, Mrs. Deaves, attended the meeting, accompanied by the Ward Member who addressed the Sub Committee on behalf of local residents in support of the case advanced by the objectors (including Mrs. Deaves).

After the Chair of the Sub Committee had introduced the parties, the Legal Adviser outlined the procedure to be followed. The Licensing Manager presented the Licensing Report with appendices including Location Plan (Appendix A), the schedule of Licensed Premises in the local area (Appendix B), the Application (Appendix C), objections from 17 local residents (Appendix D) and extracts from policy and guidance (Appendix E) - setting out the nature of the application and the relevant representations that had been made, noting that there had been no representation from Cheshire Police in respect of the prevention of crime and disorder statutory licensing objective (or otherwise). The Sub-Committee noted that no relevant representations on behalf of 17 objectors had been withdrawn in advance of the hearing.

**1. Details of the application (as amended before and during the hearing)**

The application as amended is for the grant of a Premises Licence as follows:-

Supply of Alcohol (off premises)

Monday to Saturday	06.00 to 23:00
Sunday	07.00 to 22.00

Hours open to the public

Monday to Sunday	06.00 to 23.00
Sunday	07.00 to 22.00

Operating Schedule – the conditions as set out in the Operating Schedule to the Application dated 2/3/2024, (set out in Appendix C to the Licensing Report) (amended as above to reflect a change in hours and withdrawal of the application for the Late-Night Refreshment element of the licence that formed part of the original application) together with mandatory conditions under the Licensing Act 2003.

**2. The Hearing**

The Applicant and the Objector were allowed a maximum of 20 minutes each to present their case.

Mr. Rushton for the Applicant made clear the proposal was to establish a new convenience store under the 'Go Local' branding. Alcohol sales would cover just around 10-12% of retail sales. Alcohol would be stored away from the shop entrance. The Applicant had taken out a 15 year lease on the premises so there was a long term commitment and the Applicant who held a Business degree and was a Personal Licence holder, had also who run premises in Bolton, Birkenhead and Liverpool without any issues. The Applicant was presented as a responsible operator with substantial customer service experience. Mr. Rushton made clear the premises would open anyway and the only issue here was the supply of alcohol. Referring to the operating schedule, it was noted that CCTV would cover inside and outside of the premises, that the Challenge 25 scheme would operate and that there would be regular staff training which Mr. Rushton himself would provide. Notwithstanding that regular litter picks would not extend much beyond the immediate exterior of the premises, the Applicant's representative emphasised the desire of the Applicant to be a good neighbour. There was no objection from Cheshire Police on crime and disorder (or other) grounds and whilst

understandable, the representations from the objectors were not based on evidence because this was a new business that had not yet started operating. On parking, it was noted this has a separate enforcement regime, but staff would be urged to act in a responsible manner. The Applicant offered to reduce Sunday hours from 7am to 10pm (and noted the Late-Night Refreshment element had been withdrawn).

Councillor Wall raised the issue of litter picking and sought clarification on the extent of the commitment in respect of this. (It was confirmed it would only extend to the immediate exterior of the premises). Parking was also raised as an issue (and the response from the Applicant was that they would do what they could to encourage staff to act responsibly on the parking issue). Councillor Wall raised lighting as an issue (the Applicant assured the Committee they would maintain that at the appropriate level and would turn down any lighting that was problematic and ensure it only operates in accordance with any relevant consent). The Sub-Committee sought assurance from the Applicant that there would be no entry doorbell chimes that would cause nuisance to the neighbouring occupier. (Such assurance was provided on behalf of the Applicant).

Cllr Wall addressed the Sub-Committee and noted that Sarah Deaves (Objector who was present) had two children (one aged 4 and one aged 15, the latter suffering from ADHD). In this context Cllr Wall drew the attention of the Sub-Committee to academic research from USA which underlined the importance of avoiding sleep deprivation for children - noting the impact it can have on education and wellbeing. Referencing the statutory licensing objective to protect children from harm (referring to the statutory guidance) she asked if the licence was granted then it should be for reduced hours (namely 7am-9pm).

Ms. Deaves related that she lived next door, had an adjoining wall with the Premises and her husband was up early for work (working shifts) and that she worked at Liverpool Hospital, often working from home and was concerned her peace (needed for works Teams meetings) would be disturbed by the proposals.

The Sub-Committee enquired whether the Applicant would wish to review the proposed hours (and make a further concession) in light of the particular representations made on sleep deprivation by Cllr Wall. The Chair adjourned the meeting for 10 minutes to allow Mr. Rushton to take instructions from the Applicant. Upon returning, the proposal from the Applicant remained unchanged.

Cllr Wall concluded that the protection of children objective was important and that the two children living next door should not be expected to suffer. Mrs. Deaves enquired from the Committee as the extent of evidence required for any premises licence review (which was confirmed by the Legal Adviser through the Chair).

The Applicant summed up that the proposals would bring a new convenience store and that the only point at issue was the hours for supply of alcohol. It was underlined that the late-night refreshment element had been withdrawn, Sunday hours had been reduced and there was no objection from Cheshire Police.

### **3. The Determination**

The Sub Committee resolved to grant the (amended) application for the Premises Licence on the terms set out below: -

Supply of Alcohol (off premises)

Monday to Saturday	06.00 to 23:00
Sunday	07.00 to 22.00

Hours open to the public

Monday to Sunday	06.00 to 23.00
Sunday	07.00 to 22.00

Operating Schedule – the conditions as set out in the Operating Schedule to the Application dated 2/3/2024, (set out in Appendix C to the Licensing Report) (amended as above to reflect a change in hours and withdrawal of the application for the Late-Night Refreshment element of the licence that formed part of the original application) together with mandatory conditions under the Licensing Act 2003.

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

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

The Sub Committee found that: -

1. The Applicant had improved the prospects of the licence being granted by withdrawing the late night refreshment element of the application and by

reducing the hours (for both premises opening and supply of alcohol) on Sunday.

