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Regulatory Sub Committee

Wednesday, 12 June 2024 1.30 p.m.
Civic Suite, Town Hall, Runcorn

S. Young

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Pamela Wallace (Chair)

Councillor Kath Loftus

Councillor Angela McInerney

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

The next meeting of the Committee is on to be confirmed

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

Part I

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

REGULATORY SUB COMMITTEE

At a meeting of the Regulatory Sub Committee on Friday, 31 May 2024 at The Board Room - Municipal Building, Widnes

Present: Councillors Wallace (Chair), Bramwell 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>EXB9 MINUTES FROM THE MEETING ON 22 APRIL 2024</p> <p>The minutes of the meeting held on 22 April 2024 having been circulated were signed as a correct record.</p>	
<p>EXB10 MINUTES FROM THE MEETING ON 26 APRIL 2024</p> <p>The minutes of the meeting held on the 26 April 2024 having been circulated were signed as a correct record.</p>	
<p>EXB11 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - ALCHEMY, HIGH STREET, RUNCORN, WA7 1AU</p> <p>The Committee met to consider an application which has been made under Section 34 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;"><u>PREAMBLE</u></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 Municipal Building, Widnes, on Friday 31st May 2024 commencing at 1.30pm.</p>	

The meeting was held to hear an application made under section 34 of the Licensing Act 2003 for the variation of a Premises Licence at Alchemy, High Street Runcorn. The application was amended during the hearing by the Applicant to maintain current hours of operation on Sunday with all other matters remaining as set out in the Operating Schedule to the variation application. It was this amended application that was determined by the Sub-Committee.

In attendance were:

1. Members of the Regulatory Sub-Committee comprising Cllr Pamela Wallace (Chair), Cllr Irene Bramwell and Cllr Kath Loftus ('the Sub Committee').
2. Christopher Carney (Licensing Consultant) representing the Applicant - namely Gary Oates of Encore (Runcorn) Limited ('the Applicant').
3. Kim Hesketh (Licensing Manager).
4. Alex Strickland (Legal Adviser).

Lesley Halliday (Police Licensing Officer, Cheshire Police) was in attendance but did not participate in the hearing, as was Belynda Oates, who was in support of the Applicant but did not participate.

The hearing was triggered as a result of the objection by several emails dated 29 April 2024 ('the Objection') from Cllr Stef Nelson ('the Objector'). The Objector was not present at the hearing.

There were no representations from Responsible Authorities.

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); copy of the current Premises Licence with summary (Appendix C); the Variation Application (Appendix D) and extracts from policy and guidance (Appendix E) - setting out the nature of the application, noting that there had been no representations from responsible authorities, including Cheshire Police in respect of the prevention of crime and disorder/anti-social behaviour statutory licensing objectives (or otherwise). The Licensing Report set out the Objection lodged by Cllr Stef Nelson, who was not present at the hearing. In addition, the Sub Committee was provided with written representations provided on behalf of the

Applicant.

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

Opening Hours

Mon - Wed	10.00 to 03.00
Thurs	10.00 to 04.00
Fri & Sat	10.00 to 06.00
Sun	10.00 to 02.30

Plays, Films, Indoor Sporting, Boxing or Wrestling

Mon - Wed	10.00 to 02.30
Thurs	10.00 to 03.30
Fri & Sat	10.00 to 05.30
Sun	07.00 to 12 midnight

Live Music

Mon - Wed	10.00 to 02.30
Thurs	10.00 to 03.30
Fri & Sat	10.00 to 05.30
Sun	10.00 to 02.00

Recorded Music

Mon - Wed	10.00 to 02.30
Thurs	10.00 to 03.30
Fri & Sat	10.00 to 05.30
Sun	10.00 to 02.00

Dance

Mon - Wed	10.00 to 02.30
Thurs	10.00 to 03.30
Fri & Sat	10.00 to 05.30
Sun	10.00 to 02.00

Late Night Entertainment

Mon – Wed	23.00 to 02.30
Thurs	23.00 to 03.30
Fri & Sat	23.00 to 05.30
Sun	23.00 to 12 midnight

Supply of Alcohol

Mon - Wed	10.00 to 02.30
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Thurs	10.00 to 03.30
Fri & Sat	10.00 to 05.30
Sun	10.00 to 02.00

2. The Hearing

The Applicant was allowed a maximum of 20 minutes to present their case. It was pointed out on behalf of the Applicant that there were no representations from responsible authorities including Cheshire Police, who are to be the primary source of information concerning promotion of the licensing objectives on anti-social behaviour and crime and disorder.

The Sub Committee were informed by the representative for the Applicant, that he had offered to meet the Objector (Cllr Stef Nelson) to see if it was possible to reach agreement to avoid the requirement for a hearing - but that this approach had been turned down without any substantive explanation.

It was maintained that there was no evidence provided by the Objector in support of his objection, which purported to relate to all four statutory licensing objectives. It was pointed out that there had been ample time to compile such evidence had it existed, given that the Notice of Hearing was issued several weeks ago. It was further maintained that the Applicant (who is the Premises Licence holder) had operated the premises since 2017 without complaint.

The point was made that it is not sufficient for the Objector to think there is a problem with anti-social behaviour without providing at least some measure of evidence to support such a view.

Reference was made to paragraph 9.12 of the section 182 statutory guidance which makes clear that evidence is required to support representations.

The Sub Committee noted that the Applicant chaired Pubwatch and in response to questioning, the Applicant confirmed it worked well. The Committee enquired as to what would happen if a customer attended the premises and got increasingly drunk throughout the day/evening. The Sub Committee was expressly assured by the Applicant that such a situation would not be tolerated and that the premises would be properly managed at all times.

The Chair noted that mediation had been refused (by

the Objector) and expressed concern about the proposed new Sunday hours of operation (in particular, the extension into the early hours of the morning). In this context the Applicant was asked whether they would be prepared to amend the application in respect of Sunday operations. The Chair also observed that there had been an offer from the Applicant to reduce the proposed closing hour on Friday and Saturday to 5am (from the proposed 6am), if the offer of a mediation meeting was taken up by the Objector and the Chair enquired as to whether this offer was still available. The Applicant (through his representative) initially rejected both proposals. The Legal Adviser to the Sub Committee suggested that the Applicant may wish to consider that position further and the Chair adjourned the meeting for 10 minutes to allow the Applicant to review the matter in consultation with his representative.

