



Regulatory Sub Committee

Thursday, 5 June 2025 10.00 a.m.
The Board Room - Municipal Building,
Widnes

S. Young

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Pamela Wallace (Chair)
Councillor John Abbott
Councillor Irene Bramwell

*Please contact Kim Butler on 0151 511 7496 or
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

Item No.	Page No.
1. MINUTES	1 - 4
2. DECLARATION OF INTEREST (INCLUDING PARTY WHIP DECLARATIONS)	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting during any discussion and voting on the item.	
3. APPLICATION FOR TO VARY A PREMISES LICENCE - RED LION INN, RUNCORN ROAD, MOORE, WA4 6UD	5 - 64

REGULATORY SUB COMMITTEE

At a meeting of the Regulatory Sub Committee on Wednesday, 26 March 2025 at The Board Room - Municipal Building, Widnes

Present: Councillors Wallace (Chair), Abbott and Dourley

Apologies for Absence: None

Absence declared on Council business: None

Officers present: K. Hesketh, A. Strickland and C. Ward

Also in attendance: None

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

REGS17 MINUTES

The minutes of the meeting held on the 9 December 2024, having been circulated, were signed as a correct record.

**REGS18 APPLICATION TO TRANSFER PREMISES LICENCE
HOLLYWOOD PIZZA, 117 ALBERT ROAD, WIDNES, WA8
6LB**

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 Wednesday 26th March 2025 commencing at 3.30pm.

The meeting was held to hear a transfer application made under section 42 of the Licensing Act 2003 in respect of a Premises Licence at Hollywood Pizza, 117 Albert Road, Widnes.

In attendance were: -

1. Members of the Regulatory Sub Committee comprising Cllr Pamela Wallace (Chair), Cllr John Abbott and Cllr Eddie Dourley ('the Sub Committee')
2. Miss Riannon Perry – Director of Hollywood Pizza

- and Burgers Ltd ('the Applicant')
3. Kim Hesketh (Licensing Manager)
 4. Alex Strickland (Legal Adviser)
 5. Craig Ward (Licensing Enforcement Officer – to observe proceedings)

The hearing was triggered as a result of the representation from Cheshire Police on the crime and disorder/immigration issue, which was supported by statements from Home Office immigration officers.

After the Chair of the Sub Committee introduced the parties, the Legal Adviser outlined the procedure to be followed. The Licensing Manager presented the Licensing Report with appendices including the Application (Appendix A), Representation from Cheshire Police (Appendix B), together with supporting statements from immigration officers.

1. Details of the application

The application was to transfer the Premises Licence (which allows late night refreshment) from Ismael Aliyari to Hollywood Pizza and Burgers Ltd (see Appendix A of the Licensing Report).

2. The Hearing

The Applicant made clear that she had recently taken over the business from the current premises licence holder, Mr Aliyari and had paid cash for his interest in the business. The Applicant noted that a licence was necessary because it was serving late night refreshments after 11pm. The Sub Committee was informed that all fees had been paid in respect of the transfer application. The Applicant assured the Sub Committee that she carried out due diligence when purchasing the business and that she also did so in respect of the immigration status of workers at the premises and had previously removed some who did not have the right to work.

In response to questions from the Sub Committee, the Applicant confirmed that she had acted in good faith when purchasing the business and assured Members she would be mindful of immigration/work status issues of staff in the future.

The Police provided details of the joint operation at the premises that was carried out on 21 February 2025 and referred to the statements provided by Immigration Officers

at the Home Office.

Both parties summed up accordingly.

Before deliberations the Sub Committee went into closed session to hear from Cheshire Police about any intelligence that may be relevant. In the event, the Sub Committee concluded that there was nothing of relevance raised here that would impact on the deliberations.

3. The Determination

The Sub Committee resolved to grant the transfer application.

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, as well as all representations made to the Sub Committee in addition to the Licensing Report.

The Sub Committee considered as follows:-

- i. Although the Sub Committee noted that there had been a significant joint operation between the Police and Home Office at the premises on 21 February 2025, which had identified a potential immigration offence, it gave substantial weight to the fact that there had to date been no prosecution for the offence, let alone any criminal conviction. Furthermore, although there was the potential for a civil penalty surcharge to be issued (which could be as substantial as £60,000), this would carry a number of rights of appeal, and to date, no such fine had been issued. The Sub Committee gave substantial weight to these points also.
- ii. The Sub Committee noted that the Home Office had chosen not to make a formal representation themselves in respect of this matter and had instead opted to rely on that made by Cheshire Police, by providing supporting statements. The Sub Committee concluded this had not assisted the case advanced to refuse the transfer application.
- iii. The Sub Committee gave some weight to the representation from Cheshire Police that the applicant 'may continue to employ' persons who have no right

to work in the UK, although it noted that a Premises Licence Review could deal with any such matter in the future if required, on the basis of relevant evidence presented.