2. The Sub-Committee was encouraged by and gave particular weight to the fact that the Applicant was an experienced operator, having run several convenience stores across the north-west without significant problems arising. The Sub-Committee was encouraged that the Applicant had made a substantial investment in the Premises by acquisition of a long lease and accepted that there was a desire to operate in accordance with the promotion of the statutory licencing objectives.
3. The Applicant assured the Sub-Committee that he wanted and intended to be a good neighbour within his community and the members gave substantial weight to this assurance.
4. As set out in the statutory guidance, the Sub-Committee looks to Cheshire Police as the main source of advice on crime and disorder. They did not make any representations.
5. The objectors (and the Ward Member) raised the issue of the statutory objective to protect children from harm. The Sub-Committee took account of the matters raised but was satisfied that a range of conditions within the operating schedule covering issues from CCTV to Challenge 25 were sufficient to deal with these matters on the evidence provided.
6. Notwithstanding legitimate concerns around the statutory licensing objectives – (namely potential anti-social behaviour, nuisance and protection of children from harm), that were raised by the objectors and underlined by the Ward Member, on balance this had to be weighed against the specifics of this application, in light of the fact that this was a new business which had yet to commence operating. The Sub-Committee noted the court decision in Daniel Thwaites Plc v Wirral Borough Council, and accordingly was not minded to impose additional regulation/conditions in this case.
7. On balance, it therefore finds that application does not undermine the licensing objectives.

The Sub-Committee recommends that the premises and residents engage in dialogue should there be any concerns in future. Those present were also reminded that if the proposed operation of the premises does lead to problems, residents are strongly advised to report matters to the police and environmental health where appropriate.

It was also noted that there are powers to deal with

premises if a licence leads to the licensing objectives being undermined. Options included reports to environmental health in relation to statutory noise nuisance, if reported and the possibility of a formal review of the Premises Licence should that be necessary.

**5. Time that the determination shall take effect**

Forthwith

*Meeting ended at 3.50 p.m.*



<b>REPORT:</b>	Regulatory Sub-Committee
<b>DATE:</b>	31 May 2024
<b>REPORTING OFFICER:</b>	Operational Director – Legal and Democratic Services
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Application for the variation of a Premises Licence – Alchemy, High Street, Runcorn, WA7 1AU
<b>WARDS:</b>	Mersey and Weston Ward

## 1. PURPOSE OF REPORT

To assist Members of the Regulatory Committee in their consideration of an application by Encore (Runcorn) Ltd for the variation of a premises licence for Alchemy, High Street, Runcorn, WA7 1AU

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

## 3. BACKGROUND INFORMATION

3.1 The premises is located on a on High Street, in Runcorn Town Centre, and is surrounded by commercial premises including licensed premises namely The Royal, Lebara and Eddys Chicken & Pizza, the premises is also in close proximity to residential premises on Bridge Street, Runcorn. A location plan is attached at **Appendix A**.

3.2 The premises has been a licensed premises since November 2005 and has been known by a number of different names over the years, since 2017 this premises has been known as Alchemy.

3.3 There are also several licensed premises on High Street and the surrounding area, attached at **Appendix B** of this report is list of all the licensed premises including the hours open to the public and the walking distance from this premises.

3.4 Attached at **Appendix C** of this report is the current premises licence along with the current conditions on the licence.

3.5 The applicant is looking to increase the hours on the premises licence in the terms set out below.

#### 4. THE APPLICATION

4.1 The application has been made under section 34, of the Licensing Act 2003 (“the Act”).

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

4.3 According to the application, the applicant seeks the following

##### **Hours open to the Public**

Monday to Wednesday 10.00 to 03.00

Thursday 10.00 to 04.00

Friday & Saturday 10.00 to 06.00

Sunday 10.00 to 04.00

##### **Supply of alcohol**

Monday to Wednesday 10.00 to 02.30

Thursday 10.00 to 03.30

Friday & Saturday 10.00 to 05.30

Sunday 10.00 to 03.30

##### **Plays, Films, Indoor sporting events, Provision of boxing wrestling, Live Music, Recorded Music, Dance, anything similar to Live Music, Recorded Music or Dance**

Monday to Wednesday 10.00 to 02.30

Thursday 10.00 to 03.30

Friday & Saturday 10.00 to 05.30

Sunday 10.00 to 03.30

##### **Late night refreshments**

Monday to Wednesday 23.00 to 02.30

Thursday 23.00 to 03.30

Friday & Saturday 23.00 to 05.30

Sunday 23.00 to 03.30

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

- Adherence and compliance to and with all regulations
- Ensure all staff are trained to achieve this and work in partnership with the Police and Licensing Department.
- Zero tolerance toward usage and distribution of illegal substances;
- Staff to monitor sobriety of customers;

- 30 minute wind down period to ensure staggered departure from premises;
- Extra door supervision when expected to be busy;
- Fire risk assessments;
- First aid kit;
- Entrance and exits to be kept clear at all times;
- Staff to conduct regular walk through of toilets and beer garden to monitor problems arising;
- Prevention of anti social behaviour;
- Portable sound monitoring to be used to ensure levels of 80db at the entrance;
- Notice at the main exit to remind patrons to keep the noise down when leaving;
- Staff to monitor noise levels in the street periodically during the evening;
- No alcohol to under 18's;
- All persons appearing to be under 25 to provide valid ID, no ID, no admission;
- Access to CCTV to be restricted to DPS, managers and SIA registered security staff;
- Refusal of service to any adult attempting to purchase alcohol for consumption by persons under 18;
- No unaccompanied under 18's to be on the premises, signage to be displayed;
- Challenge 25 to be enforced;
- Staff training re under age and register of refusals kept.

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

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

- 5.1 The application was submitted on 9 April 2024 and was advertised in the local newspaper on 18 April 2024. Officers have confirmed that the advertisement requirements were complied with.
- 5.2 During the 28 days representation period, the Licensing Authority received relevant objections from one Ward Councillor from the Bridgewater Ward.
- 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 local Ward Councillor.

5.7 All parties have all been informed of the hearing but at the time of drafting this report confirmation is awaited as to whether they intend on attending the hearing to make oral submissions to the Sub-Committee.

## **6. THE REPRESENTATIONS**

### **6.1 RESPONSIBLE AUTHORITIES**

No other representations have been received from the Responsible Authorities.