After the adjournment, the representative for the Applicant confirmed that they would be content to operate to the current hours/restrictions for Sunday but wished to proceed with the hours/restrictions set out in the Operating Schedule for Friday/Saturday. This modified application was considered by the Sub Committee.

The Applicant summed up on the basis that no evidence had been provided to support the position of the Objector and that evidence was required (under the s182 guidance) to impose restrictions. The point was made that the Applicant was a licence holder of long standing, had co-operated with the police in several investigations and was committed to running a responsible establishment in accordance with the statutory licensing objectives. It was acknowledged that should any problem arise, the formal review process would always be available.

3. The Determination

The Sub Committee resolved to grant the (amended) application for the variation of the Premises Licence on the terms set out in section 2 of this Notice.

4. Specific reasons for the Determination

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

The Sub Committee found that: -

1. There was no evidence advanced to ground the Objection from the Objector. The Sub Committee noted the absence of the Objector from the hearing did not assist in this regard. The Sub Committee took account of the need for evidence to impose restrictions (in particular paragraph 9.12 of the statutory section 182 Guidance) and was mindful of the court decision in Daniel Thwaites plc v Wirral MBC in respect of this.
2. The Sub Committee was encouraged by and gave particular weight to the fact that the Applicant was an experienced and responsible operator who had shown a commitment to the statutory licensing objectives through his leading role in the Pubwatch scheme. The Sub Committee took note of his express commitment to manage the premises in a responsible way and they attached considerable weight to his assurances.
3. As set out in the statutory guidance, the Sub-Committee looks to Cheshire Police as the main source of advice on crime and disorder and anti-social behaviour issues. The Sub Committee noted that the Police regarded the application as satisfactory, to the extent that they did not make any representations on the variation application.
4. On balance, the Sub Committee therefore finds that the variation application (as amended) does not undermine the licensing objectives.

It was noted that there are powers to deal with premises if the operation of a licence leads to the licensing objectives being undermined, including 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 2.16 p.m.

REPORT:	Regulatory Sub-Committee
DATE:	12 June 2024
REPORTING OFFICER:	Operational Director – Legal and Democratic Services
PORTFOLIO:	Resources
SUBJECT:	Application for a Premises Licence – 74 Albert Road, Widnes, WA8 6JT
WARDS:	Appleton Ward

1. PURPOSE OF REPORT

To assist Members of the Regulatory Sub Committee in their consideration of an application (under section 17 of the Licensing Act 2003) by Karan Ravi Sasi for the grant of a premises licence for 74 Albert Road, Widnes, WA8 6JT

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 are located on Albert Road, in Widnes Town Centre, it is surrounded by commercial properties, including licensed premises and is in close proximity to residential housing. . A location plan is attached at **Appendix A**.
- 3.2 The premises has previously been a licensed premises since November 2005, trading as a Bargain Booze. The premises licence was surrendered on the 15 April 2024 although we cannot confirm if the premises was closed before this date.
- 3.3 There are also several licensed premises on Albert Road, 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 The applicant is the new owner of the premises and applies for a premises licence in the terms set out below. The intended use of the premises is that of an informal restaurant with a modest takeaway facility.

4. THE APPLICATION

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

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

- 4.3 According to the application, the applicant seeks the following

Hours open to the Public Monday to Sunday 11.00 to 01.15

Supply of alcohol Monday to Sunday 11.00 to 01.00

Late night refreshments Monday to Sunday 23.00 to 01.00

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

- CCTV Recording at all times and to be retained for a period of 21 days;
- Authorisation of sales, signed and dated by the DPS
- Incident book will be maintained;
- Security/staff arrangements to discourage the sale and consumption of drugs;
- Regular toilet checks;
- Records of incidents involving the use and or detection of drugs;
- Challenge 25 policy;
- Staff training scheme shall be used for all staff to authorise the sale of alcohol, preventing under age sales and complying with conditions;
- Refresher training every six months;
- No children under the age of 18 are to be permitted on the premises after 23:00 hours;
- Ensure the public leave quietly not to disturb neighbours;
- External windows and doors should be closed after 23.00, exempt in case of emergency;
- Emptying of bins will take place between 08.00 and 22.00 to prevent disturbance to nearby premises;

- The licence holder shall ensure that noise or vibration shall not emanate from outside the premises.

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

4.6 Noted on the Operating Schedule there is reference to Merseyside Police under Crime and Disorder, this has been confirmed by the agent that this should say Cheshire Police.

5. REQUIREMENT FOR A HEARING

5.1 The application was submitted on 18 April 2024 and was advertised in the local newspaper on 25 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 four local residents and two Ward Councillor.

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

5.5 The hearing is held in accordance with the Act and the Licensing Act 2003 (Hearings) Regulations 2005. The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.

5.6 The hearing is solely concerned with those aspects of the application, which has been the subject of the relevant representations as defined in the Act. These are the representations made by the residents and Ward Councillors.

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.

5.8 The applicant's agent has contacted the four residents who have objected to the application via letter, this included further information relating to the premises licence application and addresses the concerns of the residents. This information contained in the letter has also been sent to the Local Ward Councillors via the Licensing Department. A copy of the letter can be found at **Appendix D** of this report.

5.9 Further to the objection from Ms Fletcher, the agent has addressed some of the points from Ms Fletcher's letter in a

separate email. The email is also attached at Appendix D of this report.

6. THE REPRESENTATIONS

6.1 RESPONSIBLE AUTHORITIES

No other representations have been received from the Responsible Authorities.

6.3 ANY OTHER PERSON

Four representations have been received from residents who object to the grant of a premises licence and two representations from the local Ward Councillor. The main ground is on public nuisance namely the potential increase in noise and the licensing hours. However, it appears that the protection of children from harm may also be an issue. A copy of the objections can be found at **Appendix E** of this report.

6.4 EVIDENCE

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

7. LEGAL AND POLICY FRAMEWORK

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

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

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

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

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

1. Introduction

...

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

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

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

...

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

...

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

...

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

...

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

“Halton will be a thriving and vibrant Borough where people can learn and develop their skills; enjoy a good quality of life with good health; a high quality, modern urban environment; the opportunity for all to fulfil their potential; greater wealth and

equality, sustained by a thriving business community; and safer, stronger and more attractive neighbourhoods”.