- iv. The Sub Committee concluded that the case for refusing the transfer application on grounds of crime and disorder and/or immigration grounds had not been made out in this instance, and accordingly resolved to grant the transfer application.

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

Forthwith.

Meeting ended at 4.36 p.m.

REPORT:	Regulatory Sub-Committee
DATE:	5 June 2025
REPORTING OFFICER:	Director – Legal and Democratic Services
PORTFOLIO:	Resources
SUBJECT:	Application for to Vary a Premises Licence – Red Lion Inn, Runcorn Road, Moore, WA4 6UD
WARDS:	Daresbury, Moore and Sandymoor

1. PURPOSE OF REPORT

To assist Members of the Regulatory Committee in their consideration of an application by Star Pubs & Bars Limited for the variation of a premises licence for Red Lion Inn, Runcorn Road, Moore, WA4 6UD

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

3. BACKGROUND INFORMATION

- 3.1 The premises is situated in a small village in Moore between Halton and Warrington. The premises is surrounded by residential premises. A copy of a plan is attached at **Appendix A**.
- 3.2 The premises has held a licence since 24 November 2005.
- 3.3 Attached at **Appendix B** of this report is the current premises licence along with the current conditions on the licence.
- 3.6 The application is to amend the licensing plan in accordance with the drawing which accompanies the application and to permit the sale of alcohol from an external bar server and to remove the provision of facilities for dancing and making music as these are no longer licensable activities.

4. THE APPLICATION

- 4.1 The application has been made under section 34, of the Licensing Act 2003 (“the Act”).
- 4.2 A copy of the application can be found at **Appendix C**.
- 4.3 As mentioned in 3.6 the application is to amend the plan for the premises, the applicant is not looking at changing any of the current hours on the premises licence.
- 4.4 Within the operating schedule set out in the application form the applicant has confirmed that they will remain as the existing licence, this already includes the steps they intend to take to promote the four licensing objectives. These include:-
- CCTV cameras inside and out;
 - Challenge 21 policy;
 - Zero tolerance of aggressive behaviour;
 - Lighting all around the area;
 - Customer notices requesting that they be quiet when leaving the premises;
 - A search policy for drugs and weapons;
 - Windows and doors to be kept closed after midnight;
 - Beer garden fenced off from the car park;
 - Dogs to be kept on leads at all times.

5. REQUIREMENT FOR A HEARING

- 5.1 The application was submitted on 1 April 2025 and was advertised in the local newspaper, Warrington Guardian on 10 April 2025. Officers have confirmed that the advertisement requirements were complied with.
- 5.2 During the 28 days representation period, the Licensing Authority received relevant representations from the one local residents and one Ward Councillor as detailed below.
- 5.4 Where relevant representations have been made and not withdrawn, the licensing authority must hold a hearing to consider them (unless otherwise agreed by the parties).
- 5.5 The hearing is held in accordance with the Act and the Licensing Act 2003 (Hearings) Regulations 2005. The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.

- 5.6 The hearing is solely concerned with those aspects of the application, which has been the subject of the relevant representations as defined in the Act. These are the representations made by one local resident and one Ward Councillor.
- 5.7 At the time of writing this report I have not received any indication from the residents or the Ward Councillor if they will be making any submissions to the Sub-Committee at the hearing. All parties have all been informed of the hearing.

6. THE REPRESENTATIONS

6.1 RESPONSIBLE AUTHORITIES

Cheshire Police

Relevant representations have been received from Cheshire Police.

1. The premises shall install and maintain a comprehensive CCTV system which shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediate outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. A "Challenge 25" policy shall be operated at the premises at all times. The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority)
4. Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises.