### **6.3 ANY OTHER PERSON**

One representation from the local Ward Councillor (Bridgewater Ward) has been received below is the objection from Cllr Nelson,

*The main ground is on Anti-Social Behaviour but has confirmed that the objection is also on all four of the licensing objectives which would lead to ASB, this is due to the close proximity to the housing if the hours would be increased in the way the licensee wants it will lead to ASB issues. Longer hours encourage people to drink more, which leads to ASB, the hours put forward are sufficient with this establishment and the current opening hours.*

*Cllr Nelson has suggested the following times to be considered by the Committee.*

#### HOURS

*I would be ok if we can do Sports etc Mon-Wed 230AM  
Thur 230AM Fri-Sat 230am.  
Alcohol 2AM  
Refreshments 2AM.*

### **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:-

### **1. Introduction**

...

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

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

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

...

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

...

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

...

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

...

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

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

...

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

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

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

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

...

20. Working in collaboration a local alcohol strategy has been developed and agreed. The Halton Alcohol Strategy: Reducing alcohol-related harm across the life course, 2014-

2019 makes the case that the impact of drinking on public health and community safety in Halton is so great that radical steps are needed to change our relationship with alcohol.

...

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

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

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

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

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

...

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

[...]

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

36. There can be confusion about the difference between “need” and the “cumulative impact” of premises on the

licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the Council in discharging its licensing functions. “Need” is a matter for planning committees and for the market.

[...]

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

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

[...]



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

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

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

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

...

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

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

[...]

#### **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.

### **94 Drugs**

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

The Council expects licensees of all venues to take all reasonable steps to:

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

- Have appropriately trained staff to deal with drug related incidents.

The Council expects licensees to permit the access and use of drug dogs within the public and staff areas of the premises upon request of the Council and/or police involved in such an initiative.

The increasing prominence and dangers that can occur from Novel (New) Psychotic Substances (Legal Highs) is recognised and the Council would encourage all venues to include suitable steps within their Drugs Policy to deal with legal highs. The Council will consider whether it would be appropriate to impose a condition in order to promote one or more of the statutory licensing objectives where there is evidence to do so.

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

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

In practical terms this includes:

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

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

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

### **98. Good Management**

99. Certain kinds of physical environment within places subject to premises licences (such as an over preponderance of vertical drinking) are generally thought to be less conducive to avoiding crime and

disorder. Good management and adequate staff training are vital. Where appropriate the provision of food in addition to alcohol can have a beneficial effect. Where food is provided it is good practice (but not mandatory under the licensing system) to have regard to current practice on healthy eating. The Council encourages premises licence holders to take an active part in local Pub Watch and Arc Angel schemes. 100. Another aspect of good management in relation to door supervision is to have proper systems in place to comply with the Private Security Industry Act 2001 and to think about how good door supervision systems can contribute to crime reduction both within and outside of premises. Applicants will be expected to have considered these and all relevant issues and to reflect these within their operating schedules

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

## **8. OPTIONS**

- 8.1 The Committee has the following options under Section 35 of the Act:
  - (1) Grant the variation application subject to such conditions that are consistent with the operating schedule and any mandatory conditions;
  - (2) Modify the conditions of the licence, by altering or omitting or adding to them;
  - (3) Reject the application in whole or in part.

## **9. POLICY IMPLICATIONS**

- 9.1 None

## **10. FINANCIAL CONSIDERATIONS**

- 10.1 There are no special financial considerations to the Authority which need to be highlighted at this stage. However, it should be noted that the decision of the sub-committee is subject to appeal to the

Magistrates' Court. If an appeal is made, there will be costs associated with this.

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

**11.1 Children and Young People in Halton**

None identified.

**11.2 Employment Learning and Skills in Halton**

None identified.

**11.3 A Healthy Halton**

None identified.

**11.4 A Safer Halton**

None identified.

**11.5 Halton's Urban Renewal**

None identified.

**12. RISK ANALYSIS**

12.1. The Council is required to hold the hearing in accordance with the Licensing Act 2003. Failure to do so, may mean that the Council is acting in breach of its obligations under that Act.

**13. EQUALITY AND DIVERSITY ISSUES**

13.1 There are no equality and diversity issues to highlight.

**14. CLIMATE CHANGE IMPLICATIONS**

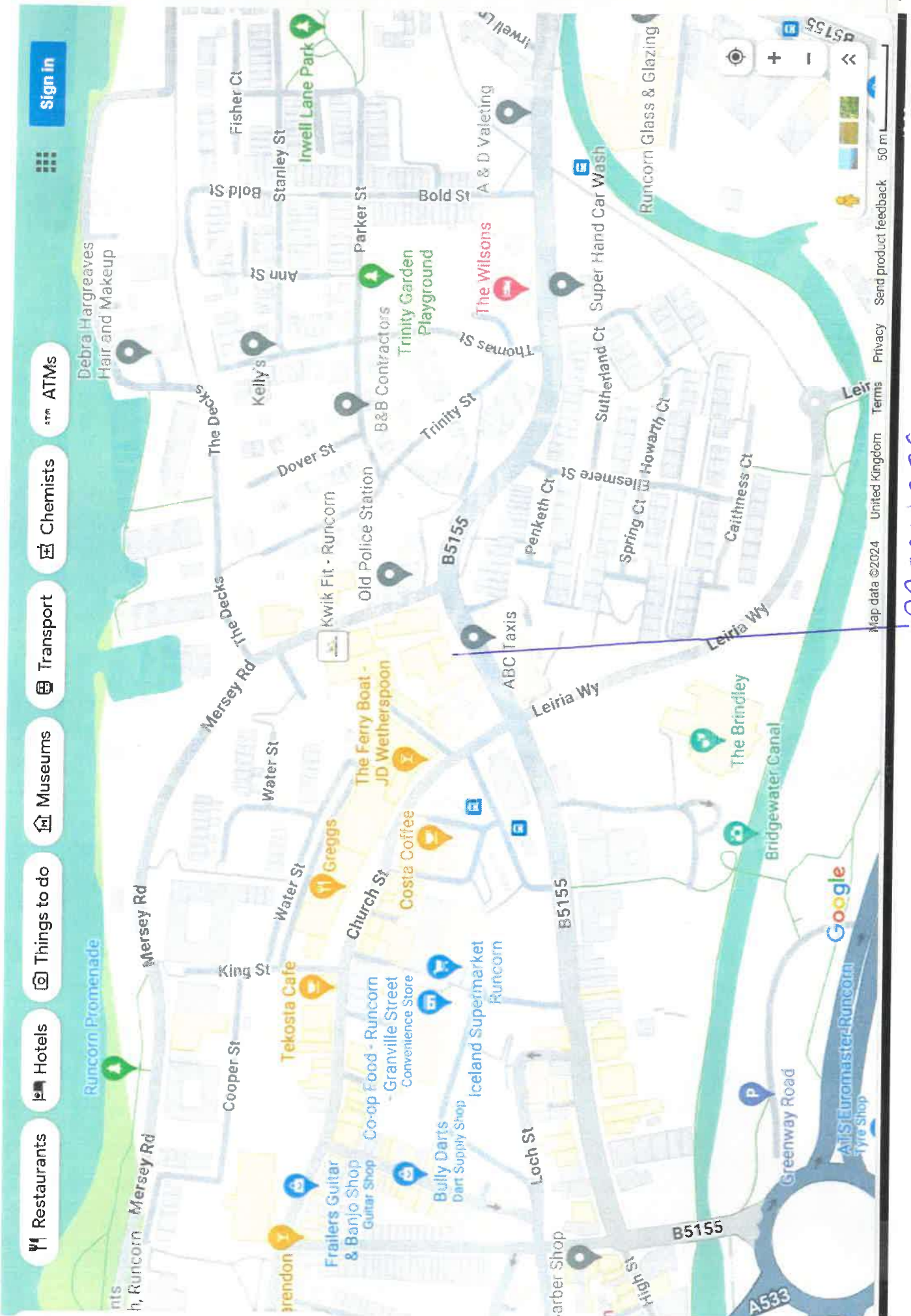
14.1 There are no climate change implications since the decision will have no effect on the environment.