...

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

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

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

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

...

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

...

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

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

1. Reduce alcohol-related health harms
2. Reduce alcohol-related crime, antisocial behaviour and domestic abuse

3. Establish a diverse, vibrant and safe night-time economy.

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

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

...

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

[...]

35 The need for licensed premises

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

[...]

46. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town

and city centres. Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. The general public needs to be made aware that there is a much broader strategy for addressing these problems than the licensing regime of the Act. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

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

[...]

48. Licensing hours

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

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

50. The term “zoning” is used in the Guidance to refer to the setting of fixed trading hours within a designated area. At the

moment the Council sees no need to adopt such a policy. The Council has followed the advice in the Guidance and will not be adopting such a Policy within the Borough. However, stricter conditions with regard to noise control will be expected in areas which have denser residential accommodation, but this will not limit opening hours without regard to the individual merits of any application.

...

57. Protection of children from harm

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

[...]

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.

98. Good Management

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

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

8. OPTIONS

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

9. POLICY IMPLICATIONS

- 9.1 None

10. FINANCIAL CONSIDERATIONS

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

11. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

11.1 Children and Young People in Halton

None

11.2 Employment Learning and Skills in Halton

N/A

11.3 A Healthy Halton

N/A

11.4 A Safer Halton

None

11.5 Halton's Urban Renewal

None

12. RISK ANALYSIS

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

13. EQUALITY AND DIVERSITY ISSUES

- 13.1 There are no equality and diversity issues to highlight.

14. CLIMATE CHANGE IMPLICATIONS

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

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

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

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

PREMISES



APPENDIX B

Licensed Premises	Distance from 74 Albert Road	Opening hours	Supply of alcohol
Banksey Bar 75 Albert Road Widnes	98 ft – walking 1 min	Monday to Wednesday 11.00 to 23.30 Thursday to Saturday 11.00 to 00.30 Sunday 11.00 to 23.30	Monday to Wednesday 11.00 to 23.00 Thursday to Saturday 11.00 to 00.00 Sunday 11.00 to 23.00
Albert Local 71 Albert Road Widnes	167 ft – walking 1 min	Monday to Sunday 08.00 to 22.00	Monday to Sunday 12.00 to 22.00
Day 2 Day Supermarket 57-59 Albert Road Widnes	0.1 – walking 3 mins	Monday to Sunday 06:00 to 23:00	Monday to Sunday 06:00 to 23:00
Henry's 94 Albert Road Widnes	371 ft– walking 2 mins	Monday to Wednesday 16.00 to 02.30 Thursday & Friday 16.00 to 03.30 Saturday 12.00 to 03.30 Sunday 16.00 to 03.30	NO ALCOHOL SALES

Hollywood Pizza 117 Albert Road Widnes	331 ft – walking 1 min	Monday to Sunday 17.00 to 03.00	NO ALCOHOL SALES
Wetherspoons 93-99 Albert Road Widnes	233 ft – walking 1 min	Monday to Thursday 07:00 to 01:00 Friday & Saturday 07.00 to 01.30 Sunday 07.00 to 01.00	Monday to Thursday 07:00 to 01:00 Friday & Saturday 07.00 to 01.30 Sunday 07.00 to 01.00
King Pizza 146 Albert Road Widnes	0.2 mile – walking 4 min	Monday to Thursday 16:00 to 01:00 Friday & Saturday 16:00 to 02.30 Sunday 16.00 to 01.00	NO ALCOHOL SALES
Papas 105 Albert Road Widnes	262 ft – walking 1 min	Monday to Wednesday 16.00 to 01.30 Thursday 16.00 to 02.30 Friday & Saturday 16.00 to 03.30 Sunday 16.00 to 01.30	NO ALCOHOL SALES

Sandos 111 Albert Road Widnes	264 ft – walking 2 min	Monday to Sunday 11:00 to 05.00	NO ALCOHOL SALES
Sweet Caroline 98 Albert Road Widnes	394 ft – walking 2 min	Monday to Sunday 12.00 to 00.00	NO ALCOHOL SALES
Todays Extra 78 Albert Road Widnes	52 ft – walking 1 min	Monday to Thursday 06.00 to 00.00 Friday & Saturday 06.00 to 01.00 Sunday 06.00 to 00.00	Monday to Thursday 06.00 to 00.00 Friday & Saturday 06.00 to 01.00 Sunday 06.00 to 00.00
Bradley 38 Albert Road Widnes	423 ft – walking 2 min	Monday to Wednesday 09.00 to 00.30 Thursday to Saturday 09.00 to 01.30 Sunday 09.00 to 00.30	Monday to Sunday 10.00 to 00.00
A&I News & Wine 135 Albert Road Widnes	0.1 mile – walking 3 min	Monday to Sunday 06.00 to 22.30	Monday to Sunday 06.00 to 22.30

Application for a premises licence to be granted under the Licensing Act 2003

Please read the following instructions first

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

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

I/We Karan Ravi Sasi

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
74 Albert Road Widnes WA8 6JT			
Post town	Widnes	Postcode	WA8 6JT

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 12,500

Part 2 - Applicant details

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

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

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

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

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

(A) individual applicants (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			Ravi Sasi		
First names			Karan		
Date of birth	30/04/80	I am 18 years old or over	<input checked="" type="checkbox"/>	Please tick yes	
Nationality					
Current residential address if different from premises address	123 Main Street London E1 1AA				
Post town	London	Postcode	E1 1AA		
Daytime contact telephone number	020 7123 4567				
E-mail address (optional)	ravi.sasi@gmail.com				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

--

Second individual applicant (if applicable) N/A

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants N/A

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

Name
Address

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	5	052024

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

DD	MM	YYYY

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

The premises is situated on a main road within the town centre. It has a single entry door from Albert Road which will provide entry and egress for customers. The space available for customers will be approximately 18m long by 5.2m wide. A fixed counter will separate the public area from the kitchen and staff area as shown on the plan. Customers toilets and fixed booth seating will be installed within the premises

The intended is use is that of an informal restaurant with a modest takeaway facility

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

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

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

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

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

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

In all cases complete boxes K, L and M

A N/A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B N/A

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place <u>indoors or outdoors or both</u> – please <u>tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
			Please give further details here (please read guidance note 4)		
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		

C N/A

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D N/A

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
			<u>Please give further details here</u> (please read guidance note 4)		
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