5. The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police. The DPS or other responsible person shall check and sign the register once a week. Alternatively, an electronic point of sale refusals log shall be kept.
6. A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.
7. The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.
8. As part of their training all staff are to undertake a short test or quiz as part of their training to test their understanding of the training provided, this test/quiz will be marked and signed off by the DPS and a record of this is to be kept with the employees training records.
9. A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.
10. Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.
11. Clear, prominent & legible notices on display at exit requesting members of public leaving the premises to do so in a respectful and quiet manner.
12. Deliveries will be managed ~~by the Premises Licence Holder~~ so not to cause a disturbance to any local residents and businesses.
13. All rubbish movement to be within operating hours so not to cause a disruption to local residents and businesses.

The conditions has been accepted by the applicant.

Environmental Health

Relevant representations have been received from Environmental Health.

There is a likelihood for noise in the external area to cause a public nuisance to the residents in the area at any time of day and particularly after 23:00 hours when noise levels drop and noise from voices will be more clearly audible. I would therefore restrict the use of the external licensed area.

(NB The presence of a licence does not exempt the Council from exercising its duty under s80 of the Environmental Protection Act 1990 if statutory nuisance from noise is substantiated at any time. It is for those responsible for the premises to exercise their own due diligence in preventing a statutory nuisance)

The external bar shall not operate after 23:00 hours and customers shall be encouraged to return inside.

The condition has been accepted by the applicant.

Planning

No comments have been received from the Planning Department.

Cheshire Fire

No comments have been received from Cheshire Fire.

6.2 ANY OTHER PERSON

One representation has been received from a local resident and one Ward Councillor who object to the variation of the premises licence, with the main issues being the likelihood of noise nuisance and public safety. A copy of the objections can be found at **Appendix D** of this report.

6.3 EVIDENCE

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

7. LEGAL AND POLICY FRAMEWORK

- 7.1 The Sub-Committee must determine the application with a view to promoting the licensing objectives which are:
- The prevention of crime and disorder;
 - The prevention of public nuisance;
 - Public Safety;
 - The protection of children from harm.
- 7.2. In making its decision, the Sub-Committee must also have regard to the national guidance issued under section 182 of the Licensing Act 2003 (“the Guidance”) and the Council’s Statement of Licensing Policy (“Policy”).
- 7.3 Relevant sections from the Guidance can be found at **Appendix E.**
- 7.4 Members’ attention is also drawn to the following paragraphs of the Council’s Statement of Licensing Policy:-

1. Introduction

...

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

...

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

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

...

17. Locally due to the high levels of alcohol-related harm Halton experiences the Halton Health and Wellbeing Strategy

2017/2022 includes the reduction in the harm from alcohol as a priority area.

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

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

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

...

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

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

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

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

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

...

34. In addressing this matter, the Council will primarily focus on the direct impact of the activities taking place at the

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

48. Licensing hours

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

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

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

...

57. Protection of children from harm

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

[...]

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.

95 The control of excessive Alcohol consumption

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

In practical terms this includes:

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

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

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

...

96. Capacity limits

97. Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is

considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

...

98. Good Management

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

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

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

8. OPTIONS

- 8.1 The Committee has the following options under Section 35 of the Act:

The Committee has the following options under Section 35 of the Act:

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

9. POLICY IMPLICATIONS

9.1 None

10. FINANCIAL IMPLICATIONS

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 Improving Health, Promoting Wellbeing and Supporting Greater Independence