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

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Guidance issued under Section 182 of the Licensing Act 2003	Licensing Section/ Government Website see link 1 below.	Kim Hesketh

Halton Council's Statement of Licensing Policy	Licensing Council website see link 2 below.	Section/ Kim Hesketh
--	---	-------------------------

1. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)
2. <https://www3.halton.gov.uk/Documents/business/licencing/alcoholent/StatementofLicensingPolicy.pdf>



PREMISES

Map data ©2024

United Kingdom

Terms

Privacy

Send product feedback

50 m

## APPENDIX B

<u>Licensed Premises</u>	<u>Distance from Alchemy</u>	<u>Opening hours</u>	<u>Supply of alcohol</u>
Chambers 77 High Street Runcorn	0.1 mile – walking 3 min	Monday & Tuesday 10.00 to 03.00 Wednesday & Thursday 10.00 to 03.30 Friday & Saturday 10.00 to 05.00 Sunday 10.00 to 03.30	Monday & Tuesday 10.00 to 03.00 Wednesday & Thursday 10.00 to 03.30 Friday & Saturday 10.00 to 05.00 Sunday 10.00 to 03.30
Eddy's Chicken & Pizza 6 High Street Runcorn	Next door	Monday to Thursday 16.30 to 01.00 Friday & Saturday 16.30 to 03.30 Sunday 16.30 to 01.00	NO ALCOHOL SALES
Family Pizza 13 High Street Runcorn	opposite premises	Monday to Wednesday 17.00 to 01.00 Thursday 17.00 to 01.30 Friday & Saturday 17.00 to 03.00	NO ALCOHOL SALES



			Sunday 17.00 to 01.30	
Lebara 8 High Street Runcorn	266 ft – walking 1 min		Monday to Saturday 08.00 to 23.00 Sunday 10.00 to 22.30	Monday to Saturday 08.00 to 23.00 Sunday 10.00 to 22.30
Royal High Street Runcorn	Next door		Monday to Thursday 10.00 to 00.30 Friday & Saturday 10.00 to 02.30 Sunday 12.00 to 00.30	Monday to Thursday 10.00 to 00.30 Friday & Saturday 10.00 to 02.30 Sunday 12.00 to 00.30
Wetherspoons Church Street Runcorn	328 ft – walking 1 min		Monday to Thursday 07:00 to 00:30 Friday & Saturday 07.00 to 01.30 Sunday 07.00 to 00.30	Monday to Thursday 09:00 to 00.00 Friday & Saturday 09.00 to 01.00 Sunday 09.00 to 00.00
Wine Bar Church Stret Runcorn	328 ft – walking 1 min		Monday to Saturday 09:30 to 23:00 Sunday 09.30 to 22.30	Monday to Saturday 11.000 to 23.00 Sunday 11.00 to 22.30



Licensing Act 2003

**Premises Licence****LPA0288**

## Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****Alchemy**

2-4 High Street, Runcorn, Cheshire, WA7 7UB.

Telephone 01928 589225

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- provision of late night refreshment
- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday to Sunday	7:00am	Midnight
B. Exhibition of films (Indoors)	Monday to Sunday	7:00am	Midnight
C. Indoor sporting event	Monday to Sunday	7:00am	Midnight
D. Boxing or wrestling entertainment (Indoors)	Sunday	7:00am	Midnight
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday	10:00am	2:00am
F. Playing of recorded music (Indoors)	Monday to Thursday	10:00am	2:00am
	Friday and Saturday	10:00am	3:00am
	Sunday	10:00am	2:00am
G. Performance of dance (Indoors)	Monday to Thursday	10:00am	2:00am
	Friday and Saturday	10:00am	3:00am
	Sunday	10:00am	2:00am





Licensing Act 2003

# Premises Licence

LPA0288

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday	10:00am	2:00am
	Friday and Saturday	10:00am	3:00am
	Sunday	10:00am	2:00am
I. Provision of facilities for making music (Indoors & Outdoors)	Monday to Sunday	7:00am	Midnight
L. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday	10:00am	2:00am
	Friday and Saturday	10:00am	3:00am
	Sunday	10:00am	2:00am

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Thursday	10:00am	2:30am
Friday and Saturday	10:00am	3:30am
Sunday	10:00am	2:30am

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Encore Runcorn Ltd 77 High Street, Runcorn, Cheshire, WA7 1AH.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Encore Runcorn Ltd 10731383

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Gary OATES ~~77 High Street, Runcorn, Cheshire, WA7 1AH.~~  
~~Telephone: 01928 550000~~

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. PLHBC0587 Issued by Halton





Licensing Act 2003

LPA0288

# Premises Licence

## ANNEXES

### Definitions:

"Act" means the Licensing Act 2003

"Application" means the Application for this Licence submitted by or on behalf of the Holder

"Holder" means the Licence Holder named on this Licence

"Licensing Authority" means Halton Borough Council

"Operating Schedule" means the Operating Schedule accompanying the Application

### **THIS LICENCE CONSTITUTES A NEW LICENCE AS DEFINED IN THE ACT**

The Holder shall comply with the following conditions:

#### **A Alteration of details relating to this Licence**

No details set out on this Licence shall be altered without the consent of the Licensing Authority

#### **B Compliance with the Operating Schedule**

The Holder shall comply with the Operating Schedule and the details set out in the Application except as varied or inconsistent with anything set out in this Licence

#### **C Conditions agreed by the Holder during the Licence application process**

##### **CHESHIRE CONSTABULARY**

Several of the items listed below are touched on in the Proposed Operating Schedule but not to the required degree of detail. To avoid any misinterpretation I have expanded these points as required.