E N/A

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

F N/A

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take <u>place indoors or outdoors or both –</u> <u>please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
Mon				Both	
			Please give further details here (please read guidance note 4)		
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		

G N/A

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed					
Thur			State any seasonal variations for the performance of dance (please read guidance note 5)		
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		

H N/A

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

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	23.00	01.00		<u>Please give further details here</u> (please read guidance note 4)	Both
Tue	23.00	01.00			
Wed	23.00	01.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23.00	01.00			
Fri	23.00	01.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23.00	01.00			
Sun	23.00	01.00			

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11.00	01.15	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
Tue	11.00	01.15	
Wed	11.00	01.15	
Thur	11.00	01.15	
Fri	11.00	01.15	
Sat	11.00	01.15	
Sun	11.00	01.15	

M

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

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

See Operating Schedule attached

b) The prevention of crime and disorder

See Operating Schedule attached

c) Public safety

Primary Legislation deemed sufficient to safeguard this objective

d) The prevention of public nuisance

See Operating Schedule attached

e) The protection of children from harm

Measures laid out in the attachment

Checklist:

Please tick to indicate agreement

• I have made or enclosed payment of the fee.	X
• I have enclosed the plan of the premises.	X
• I have sent copies of this application and the plan to responsible authorities and others where applicable.	
• I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	X
• I understand that I must now advertise my application.	X
• I understand that if I do not comply with the above requirements my application will be rejected. • [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	X


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

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in
--------------------	---

	<p>the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	17th April 2024
Capacity	Agent – Commissioner for Oaths (FCILEX)

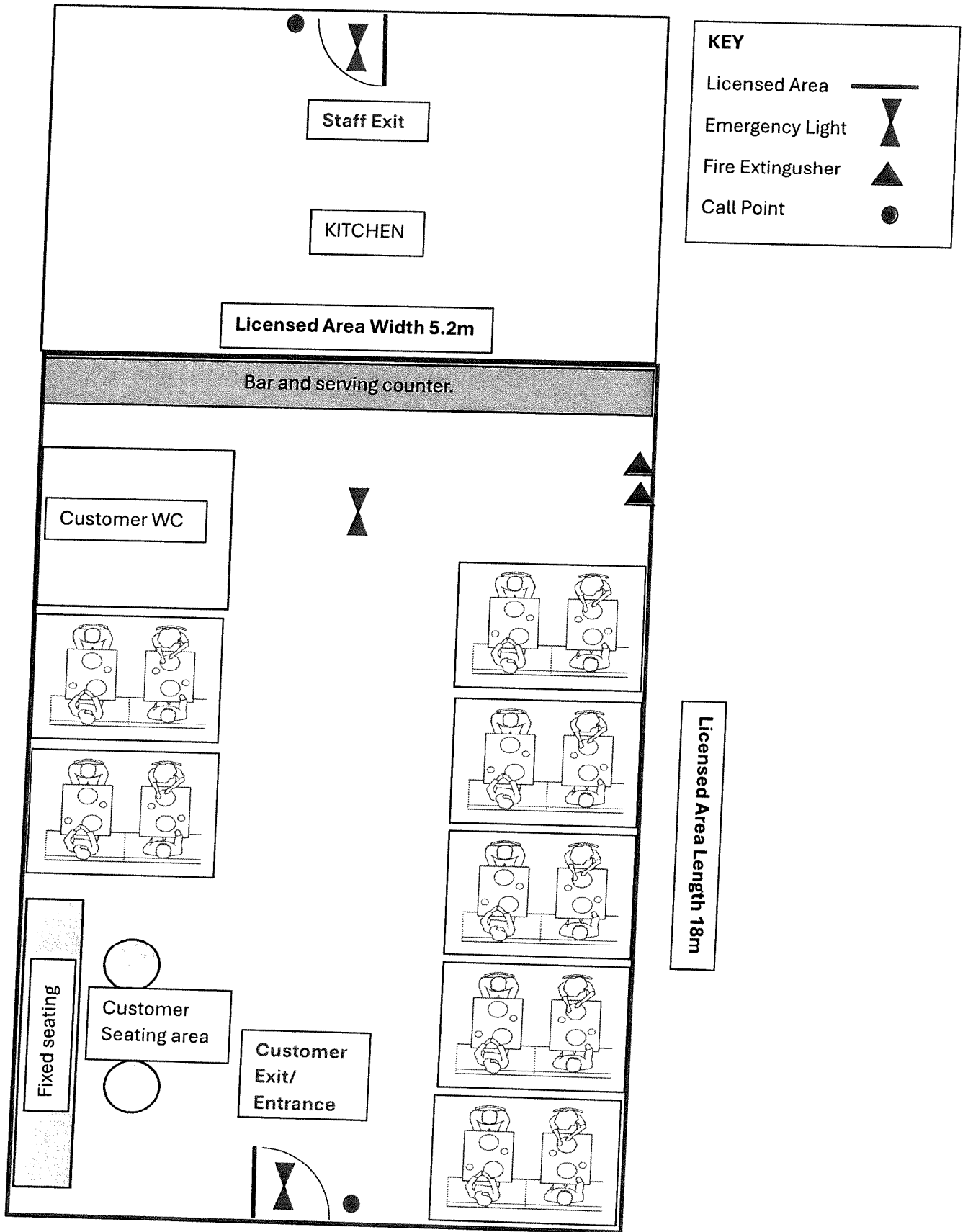
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

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

Notes for Guidance

74 Albert Road, Widnes WA8 6JT



Consent of DPS form

***Premises Licence
holder(s):***

Karan Ravi Sasi

Schedule 11

Consent of an individual to being specified as a premises supervisor

Full name of the prospective premises supervisor:	Type of Application (Delete as appropriate)	
Karan Ravi Sasi	New	

Home address of the prospective premises supervisor:
<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>


Full name(s) of Premises Licence holder:	Premises Licence number (if any):
Karan Ravi Sasi	

Name and address of the premises to which the application relates:
74 Albert Road, Widnes WA8 6JT

I, the prospective Designated Premises Supervisor named above, hereby confirm that I give my consent to be specified as the DPS in relation to the above premises licence and any premises licence to be granted or varied in respect of this application made by the above mentioned applicant concerning the supply of alcohol at the premises. I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details as set out below.