None

11.2 Building a Strong, Sustainable Local Economy

None

11.3 Supporting Children, Young People and Families

None

11.4 Tackling Inequality and Helping Those Who Are Most In Need

None

11.5 Working Towards a Greener Future

None

11.6 Valuing and Appreciating Halton and Our Community

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

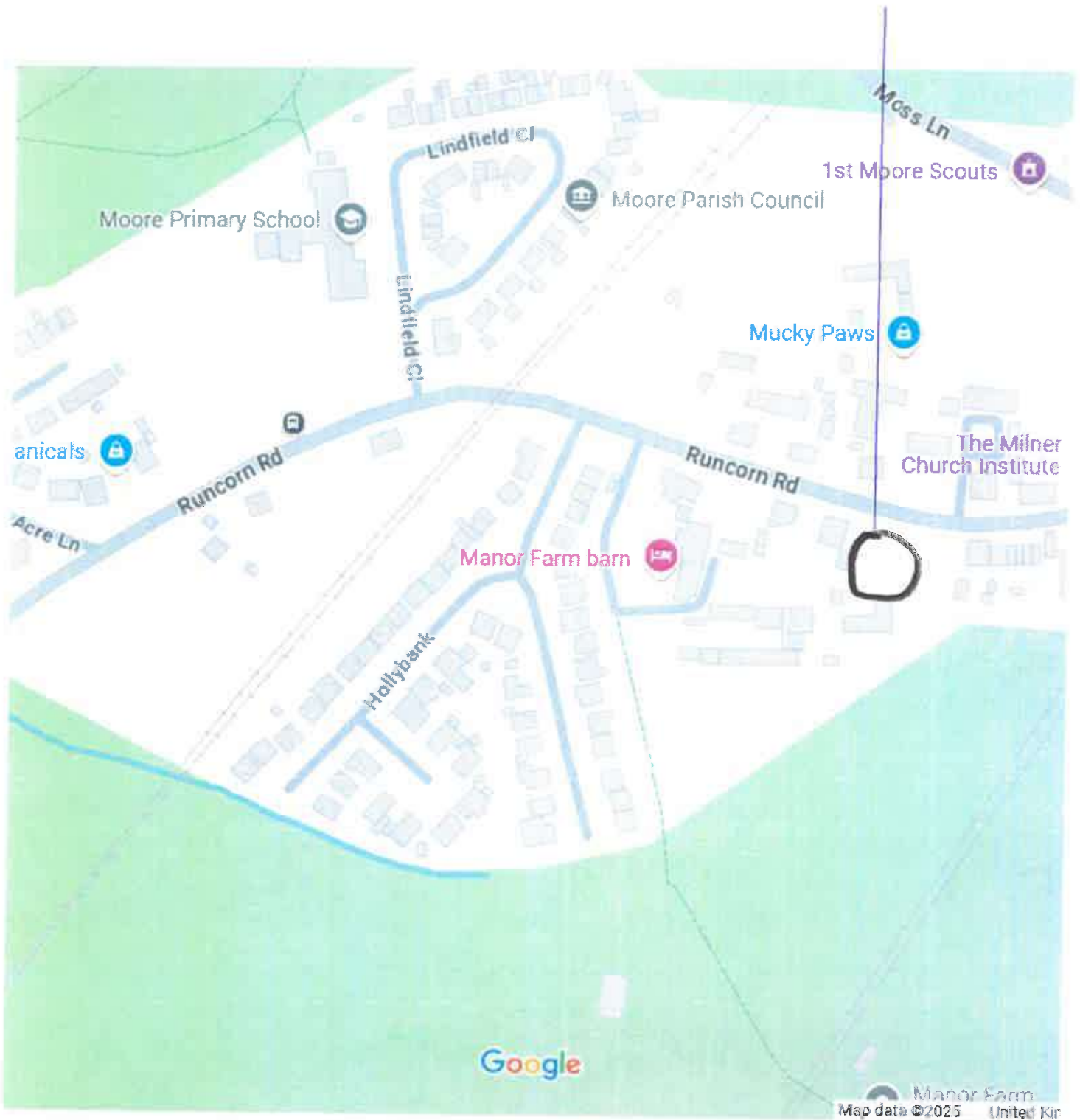
- 14.1 There are no climate change implications since the decision will have no effect on the environment.

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

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

RED LION





Licensing Act 2003

Premises Licence**LPA0118**

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**Red Lion Inn**

Runcorn Road, Moore, Warrington, WA4 6UD.

Telephone 01925 740205

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday	3:00pm	11:30pm
C. Indoor sporting event	Thursday, Friday and Saturday	7:00pm	11:30pm
E. Performance of live music (Indoors & Outdoors)	Thursday, Friday and Saturday	7:00pm	Midnight
F. Playing of recorded music (Indoors & Outdoors)	Monday to Thursday	10:00am	11:30pm
	Friday and Saturday	10:00am	Midnight
	Sunday	10:00am	11:00pm
G. Performance of dance (Indoors)	Thursday, Friday and Saturday	7:00pm	Midnight
	Sunday	7:00pm	10:30pm
I. Provision of facilities for making music (Indoors)	Wednesday to Sunday	7:00pm	Midnight
J. Provision of facilities for dancing (Indoors)	Wednesday to Sunday	7:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday	10:00am	11:00pm
	Thursday, Friday and Saturday	10:00am	2:00am
	Sunday	10:00am	11:00pm





Licensing Act 2003

Premises Licence

LPA0118

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Wednesday	8:00am	11:30pm
Thursday, Friday and Saturday	8:00am	2:30am
Sunday	8:00am	11:30pm

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

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

Part 2

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

Star Pubs & Bars Limited

3-4 Broadway Park, Edinburgh, EH12 9JH.