1. The operator will be required to subscribe to both the security radio and website communication systems.

#### **Condition:**

The applicant shall subscribe to both the Night Net security radio system and the Pubwatch On-Line communications systems.

2. Any CCTV system fitted must be of a required standard.

#### **Condition:**

Any CCTV system used should be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises - An Operational Requirement'.

3. Further, to prove such a system is fit for purpose and can be operated satisfactorily,

#### **Condition:**

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. A commissioning test must be carried out with the licensing and CCTV Liaison Officers before completion and hand over of the system. The commissioning test will need to



Licensing Act 2003

LPA0288

## Premises Licence

ANNEXES continued ...

demonstrate the following:-

- 1 ) recordings are fit for their intended purpose,
- 2 ) good quality images are presented to the officer in a format that can be replayed on a standard computer,
- 3 ) the supervisor has an understanding of the equipment/training,
- 4 ) management records are kept,
- 5 ) maintenance agreements and records are maintained,
- 6 ) Data Protection principles and signage are in place.

4. To prevent the venue being used in the future as a vertical drinking establishment,

**Condition:**

A seating ratio of 30% of the total venue capacity is to be maintained

5. To keep glasses, bottles and open containers off the streets,

**Condition:**

No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

6. Further,

**Condition:**

No drink shall be removed from the premises in an unsealed container.

7. In order to benefit from the partnership work already offered by Pubwatch,

**Condition:**

The licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and regularly attend at the meetings of the Pub Watch scheme for the area within which the premises is located.

8. To make clear the position as to the admission of children.

**Condition:**

With the exception of specific events organized for persons under the age of 18, there shall be no persons under the age of 18 allowed into the premises.

**Following a variation application hearing on 14 December 2010 the above condition was amended to:-**

14.1 With the exception of specific events organised for persons under the age of 18 there shall be no persons under the age of 18 allowed into the premises.

14.2 Condition 14.1 shall not apply on any occasion when **all** of the following provisions apply:

14.2.1 The persons under the age of 18 is accompanied by an adult.

Licensing Act 2003

LPA0288

## Premises Licence

ANNEXES continued ...

14.2.2 Substantial hot food is being served at the premises.

14.2.3 No person under the age of 18 remains on the premises after the hour of ~~4.00 p.m.~~ 21.00 (**Minor variation Dec 2014**)

9. To restrict the availability of items that may be potentially used as weapons late at night,

### Condition:

There shall be no Off Sales after 11pm

10 No entry / re-entry to the premises 30 minutes before the terminal hour for the supply of alcohol

### ENVIRONMENTAL HEALTH

1) Noise from any regulated entertainment (B - Films C- Indoor Sporting Events E- Live Music F- Recorded Music G - Performance of Dance H - Anything Similar to e f or g I -Making Music J - Facilities for Dancing & L- Late Night Refreshment) shall be inaudible at the nearest noise sensitive property at any time

2) All licensed entertainment shall cease a minimum of 30 minutes prior to the closure of the premises.

### Conditions volunteered and accepted when Minor Variation submitted in May 2010

- The Premises Licence Holder shall replace **all** normal drinking glasses with toughened or polycarbonate glasses.
- Where supplied reflective clothing shall be worn by all door supervisors employed at the venue

### D Conditions consistent with the Operating Schedule in the application dated 5 September 2008 and 14 July 2016

#### Prevention of Crime and Disorder

- A zero tolerance towards drugs
- Staff to monitor sobriety of customers (14 July 2016)
- 30 minute wind down period to allow a staggered departure from the premises(14 July 2016)
- Employ additional door supervisors when expected to be very busy eg- New Years Eve (14 July 2016)

#### Public Safety

- A smoke free policy and appropriate signage on the premises.
- A fire risk assessment and fire safety policy
- A fully maintained fire alarm fir extinguishers and fire exit signs
- A fully maintained first aid kit.

Licensing Act 2003

# Premises Licence

LPA0288

ANNEXES continued ...

- A good house keeping regime.
- A trade waste contract.
- A pest control scheme
- All areas to be cleared regularly of bottles/glasses (14 July 2016)
- Entrance / exits to be kept clear at all times (14 July 2016)
- Staff to conduct regular walk through of the premises and beer garden to ensure no problems arise (14 July 2016)

### Prevention of Public Nuisance

- The reporting of antisocial behaviour associated to the premises to the Halton Borough Council Alcohol enforcement Officer
- Windows facing the nearest accommodation to be closed at 23.30 hours
- Staff vigilance at closing time (14 July 2016)
- Windows and doors to be closed as required to reduce noise levels (14 July 2016)
- Notice at the main entrance asking patrons to keep the noise down when leaving (14 July 2016)
- Staff to monitor noise levels outside the premises periodically during the evening (14 July 2016)

### The protection of children from harm

- No sale of alcohol to under 18's, ACPO approved 18+ proof of age where doubt arises.
- Access to CCTV data to be restricted to DPS and premises employees and SIA registered security staff.
- The refusal of the retail sale of alcohol to any adult attempting to purchase alcohol for anyone under 18
- Signage displayed stating no unaccompanied children allowed and must be supervised at all times (14 July 2016)
- No children after 21.00 hrs (14 July 2016)
- Challenge 25 in use at the venue (14 July 2016)
- Staff training re under age sales and a refusals register to be kept (14 July 2016)

### Conditions agreed by the applicant in the variation application dated 15 October 2015

#### CHESHIRE POLICE

1.The Schedule makes very brief reference to the use of Door Supervisors without setting out specific times when they will be employed. To give specific and definite parameters, Door Supervisors shall be required on the below circumstances.