Personal Licence Number:	163593
--------------------------	--------

Name of Personal Licence issuing authority:	Liverpool City Council
Address of issuing authority:	Cunard Building, Water Street, L3 1AH
Telephone of issuing authority:	

Signed by proposed DPS:	
Print Name:	Karan Ravi Sasi
Date:	17 th April 2024

Operating Schedule 74 Albert Road Widnes WA8 6JT

General

Alcohol will only be sold to customers taking a table meal at the premises, this may include a pre-dinner drink which will be consumed in a seating area dedicated to those awaiting table availability.

Prevention of Crime and Disorder

CCTV must be installed internally and externally at the premises and must comply with the following:

- i. Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
- ii. The CCTV system must be installed, maintained and operated to the reasonable satisfaction of Merseyside Police. All public areas of the premises must be covered by the system. The system will incorporate a camera covering the main entrance doors and each camera must be capable of providing an image which is regarded as identification standard in all lighting conditions.
- iii. The system must record all hours the premises are open to the public.
- iv. Recordings must display the correct date and time.
- v. Digital recordings must be held for a minimum period of 21 days. The system must as a minimum record images of the head and shoulders of all persons entering the premises.
- vi. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested
- vii. The licence holder must notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the conditions of this licence.
- viii. Bi-annually documented maintenance checks by a suitably qualified CCTV engineer must be made of the CCTV system to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.

Another member of staff shall be nominated to act for the DPS in their absence whose identity is known by all staff when such absence occurs.

An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.

Operating Schedule 74 Albert Road Widnes WA8 6JT

An incident book will be maintained in which shall be recorded:-

- i. All incidents of crime and disorder
- ii. Refused sales to suspected under-age and drunken persons
- iii. A record of any person asked to leave the premises or removed from the premises
- iv. Details of occasions on which the police are called to the premises
- v. A record of persons searched on suspicion that drugs are being carried and the reason for such suspicion

The book will be available for inspection by a police officer.

Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular documented checks of toilets.

Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Merseyside Police.

Public Safety

Primary legislation is deemed sufficient to safeguard this objective.

Protection of Children from Harm

A Challenge 25 proof of age policy shall be implemented and adhered to. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

- A recognised proof of age scheme accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
- Photo driving licence.
- Passport.
- Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided the sale of alcohol to them will be refused. Suitable signage will be displayed to specify the Challenge 25 policy is in place.

Operating Schedule 74 Albert Road Widnes WA8 6JT

All staff to have received suitable training in relation to the proof of age scheme. Refresher training on underage sales to be provided to all staff every six months. Records to evidence this will be made available to an authorised officer upon request.

No children under the age of 18 are to be permitted on the premises after 23.00hrs

Prevention of Public Nuisance

The licence holder or designated premises supervisor shall make attempts to ensure members of the public leave quietly so as not to disturb neighbours.

All external windows and doors should be closed after 11pm, except in the case of an emergency.

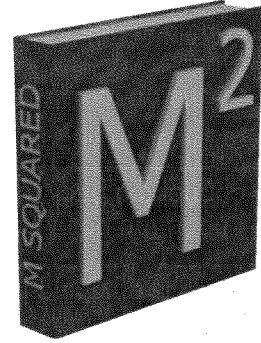
The placing of refuse, such as bottles, into receptacles outside the premises shall take place between 0800 and 2200 to prevent disturbance to nearby premises.

The licence holder shall ensure that noise or vibration shall not emanate from outside the premises such as to cause persons in the neighbourhood to be disturbed.

M Squared Services Ltd.

66 Tithebarn Street
Poulton-le-Fylde
FY6 7BY

www.m-squared.com
mobile: 07796 994788
info@mm-squared.co.uk



4 May 2024

~~Mr. [Redacted]~~
~~[Redacted] Street~~
~~Widnes~~
~~Widnes~~

Re Licence Application for 74 Albert Road, Widnes, FY8 4EP

Dear Sir

I write in connection with, **74 Albert Road, Widnes FY8 4EP**, I am acting for the tenant who has made an application for a new premises licence submitted to Halton Borough Council on the 17th of April 2024.

We have been sent a copy of your representation and I write to provide some reassurance regarding the proposals and the control measures that have been offered to safeguard the Licensing Objectives.

The first part of your representation details concerns about the access and ventilation. The premises will have a kitchen installed and any ventilation will be suitable and sufficient to deal with the appliances installed. As this is a commercial premises any installation must be signed off by a competent person such as a GAS Safe registered engineer who must also look at the ventilation to ensure it is suitable for the environment and appliances installed.

We are at an early stage with the plans and as you can imagine it would be premature to begin any installations or refurbishment until the applicant has some certainty regarding any permissions or consents, he is granted by the council. All appliances including ventilation will be installed by a competent and qualified person, this is something that any applicant could not get around as it is the law of the land which is designed to protect his workers, customers, and society.

The issue around smoking is something he cannot get around as he cannot allow smoking on the premises, this has been the case since the 1st of July 2007 when the Health Act 2006 was introduced. I can tell you from experience that this sort of concern has been raised at several licensing hearings I have done over the years and one of the things I have been able to show is the general reduction in smoking prevalence in the adult population.

In other words, the number of adults who now smoke is on a downward trend and continues to be so. I have not looked at the specific statistics for your area but nationally the number of adult smokers sits somewhere between 10 and 13 %. This figure is skewed somewhat in more deprived areas with some of the worse statistics being closer to 20 %.

It is important to put this issue in context with the application under consideration and I have included a floor plan layout which may assist in providing that.

The premises will be primarily that of a seated restaurant but with an informal arrangement like a diner. There will be a takeaway element but that will be ancillary to its primary function.

ALPHABETICALLY

M Squared Services Ltd.