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

Star Pubs & Bars Limited

SC250925

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

Andrew ROGERS

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

Licence No. [REDACTED]

Issued by [REDACTED]

ANNEXES

Definitions:

"Act" means the Licensing Act 2003

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

"Holder" means the Licence Holder named on this Licence

"Licensing Authority" means Halton Borough Council

"Operating Schedule" means the Operating Schedule accompanying the Application

THIS LICENCE CONSTITUTES A NEW LICENCE AS DEFINED IN THE ACT

The Holder shall comply with the following conditions:

A Alteration of details relating to this Licence

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

B Compliance with the Operating Schedule

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





Licensing Act 2003

Premises Licence

LPA0118

ANNEXES continued ...

inconsistent with anything set out in this Licence

C Conditions agreed by the Holder during the Licence application process

N/A

D Conditions consistent with the Operating Schedule in the application to vary the premises licence dated 21 July 2011

D - Display of Licence

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

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

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

The prevention of crime and disorder

- CCTV cameras inside and out.
- Challenge 21 policy
- Zero tolerance of aggressive or offensive behaviour

Public safety

- CCTV cameras inside and out.
- Lighting all around the area.

The prevention of public nuisance

- Customer notices requesting that they be quiet when leaving the premises.
- Windows and doors to be kept closed after midnight.

The protection of children from harm

- Challenge 21 policy
- Beer garden fenced off from the car park.
- Dogs to be kept on leads at all times

CHESHIRE CONSTABULARY

1 The Operating Schedule refers to CCTV being employed without giving any parameters or details that show the system will be fit for purpose. Therefore:-

CONDITION:

An effective CCTV system should be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises - An Operational Requirement', and shall be used to record during all hours that a licensable activity takes place on the premises.





Licensing Act 2003

Premises Licence

LPA0118

ANNEXES continued ...

- 2 Further, to ensure the system is fit for purpose:

CONDITION:

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

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

- 3 To ensure that no dangerous articles are allowed onto the streets late at night :-

CONDITION:

There shall be no Off-Sales after midnight

- 4 To further control the presence of glassware :

CONDITION :

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

and

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

- 5 The operation of late trading hours brings with it addition problems of crime and Disorder. By adopting these later hours a venue must accept the same responsibilities. Therefore :

CONDITION :

On the occasions where the retail sale of alcohol carries on beyond 12.30am, there shall be provided at the premises door supervisors who are registered with the Security Industry Authority to such a number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity.

- 6 In order that such Door Supervisors activity is recorded correctly:

CONDITION:

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

- (i) the door supervisor's name, date of birth and home address;
- (ii) his/her Security Industry Authority licence number;
- (iii) the time and date he/she starts and finishes duty;





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- (iv) the time of any breaks taken whilst on duty;
- (v) each entry shall be signed by the door supervisor.
- (vi) a record of any incident that occurs during this period of duty

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

7 The Operating Schedule refers to Challenge 21, again without any expansion or explanation. I seek that the Proof of Age Scheme adopted be one of Challenge 25 and to avoid any ambiguity or misunderstanding:

CONDITION:

The Licence Holder shall ensure that anyone who appears to be under 25 years of age who is consuming alcohol or attempting to purchase alcohol will be asked to prove their age. Accepted methods of proof of age are; passports, photo driving licences, military ID, and PASS accredited proof of age cards, e.g. Validate, Connexions, Citizen Card Prove it Card. If any such person fails to satisfy the Licence Holder or their employer by means of such proof of age that they are 18 years old or older, that person shall be refused service and ejected from the premises forthwith.

8 To ensure that customers are aware of the operation of the Challenge 25 Proof of Age Scheme:

CONDITION:

A notice or notices shall be displayed in and at the entrance to the premises where they can be seen clearly and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

E Mandatory Conditions

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

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

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

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

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or





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(ii) drink as much alcohol as possible (whether within a time limit or otherwise)

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carried a significant risk of undermining a licensing objective.

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carried a significant risk of undermining a licensing objective.

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in, the vicinity of, the premises which can reasonably be considered to condone, encourage, or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner:

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) the policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request before being served alcohol identification bearing their photograph, date of birth and either-

(a) A holographic mark, or

(b) An ultraviolet feature

5. The responsible person must ensure that-

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

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

(b) These measures are displayed in a menu price list or other printed material which is available to customers on the premises, and

(c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.