#### Condition:

SIA registered Door Supervisors shall be employed from 10pm until the close of the premises on nights when the service of alcohol continues after midnight.

2.To ensure that such Door Supervisors are clearly identifiable, and to ensure that employers comply with H & S guidelines and their legal responsibilities to ensure the safety of their employees :

Licensing Act 2003

LPA0288

## Premises Licence

ANNEXES continued ...

### Condition :

Reflective clothing or other similar approved garments that clearly identify such supervisors shall be worn by all Door Supervisors employed and on duty at this venue.

3.To further detail the Door Supervisor's duties in this respect:

### Condition:

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

- (i) the door supervisor's name, date of birth and home address;
- (ii) his/her Security Industry Authority licence number;
- (iii) the time and date he/she starts and finishes duty;
- (iv) the time of any breaks taken whilst on duty;
- (v) each entry shall be signed by the door supervisor.
- (vi) record of all incidents taking place in the venue

That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

### TRADING STANDARDS

A Challenge 25 policy shall be applied by the licence holder in respect of all customers

A notice shall be displayed at the entrance to the premises where it can be clearly seen, indicating that there is a "Challenge 25" policy in place at the premises.

Either:

- a) The Challenge 25 notice shall indicate that it is an offence for a person under 18 to buy or attempt to buy alcohol or for a person over 18 to buy alcohol on behalf of a person who is under 18  
or
- b) A separate notice shall be displayed at the entrance to the premises where it can be clearly seen which shall indicate that it is an offence for a person under 18 to buy or attempt to buy alcohol or for a person over 18 to buy alcohol on behalf of a person who is under 18

The only forms of ID that shall be accepted as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, Armed Forces ID cards or other reliable photo ID that has been approved for acceptance by the Police or other responsible authority.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol to a person suspected of being under the age of 18, indicating the date, time and reason for refusal which shall be made available for inspection by Local





Licensing Act 2003

LPA0288

## Premises Licence

ANNEXES continued ...

Authority officers and the Police. This may be in electronic form.

A documented training programme shall be introduced for all staff who may sell or serve alcohol and shall include: how to prevent underage sales; record refusals; awareness and prevention of proxy purchasing and any subsequent confrontational behaviour from consumers.

No member of staff will be permitted to sell age restricted products until they have completed this training. Details of this training and records of attendance shall be made available for inspection by Local Authority officers and the Police.

The Designated Premises Supervisor or Premises Licence Holder shall conduct 6 monthly reviews with all members of staff authorised to sell or serve alcohol in order to reinforce the training and to promote best practice. A written record shall be kept of the content of such reviews which shall be made available for inspection by Local Authority officers and the Police.

### D - Display of Licence

D1 The Summary Licence or a certified copy of that summary must be prominently displayed at the premises whenever the premises are being used for one or more licensable activities authorised by the licence.

D2 A notice specifying the position held at the premises by any person nominated for the purposes S 57 (2) of the LA 2003 (which relates to the keeping at the premises of the premises licence or a certified copy of it) must be prominently displayed at the premises whenever the premises are being used for one or more licensable activities authorised by the licence.

D3 Whenever the premises are being used for one or more licensable activities authorised by the licence a constable or an authorised officer may require any person referred to in D2 as the person nominated for the purposes of S 57 (2) L A 2003 to produce the premises licence or a certified copy of it.

### E Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities or substantially similar activities carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-



Licensing Act 2003

LPA0288

## Premises Licence

ANNEXES continued ...

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carried a significant risk of undermining a licencing objective.
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carried a significant risk of undermining a licensing objective.
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in, the vicinity of, the premises which can reasonably be considered to, condone, encourage, or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner:
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) the policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request before being served alcohol identification bearing their photograph, date of birth and either-
- (a) A holographic mark, or
- (b) An ultraviolet feature
5. The responsible person must ensure that-
- (a) Where any of the following alcoholic drink is sold or supplied for consumption on the premises

Licensing Act 2003

LPA0288

## Premises Licence

ANNEXES continued ...

(other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) is available to customers in the following measure-

- (i) Beer or cider, ½ pint
- (ii) Gin, rum, vodka or whisky: 25ml or 35ml, and
- (iii) Still wine in a glass: 125ml

- (b) These measures are displayed in a menu price list or other printed material which is available to customers on the premises, and
- (c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

### Exhibition of Films

The film classification body applicable to this licence is the British Board of Film Classification and admission of persons aged under 18 must be restricted in accordance with any recommendation made by that body provided that where the Council has notified the holder of the licence that section 20(3)(b) Licensing Act 2003 applies to any film admission of persons aged under 18 must be restricted in accordance with any recommendation made by the Council.

And as of the date of issue of the licence only the following classifications shall be applied:-

- U - Universal. Suitable for audiences aged four years and over,
- PG - Parental Guidance. Some scenes may be unsuitable for young children,
- 12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 - Passed only for viewing by persons aged 15 years and over,
- 18 - Passed only for viewing by persons aged 18 years and over.

No film exhibition shall be shown at the premises unless it has been classified by the British Board of Film Classification or by the Licensing Authority.

Where any film has not been classified by the film Classification body then such film shall be submitted to the Licensing authority not less than 28 days before it is proposed to show it to enable the Authority to classify it and attach such age restrictions as it considers appropriate.

Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film.  
OR/ALTERNATIVELY

Licensing Act 2003

**Premises Licence****LPA0288****ANNEXES continued ...**

Notices indicating the age classification determined by the Licensing Authority shall be displayed both inside and outside the premises so that persons entering the premises can readily read them and be aware of the category attached to any film or trailer.

**F Miscellaneous conditions**

N/A

**G Pre-existing conditions**

N/A

**H Plans**

The Plan(s) submitted with the Application form part of this Licence

**SEASONAL AND NONSTANDARD TIMINGS -****For the categories Recorded Music, Performance of Dance, anything Similar,**

Day before Bank Holidays as Friday and Saturday Hours.

Christmas Eve and New Years Eve to mirror hours permitted to sell alcohol (New Years Eve 10.00 a.m. - 10.00 a.m. New Years Day)

**For the category Late Night Refreshment**

Christmas Eve and New Years Eve to mirror hours permitted to sell alcohol.