66 Tithebarn Street
Poulton-le-Fylde
FY6 7BY

www.m-squared.com
mobile: 07796 994788
info@mm-squared.co.uk

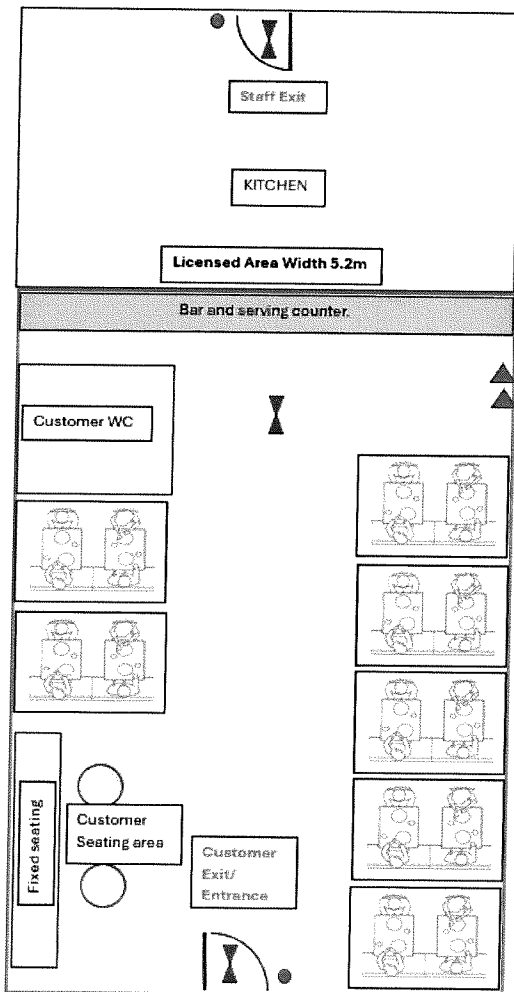


4 May 2024

Due to the relatively small footprint, I would estimate there will be no more than 30 covers available. If 10% of these customers were smokers that could be as few as 3 smokers. If we took the higher figure of 20% it could be 6 smokers on the premises at busier times.

The nature of the business is that customers would eat and consume a drink and then likely leave the premises to go elsewhere. It is not the type of premises where people could spend a lengthy amount of time which means the issues around people smoking are more than capable of control.

The layout plan is shown below for your assistance.

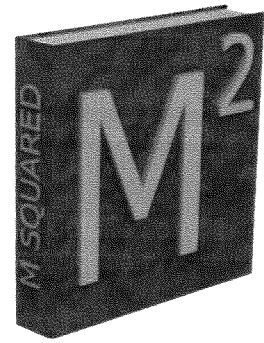


In addition to the small capacity of the premises, the applicant has offered the following conditions on his application.

M Squared Services Ltd.

66 Tithebarn Street
Poulton-le-Fylde
FY6 7BY

www.m-squared.com
mobile: 07796 994788
info@mm-squared.co.uk



4 May 2024

We again remain open to any sensible suggestions you may wish to offer around parking and if there is anything in the applicant's power to address those concerns he will.

I hope the point you make about people urinating in the street is something that could not be connected back to such an establishment. It will be appointed with customer toilets for men and women.

Fights on the street may occur but it won't be because of anything that is done or offered by these premises. The sale of alcohol will be to people consuming a table meal only and a condition has been offered to secure that this is a requirement of the licence (should it be granted).

Consuming alcohol in a seated environment is always perceived to be a lower risk than vertical drinking. Adding a requirement that people can only consume alcohol with a table meal reduces a low-risk activity even further.

By way of conclusion, I offer you my e-mail address and phone number which is detailed on the letterhead. I have also included the operating schedule that accompanies this application.

The operating schedule is a package of control measures that will be implemented to ensure the Licensing Objectives are promoted. If this licence is granted these control measures are converted into conditions that are attached to the licence. Any breach of a condition of a licence is a criminal offence carrying a maximum penalty of £20,000 and or up to six months in prison.

As such they are not offered up without serious thought and consideration.

We hope that this letter provides some important details about the application, and I offer an open channel for dialogue to see if we can offer further reassurance or adjustments to the application should they be needed.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M. Marshall'.

Mark Marshall FCILEX
Director

M Squared Services Ltd.

66 Tithebarn Street
Poulton-le-Fylde
FY6 7BY

www.m-squared.com
mobile: 07796 994788
info@mm-squared.co.uk



4 May 2024

The licence holder or designated premises supervisor shall make attempts to ensure members of the public leave quietly so as not to disturb neighbours.

All external windows and doors should be closed after 11pm, except in the case of an emergency.

The placing of refuse, such as bottles, into receptacles outside the premises shall take place between 0800 and 2200 to prevent disturbance to nearby premises.

The licence holder shall ensure that noise or vibration shall not emanate from outside the premises such as to cause persons in the neighbourhood to be disturbed.

If you feel there are reasonable and achievable control measures that could be added, we would be happy to consider them.

The third paragraph of your representation describes the possibility of disturbance by people coming and going.

I have shown the layout of the premises which demonstrates the very modest holding capacity of the premises and the conditions already offered.

In addition to this, the applicant will reduce the terminal hour to **00.00hrs Sun- Thus**. This is a concession that is made to demonstrate the applicant is committed to listening to the community he will hopefully be part of.

The penultimate paragraph envisages issues with parking, the possibility of fights and urinating in the street and people causing a disturbance when they leave the premises.

Any business that operates this unit may attract customers who attend in cars whether this be a licensed premises or another type of business, there is an off licence nearby and a Weatherspoon's to name but two. The road has multiple businesses, some of which are daytime traders and others who trade into the evening.

The applicant does not believe that customers will be travelling in cars in high numbers. There is only so much he can do about people's choice of transport but referring to the modest capacity and the nature and location of the venue we cannot reasonably foresee this being an issue. The licensing system would not usually take car parking into account where there was a reasonable provision in place in the locality There are numerous public car parks nearby and some on-street parking is available.

Certainly, it does make part of discussions on larger applications where people have no choice but to travel to the location other than in a car, but those scenarios tend to be for events or festivals which take place on a much larger scale.

Kim Hesketh nee Fisher

From: info@mm-squared.co.uk
Sent: 15 May 2024 16:30
To: [REDACTED]
Cc: Kim Hesketh nee Fisher
Subject: Licence Application 74 Albert Road
Attachments: Letter to Lyn Fletcher re 74 Albert Road .pdf

Dear Ms Fletcher

I was sent a copy of your representation early this morning. I had prior commitments today and couldn't get to this matter until now.

I am attaching a letter, the contents of which were designed to address some of the points that were raised in other public objections, this letter does not directly deal with all your points, but it is simply a package of information I have readily available which may provide a little more detail and context about the application. You may already have had sight of this letter as you do refer to certain points about customers not using nearby car parks which is only referred to in this letter rather than the application. Please accept my apologies if you have already had sight of the contents of this letter.