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

Note

Article 3 makes provision to the effect that an activity which is not prohibited by paragraph 1(2)(b) of the schedule to the 2010 Order as it was in force immediately before the coming into force of this order, because it related to alcohol consumed at a table meal (as defined in section 159 of the 2003 Act) will continue not to be prohibited provided certain conditions are met: these are that the activity is available only to an individual who holds a ticket or other written invitation in respect of that activity which was purchased by, or given to, that individual on or before 30 September 2014 and the activity takes place on or before 5 April 2015.

Films

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

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

U - Universal. Suitable for audiences aged four years and over,

PG - Parental Guidance. Some scenes may be unsuitable for young children,

12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.

15 - Passed only for viewing by persons aged 15 years and over,

18 - Passed only for viewing by persons aged 18 years and over.

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

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

Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. OR/ALTERNATIVELY Notices indicating the age classification determined by the Licensing Authority shall be displayed both inside and outside the premises so that persons entering the premises can readily read them and be aware of the category attached to any film or trailer.

F Miscellaneous conditions

NONE

G Pre-existing conditions

See File

H Plans

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

+++++





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SEASONAL AND NON STANDARD TIMINGS

For the categories E -Live Music

Sundays that precedes a Bank or Public Holiday 19.00 to 24.00

Christmas Eve and New Years Eve until 01.00

For the category F - Recorded Music

Christmas Eve and New Years Eve

For the category G - Performance of Dance

Sundays that precedes a Bank or Public Holiday and until 02.00 on New Years Eve

For the category J - Dancing

New Years Eve until 02.00

For the category M - Supply of alcohol

Sundays that precedes a Bank or Public Holiday to be 10.00 to 02.00

For the category O - Hours premises are open to the public

Christmas Day 12.00 noon to 18.00 p.m.

New Years Eve to 03.00





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Premises Licence Summary

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Premises Details

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

Red Lion Inn

Runcorn Road, Moore, Warrington, WA4 6UD.

Telephone 01925 740205

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday	3:00pm	11:30pm
C. Indoor sporting event	Thursday, Friday and Saturday	7:00pm	11:30pm
E. Performance of live music (Indoors & Outdoors)	Thursday, Friday and Saturday	7:00pm	Midnight
F. Playing of recorded music (Indoors & Outdoors)	Monday to Thursday	10:00am	11:30pm
	Friday and Saturday	10:00am	Midnight
	Sunday	10:00am	11:00pm
G. Performance of dance (Indoors)	Thursday, Friday and Saturday	7:00pm	Midnight
	Sunday	7:00pm	10:30pm
I. Provision of facilities for making music (Indoors)	Wednesday to Sunday	7:00pm	Midnight
J. Provision of facilities for dancing (Indoors)	Wednesday to Sunday	7:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday	10:00am	11:00pm
	Thursday, Friday and Saturday	10:00am	2:00am
	Sunday	10:00am	11:00pm





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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Wednesday	8:00am	11:30pm
Thursday, Friday and Saturday	8:00am	2:30am
Sunday	8:00am	11:30pm

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Star Pubs & Bars Limited

3-4 Broadway Park, Edinburgh, EH12 9JH.

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

Star Pubs & Bars Limited

SC250925

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

Andrew ROGERS

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



Application to vary a premises licence 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.

WE, Star Pubs & Bars Limited

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under S34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number
LPA0118

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Red Lion Inn
Runcorn Road
Moore

Post Town Warrington

Postcode WA4 6UD

Telephone number at premises

■■■■■■■■■■

Non-domestic rateable value of premises

■■■■■■■■■■

Part 2 - Applicant Details

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address

3-4 Broadway Park
South Gyle Broadway

Post Town Edinburgh

Postcode

EH12 9JZ

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

If not do you want the variation to take effect from

Day		Month		Year	

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (please read guidance note 1)

Application is made to : -

1. Amend the licensing plan in accordance with the drawing which accompanies the application and to permit the sale of alcohol from an external bar server
2. Remove the provision of facilities for dancing and making music as these are no longer licensable activities

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

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful

Provision of regulated entertainment

Please tick yes

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

☐

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)	
Tue				
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)	
Thur				
Fri			<u>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</u> (please read guidance note 7)	
Sat				
Sun				

B – NO CHANGE

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here</u> (please read guidance note 5)	
Thur			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)	
Fri				
Sat				
Sun			<u>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</u> (please read guidance note 7)	