**For the category Supply of Alcohol**

Day preceding Bank holidays and Bank Holidays 03.00 hrs

Christmas Eve 10.00 - 03.00

New Years Eve 10.00 - 10.00 following day (New Years Day)

**For the category Hours the Premises are open to the Public**

Day preceding Bank Holidays and Bank Holidays to 04.00 hrs

Christmas Eve 10.00 - 04.00

New Years Eve 10.00 - 10.00 following day (New Years Day)





Licensing Act 2003

LPA0288

# Premises Licence Summary

## Premises Details

### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

#### Alchemy

2-4 High Street, Runcorn, Cheshire, WA7 7UB.

Telephone 01928 589225

### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- provision of late night refreshment
- the sale by retail of alcohol

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday to Sunday	7:00am	Midnight
B. Exhibition of films (Indoors)	Monday to Sunday	7:00am	Midnight
C. Indoor sporting event	Monday to Sunday	7:00am	Midnight
D. Boxing or wrestling entertainment (Indoors)	Sunday	7:00am	Midnight
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday	10:00am	2:00am
F. Playing of recorded music (Indoors)	Monday to Thursday	10:00am	2:00am
	Friday and Saturday	10:00am	3:00am
	Sunday	10:00am	2:00am
G. Performance of dance (Indoors)	Monday to Thursday	10:00am	2:00am
	Friday and Saturday	10:00am	3:00am
	Sunday	10:00am	2:00am





Licensing Act 2003

LPA0288

# Premises Licence Summary

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday	10:00am	2:00am
	Friday and Saturday	10:00am	3:00am
	Sunday	10:00am	2:00am
I. Provision of facilities for making music (Indoors & Outdoors)	Monday to Sunday	7:00am	Midnight
L. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday	10:00am	2:00am
	Friday and Saturday	10:00am	3:00am
	Sunday	10:00am	2:00am

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	10:00am	2:30am
Friday and Saturday	10:00am	3:30am
Sunday	10:00am	2:30am

## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Encore Runcorn Ltd

77 High Street, Runcorn, Cheshire, WA7 1AH.

## REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Encore Runcorn Ltd

10731383

## NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Gary OATES

## STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED





**Halton**  
**Application to vary a premises licence**  
**Licensing Act 2003**

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

\* required information

**Section 1 of 18**

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 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

**Premises Contact Details**

Telephone number



Continued from previous page...

Non-domestic rateable value of premises (£)

16,500

**Section 3 of 18**

**VARIATION**

Do you want the proposed variation to have effect as soon as possible?

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Describe Briefly The Nature Of The Proposed Variation**

Describe 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.

Public House, To extend the weekend opening hours to 6am to accommodate changes in drinking habits where people are venturing out later. Therefore Friday and Saturday section H&M hours would be 10am to 5.30am. This would include the day preceding bank holidays and Christmas eve.  
A change to Young persons being in the bar, from 21.00 to midnight to accommodate young persons playing in darts and pool teams.  
Off sales condition to be amended to opening hours .  
To remove the need for radio communication as the radio system in this part of town is unusable due to poor signal and better forms of communication now exist.

**Section 4 of 18**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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

Will the performance of a play take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Indoors       Outdoors       Both

Provide further details here.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music will be amplified and monitored

State any seasonal variations for performing plays.

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

Day before any public or bank holiday as Friday and Saturday hours

*Continued from previous page...*

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed above, list below.

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

Day before any public or bank holiday as Friday and Saturday hours  
 Christmas Eve, Christmas day, Boxing day and New years Eve to mirror hours permitted to sell alcohol ( New years eve 10.00am to 10.00am New years Day)

**Section 5 of 18**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

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

Provide 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 10:00

End 03:30

Start 10:00

End 03:30

Will the exhibition of films take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Indoors       Outdoors       Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

music to be amplified and monitored

State any seasonal variations for the exhibition of film.

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

Day before any public or bank holiday as Friday and Saturday hours

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed above, list below.

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

Day before any public or bank holiday as Friday and Saturday hours

Christmas Eve, Christmas day, Boxing day and New years Eve to mirror hours permitted to sell alcohol ( New years eve 10.00am to 10.00am New years Day)

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes       No

**Standard Days And Timings**

MONDAY

Start 10:00

End 02:30

Start 10:00

End 02:30

Provide 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.

TUESDAY

Start 10:00

End 02:30

Start 10:00

End 02:30

Continued from previous page...

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 type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music to be amplified and monitored

State any seasonal variations for indoor sporting events.

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

Day before any public or bank holiday as Friday and Saturday hours

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed above, list below.

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

Day before any public or bank holiday as Friday and Saturday hours  
 Christmas Eve, Christmas day, Boxing day and New years Eve to mirror hours permitted to sell alcohol ( New years eve 10.00am to 10.00am New years Day)

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

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

**SUNDAY**

Start

End

Start

End

Provide 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.

Will the boxing or wrestling entertainment take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Indoors  Outdoors  Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music to be amplified and monitored

*Continued from previous page...*

State any seasonal variations for boxing and wrestling entertainment.

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

Day before any public or bank holiday as Friday and Saturday hours

Non-standard timings. Where the premises will be used for the boxing or wrestling entertainment at different times from those listed above, list below.

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

Day before any public or bank holiday as Friday and Saturday hours

Christmas Eve, Christmas day, Boxing day and New years Eve to mirror hours permitted to sell alcohol ( New years eve 10.00am to 10.00am New years Day)

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes                       No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

Provide 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.

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Live music could be live musicians or DJ mostly amplified but possibly some accoustic

State any seasonal variations for the performance of live music

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

Day before any public or bank holiday as Friday and Saturday hours

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

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

Day before any public or bank holiday as Friday and Saturday hours

Christmas Eve, Christmas day, Boxing day and New years Eve to mirror hours permitted to sell alcohol ( New years eve 10.00am to 10.00am New years Day)

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Recorded music by DJ or playlist amplified and monitored

State any seasonal variations for playing recorded music.

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

Day before any public or bank holiday as Friday and Saturday hours

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

Continued from previous page...

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

Day before any public or bank holiday as Friday and Saturday hours  
 Christmas Eve, Christmas day, Boxing day and New years Eve to mirror hours permitted to sell alcohol ( New years eve 10.00am to 10.00am New years Day)

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes  No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

Provide 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.