I hope it assists in providing some further clarification around the informal dining setting that is planned and the modest takeaway element.

Sometimes I can get swept away with the use of jargon which I appreciate can be unhelpful at times.

What I mean by the informal restaurant is there will be no need to make a reservation, and you will not necessarily be greeted at the door and shown to the table. The nearest comparison on the high street I could make is that of a nados-style restaurant.

Within the letter, I use more jargon such as primary function and ancillary, again to explain this I mean to say that most of the customers will be seated dinners rather than a traditional takeaway that can come with issues such as queues, litter, and disorder.

The intention is to design out such issues by creating a layout and operating style that is lower risk (in licensing terms)

I operate mainly in the Fylde Coast area, so I do not have detailed knowledge of the area but before making the application I visited the area with a college of mine that specialises in planning. He looked at the areas defined use as per Halton Borough Council planning policies and did a count of all the businesses in the area to assess what would and would not be acceptable. The licensing application was tailored around this advice.

Any application will never entirely deal with everyone's concerns, but all one can do is research the area and establish what is suitable by way of operating systems and hours of trading.

It would be even more unhelpful for me to refer to licensing guidance some of which may assist the applicant with some of the points you raise. As a resident, you will know the area better than I do and will have a wealth of experience with some of the frustrations that occur in the area, and I can fully understand that you want to preserve your quality of life. That is your right, and you will have the opportunity to voice those concerns, I will need to offer explanations or reasons why certain things can be controlled and conversely why other matters may be beyond the control of the applicant or indeed any business that may occupy these premises.

There are a couple of other matters I am happy to concede without argument, that is the error with referring to Merseyside Police. That is my oversight for not researching the policing boundaries. On reflection, if I had simply referred to the police rather than stipulated the force, I could have avoided the confusion.

The terminology around the windows being closed is also something I wouldn't wish to contest, this again may come about due to the use of standardised phrases that are used when drafting licensing conditions, the Licensing Authority will need to be the judge as to whether the condition is clear, unambiguous, and enforceable, I would be happy to go with whatever wording is preferred.

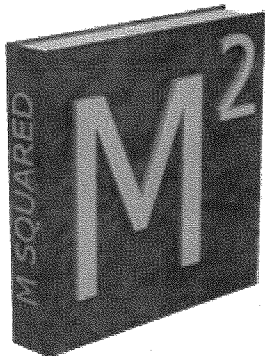
Within the letter attached, there is also a concession around the operating hours during the week, where the applicant has agreed to reduce the terminal hour for the sale of alcohol and late-night refreshments until midnight. This remains on the table and will continue to be so.

I appreciate I haven't dealt with all your points as I do not wish to cause any agitation by referring to the general spirit of the regulations and guidance that governs this process as very often it does not offer the reassurance you may be looking for. I hope the details provided at the very least narrow the issues and allow any subsequent discussions to focus on the areas of concern that remain unresolved.

Please do not hesitate to contact me should you require any further information.

Best wishes

Mark Marshall
Director
01253 367100
07796 994786
Mail-info@mm-squared.co.uk
<https://www.mm-squared.co.uk>



~~Highland Street~~
Widnes, WA9 6SE

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

29th April 2024

Dear Sir/Madam,

I am extremely concerned to learn of the licensing application for the Premises 74 Albert Road which was formerly Bargain Booze. These premises are right on top of residential housing and clearly not suitable for a restaurant/take away and late bar.

The building is very small, with limited access and ventilation. It is likely people will open the door for ventilation and to smoke, spilling out on to the narrow pavement making noise as well as allowing the already loud noise in the small space, to spill out to cause even greater disturbance.

It is the loud noise and the coming and going which would disrupt our right to peace and security. Also disturb sleep which is particularly damaging to health for older people like myself. Also people needing to get up for work as well as the children who are disturbed, impacting on their health and educational attainment.

My concerns are also in regard to parking issues in residential streets, possible fighting, urinating in the street, loud aggressive behaviour at the venue and on leaving. It is likely that pavements will be blocked, so endangering public safety. We already suffer regular noise and disturbance from the very late night shop.

Please consider the local residents and not subject us to this constant disruption and disturbance in our own homes where we are supposed to feel comfortable, safe and secure.

Yours faithfully,

Dennis Leigh (Mr)



~~_____~~
~~Widnes, WAG 6~~

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

29th April 2024

Dear Sir/Madam,

I am shocked to learn of the licensing application for the Premises 74 Albert Road which was formerly Bargain Booze. This establishment is right on top of residential housing and is clearly not a suitable building for a restaurant/take away and late bar venue.

The building is very small, with limited access and ventilation. People are likely to open the door for ventilation and the purpose of smoking, spilling out on to the narrow pavement creating their own noise as well as allowing the already loud noise in the small space, to spill out to cause even greater disturbance.

It is the likely loud noise plus the coming and going, which would disrupt our right to peace and security as well as disturbance to sleep which is damaging to health for older people like me. Also those who are tired getting up for work as well as the children who are disturbed, impacting on their health and educational attainment.

Our concerns are also in regard to parking issues in residential streets, possible fighting, urinating in the street, loud aggressive behaviour at the venue and on leaving. The blocking of pavements, so endangering public safety. We already suffer regular noise and disturbance from the very late night shop.

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

Yours faithfully,

June Leigh (Mrs)

~~_____~~

Kim Hesketh nee Fisher

From: Eddie Jones - CLLR
Sent: 30 April 2024 16:23
To: Kim Hesketh nee Fisher
Subject: Re: Licensing Act 2003 - New Premises Application

Follow Up Flag: Follow up
Flag Status: Completed

Thanks Kim. Yes . I do object due to the close proximity of residential property and the public nuisance etc that would cause. Particularly when there are empty premises a short distance away , further into town , where impact on residents in their homes would be less .

Regards.

Eddie.

Kim Hesketh nee Fisher

From: Angela Teeling
Sent: 07 May 2024 11:45
To: Kim Hesketh nee Fisher; Eddie Jones - CLLR; Ged Philbin
Subject: Re: Licensing Act 2003 - New Premises Application

Follow Up Flag: Follow up
Flag Status: Completed

Hello Kim,

I have an issue with this, an objection.

Noise - this is a residential area, even more so now that apartments are being completed 2 doors away, the main high street itself is now a residential street.