**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

Continued from previous page...

Will the performance of dance take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music to be amplified and monitored

State any seasonal variations for the performance of dance.

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

Day before any public or bank holiday as Friday and Saturday hours

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

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

Day before any public or bank holiday as Friday and Saturday hours

Christmas Eve, Christmas day, Boxing day and New years Eve to mirror hours permitted to sell alcohol ( New years eve 10.00am to 10.00am New years Day)

**Section 11 of 18**

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

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start 10:00

End 02:30

Start 10:00

End 02:30

THURSDAY

Start 10:00

End 03:30

Start 10:00

End 03:30

FRIDAY

Start 10:00

End 05:30

Start 10:00

End 05:30

SATURDAY

Start 10:00

End 05:30

Start 10:00

End 05:30

SUNDAY

Start 10:00

End 03:30

Start 10:00

End 03:30

Provide a description of the type of entertainment that will be provided.

Will this entertainment take place indoors or outdoors or both?

- Indoors     
  Outdoors     
  Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music will be amplified and monitored

State any seasonal variations for entertainment.

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

Day before any public or bank holiday as Friday and Saturday hours

Continued from previous page...

Non-standard timings. Where the premises will be used for entertainment at different times from those listed above, list below.

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

Day before any public or bank holiday as Friday and Saturday hours  
 Christmas Eve, Christmas day, Boxing day and New years Eve to mirror hours permitted to sell alcohol ( New years eve 10.00am to 10.00am New years Day)

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

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

SUNDAY

Start

End

Start

End

Provide 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...*

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors                     
  Outdoors                     
  Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music to be amplified and monitored

State any seasonal variations.

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

Day before any public or bank holiday as Friday and Saturday hours

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

Day before any public or bank holiday as Friday and Saturday hours  
 Christmas Eve, Christmas day, Boxing day and New years Eve to mirror hours permitted to sell alcohol ( New years eve 10.00am to 10.00am New years Day)

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes                     
  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

Continued from previous page...

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

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.

Day before any public or Bank Holiday as Friday and Saturday hours

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

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

Day before any public or bank holiday as Friday and Saturday hours  
 Christmas Eve, Christmas day, Boxing day and New years Eve to mirror hours permitted to sell alcohol ( New years eve 10.00am to 10.00am New years Day)

Section 14 of 18

ADULT ENTERTAINMENT

*Continued from previous page...*

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.

Provide 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 are gambling and gaming machines on the premises age restricted

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

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.



*Continued from previous page...*

Day before any public or Bank Holiday as Friday and Saturday hours

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

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

Day before any public or bank holiday as Friday and Saturday hours  
 Christmas Eve, Christmas day, Boxing day and New years Eve to mirror hours permitted to sell alcohol ( New years eve 10.00am to 10.00am New years Day)

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

C.1. Remove requirement for security radio  
 C 14.2.3 To be amended for darts and pool teams to midnight  
 Off sales hours to be amended to opening hours

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

**Section 16 of 18**

**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)

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

Adherence and compliance to and with, all regulations, conditions and recommendations, to ensure all staff trained to achieve this and to work in partnership with the police and licensing department.

b) The prevention of crime and disorder

A zero tolerance toward usage and distribution of all illegal substances  
 Staff to monitor sobriety of customers  
 30 minute wind down period to ensure a staggered departure from the premises  
 to employ extra door supervisors when expected to be very busy, eg, new years eve

c) Public safety

A smoke free policy and appropriate signage on the premises.

**Continued from previous page...**

An up to date fire risk assessment and fire safety policy  
A fully maintained fire alarm system, fire extinguishers and appropriate signage  
A fully maintained first aid kit  
A good house keeping regime  
A trade waste contract  
A pest control scheme  
All areas to be cleared regularly of bottles, glasses etc  
Entrance and exits to be kept clear at all times  
Staff to conduct regular walk through of toilets and beer garden to monitor for problems arising

**d) The prevention of public nuisance**

The reporting of anti social behaviour associated with the premises via Halton borough Council alcohol enforcement officer and the police.  
No doors or windows to be propped open after 23.30 hrs to reduce noise levels  
portable sound monitoring to be used by Djs and managers to ensure levels kept below 80db at the entrance  
Notice at the main exit to remind patrons to keep the noise down when leaving.  
Staff to monitor noise levels in the street periodically during the evening.

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

No sales of Alcohol to under 18's  
all persons appearing to be under 25 to provide valid ID, no ID, no admission  
Access to CCTV to be restricted to DPS, managers and SIA registered security staff  
Refusal of service to any adult attempting to purchase alcohol for consumption by persons under 18.  
No unaccompanied under 18's to be on the premises, signage to be displayed.  
Challenge 25 to be enforced  
Staff training re under age and register of refusals kept.

**Section 17 of 18**

**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:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - 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.
  - 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.
  - 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.
  - 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:
  - 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.
  - 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.
  - 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 18 of 18**

**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. Variation 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 your are required to pay a higher fee

- Band D - £87001 to £12500 £900.00
- Band E - £125001 and over £1,905.00

If you own a large premise 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 (£)

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

Continued from previous page...

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**DECLARATION**

\* I/we understand it is an offence, under section 158 of the Licensing Act 2003, to make false statement in or in connection with this application, those who make a false statement may be liable on summary conviction to a fine of any amount.

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/change-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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**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 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 The objectives to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under 23 and 24 of the Offences Against the Persons Act 1861, and under 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. The list is not exhaustive:

- Putting alcohol into someone's drink without their knowledge or permission

- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission.
- Injecting another person with prescription or illegal drugs without their knowledge or permission.
- Putting prescription or illegal drugs into another person's food without their knowledge or permission.
- Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission.

### **Public nuisance**

2.21 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.

2.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.23 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.24 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.25 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating



to noise Revised Guidance issued under section 182 of the Licensing Act 2003 I 11 emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.26 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.27 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **Protection of children from harm**

2.28 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.

2.29 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.

2.30 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.

2.31 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.

2.32 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.

2.33 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.

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

2.35 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.

2.36 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.

2.37 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**

2.38 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**

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

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

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. 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. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any

document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities may also wish to consider placing additional conditions on licences to safeguard patrons against spiking, if deemed appropriate and proportionate for a specific venue where there is evidence to justify such action (a definition of spiking can be found in para 2.7). 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**

10.13 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.