Litter, mainly from smokers who stand outside the premises and drop cigarette butts will be increased with the longer opening.

Increased opening hours have a safety implication as not only will customers be leaving later, but staff will not be able to use public transport to get home. This also has a financial impact on the staff who are also residents of Halton.

I think the added opening times will increase noise levels from the premises and as people come and go, this will be unfair to anyone living in the area who already have to contend with noise and litter issues.

Thanks

Angela

Cllr Angela Teeling
Appleton Ward
Widnes
Borough of Halton

[REDACTED]
[REDACTED]
[REDACTED]

15 May 2024

Dear Sir/Madam,

Re: Application for a Premise Licence 74 Albert Road, Widnes
WA8 6JT.

Applicant: Karan Ravi Sasi.

I would like to submit an objection to the application that has been submitted to the Council, by the above named, on the grounds of The prevention of public nuisance and The protection of children from harm.

My objection to the application is as follows;

The proposed informal restaurant (whatever this means) and modest takeaway (what is modest??) is in an small area of Albert Road that runs between Deacon Road and Peelhouse Lane. It is a residential area which is currently already saturated with 8 takeaways, 3 pubs and 2 cafes. Why do we need another informal restaurant/takeaway in this area as we all know fast food is not healthy!

There will be additional foot and vehicle traffic as customers visit the premises either to have a meal in the restaurant or call to pick up a takeaway resulting in noise and disturbance to residents in surrounding streets as customers come and go.

There is no dedicated car park to the restaurant/takeaway and very limited parking on Albert Road. There is a small car park at the back of Albert Road/Deacon Road but this is always full as residents of the surrounding flats who live above the shops park there. It is likely that customers will then look to park in the residential streets surrounding the premises. They will not look to seek out the free parking available in Albert Square and will seek to park closer to the premises. Parking is already a nightmare for

local residents throughout the day due to staff from local businesses on Albert Road parking and then during the evening when customers and delivery drivers are visiting pubs/ takeaways due to the amount of takeaways and late convenience shops that are already trading.

There will potentially be additional noise disturbance for local residents from people talking as they walk back to their car, or are walking through the streets to get to their own home. There will also be noise from car doors slamming at whatever time they leave the premises and as everyone knows sound travels late at night.

In the Operating Scedule I note that where drugs are found on the premises and confiscated that the procedure will be agreed with Merseyside Police. I assume this is a typing error as surely it should be Cheshire Police??

It also states that the doors and windows **should** be closed after 11pm. I believe this should say **will** be closed. And why cant it state that they **will be closed by 9pm??**

I understand that the proposal is for the supply of alcohol (on the premises) from **11am to 1am, 7 days a week** and open to the **public from 11am to 1.15 am, 7 days a week**. Why do they need to be open 14 hours a day and 7 days a week??

The Operating Schedule states that alcohol will only be served to those customers taking a table meal or waiting for a table. What is going to be classed as a table meal?? A plate of chips? Customers could leave the 2 pubs in the vicinity at closing time and then go into the restaurant, order a plate of chips and carry on drinking till 1,15am, 7 nights a week as there is nowhere else for them to go to drink alcohol. This is not acceptable given the premises is in a residential area which is already saturated with takeaways and pubs which all generate levels of noise which impact on local residents. Residents accept that some noise is expected due to the number of pubs/takeaways that are in this small area but are entitled to live their life in peace and quiet and

go to bed for a peaceful nights sleep, 7 nights a week.

I, therefore, believe that the proposed hours of opening should be limited to take into consideration the health and wellbeing of local residents.

Residents have to get up and go to work and children should not have to go to school feeling tired because their sleep has been disturbed by potential noise up to 1.15am 7 days a week.

I believe that by restricting the opening hours in the application, it will prevent any risk of public nuisance and will protect children living in the street from harm.

Thanking you in anticipation for considering the points made in my letter of objection.

Kind Regards

Lyn Fletcher

I would like to point out that the blue A4 sheet of paper that the premises had to display to the public was actually placed about 8 feet from the floor so not in peoples eyeline. I only noticed this when I returned from holiday on the 7th May. I contacted Legal Services immediately who arranged for the notice to be lowered and would like to pass on my thanks to them.

[REDACTED]
[REDACTED]
[REDACTED]
16 May 2024

Dear Sir/Madam

RE: OBJECTION TO A PREMISE LICENCE, 74 ALBERT ROAD, WIDNES WA8 6JT – KARAN RAVI SASI

I would like to submit an objection for the following reasons:

The area has previously had numerous problems which are well documented with noise and disturbance from late night licensed establishments. First and foremost, this is well populated residential area largely comprising of the elderly and young families. The protection of residents' ability to live in peace and quiet in the late evenings should be a priority. Whilst some noise is inevitable and has to be accepted, it is the lateness of these establishments that cause the most problems. No one deserves or wants to be woken up 7 days a week in the early hours.

We have recently managed to establish a much better environment with regards to late night noise. Whilst it is not perfect, the area has greatly improved due to the time restrictions and other measures placed on these establishments. If this late license is approved then other existing establishments or future applications will seek to follow. Certainly doors and windows should be closed in accordance with other premises or they will do the same.

With the large number of existing premises and takeaway shops along Albert Road we are already under pressure for parking, even more so with large delivery trucks, taxis and fast food delivery drivers. There has been an increase in litter, car doors slamming, car horns and shouting as people who are drinking do not consider the residents. Most people seek to park as close as possible to their destination, they do not use the car parks. Instead, as we know from our own experience, they constantly double park all along Albert Road, even on double yellows, they park anywhere and everywhere on these nearby roads, especially on the corners if that is the only available space. This area is coming under increasing pressure, it is top to bottom lined with cars, even the buses are having problems. Sometimes we struggle to even get into the road and have to drive around the block. This is highly dangerous and an accident waiting to happen with the speed of some of these vehicles.

We already have 2 pubs and a late night off licence just in a very very small area. I do not believe this needs another late night licenced premises 7 nights a week. There is now a trend to turn our high street premises into late night food and drink premises which impact our neighbourhood dramatically. If nearby more premises become available then what happens then?

I urge the Council and Council Members to give serious consideration to these facts. It is with everyone's help, hard work and co-operation that residents' quality of life and mental health have improved.

Yours faithfully

Pauline Malcolm

[Illegible]

[Illegible]

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.