C – NO CHANGE

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
				<u>Please give further details here</u> (please read guidance note 5)	
Day	Start	Finish			
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

E – NO CHANGE

Live music			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 8)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 5)	
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

F – NO CHANGE

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

G – NO CHANGE

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			<u>Please give a description of the type of entertainment you will be providing</u>	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)	
Fri				
Sat			<u>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</u> (please read guidance note 7)	
Sun				

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

J – NO CHANGE

Supply of alcohol Standard days and timings (please read guidance note 8)			<u>Will the supply of alcohol be for consumption (Please tick box)</u> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Tue					
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

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 10)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	23:30	
Tue	08:00	23:30	
Wed	08:00	23:30	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 7) As existing
Thur	08:00	02:30	
Fri	08:00	02:30	
Sat	08:00	02:30	
Sun	08:00	23:30	

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

N/A

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

☒
☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

N/A

M- Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 11)

As existing

b) The prevention of crime and disorder

As existing

c) Public safety

As existing

d) The prevention of public nuisance

As existing

e) The protection of children from harm

As existing

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

Part 5 – Signatures (please read guidance note 12)




Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (See guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	01.04.2025
Capacity	Solicitors for and on behalf of the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **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 13)

	
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) 	

Notes for Guidance

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

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

Councillor Neil Connolly
Daresbury, Moore and Sandymoor Ward
c/o Halton Borough Council
Municipal Building
Kingsway
Widnes
WA8 7QF

Sunday, 27th April, 2025

FAO Kim Hesketh, nee Fisher
Licensing Section
Halton Borough Council

Councillor's Objection to Application to Vary the Licensing Conditions for the Red Lion Pub at Moore, under the Licensing Act 2003.

Dear Sirs,

In response to the Application to Vary the Licensing Conditions for The Red Lion at Moore, I will detail some background to recent developments at this licensed premises, my objections to the Application, and also some suggestions for how HBC could "condition" the licence in a way which is supportive of The Red Lion at Moore's business development plans, but which also respects the amenity of nearby residents, the amenity of the wider Moore community, the listed status of The Red Lion buildings and the heritage status of the village centre.

I will be guided by:-

Statutory guidance, **Revised guidance issued under section 182 of the Licensing Act 2003 (February 2025)**, in particular, **Section 16** ([link](#)).

Background

- Since taking over The Red Lion at Moore, the "new" landlords are to be commended for the way they have reinvigorated a "country pub", both as an eatery, and as a community hub. The pub is now a vibrant destination for residents and visitors, and organises frequent "themed" events, such as their Open Mic Nights.
- In December 2024, it became apparent that there was construction work taking place in the beer garden of the pub. A concrete base was installed and a "twin teepee" structure was built onto the base. Since then, a covered, connecting corridor has been installed, from the disused barn in the pub grounds, to the teepees.
- The first large "open" event held in the teepees was the Christmas Fair in December 2024 which caused some traffic disruption in the village and some parking issues. The pub only

has 29 parking spaces in the car park, but the event attracted a few hundred visitors and exhibitors.

- Since then there have been more events held in the teepees, including a New Year's Eve Party which was extremely disruptive to near neighbours, including keeping young children awake into the early hours and strobe/rotating lighting continually crossing neighbour's windows.
- At a Moore Parish Council Meeting the landlords indicated that whilst they believed the structures were temporary structures, they would remain in place for at least five years and would be used for weddings, parties and "open" events.
- The structures appear to be covered in a fabric reinforced, vinyl material, in a mustard/yellow colour, which can be clearly seen from [satellite imagery](#). The structures are approximately 5-7m tall and are clearly visible from Runcorn Road, Moore.
- Licensed premises are allowed temporary structures to facilitate their business activities, introduced in 2022, after their initial introduction as part of the drive to help the hospitality industry, post Covid. The teepee structures at The Red Lion at Moore significantly exceed these regulations, they are 2-3 times the permitted height. The structures have already been in place for more than the 100 days (in a one year period) stipulated in the regulations, and the landlords have also indicated that they intend to keep the structures in place permanently (five years).
- HBC Planning Enforcement Officers have indicated that the structures need Planning Permission and a retrospective Planning Application should be invited.
- The HBC Heritage Officer and the Planning Enforcement Officer have indicated that the structures are not "in keeping" with the listed status of The Red Lion at Moore buildings and surroundings, or the heritage status of the village centre.
- The "temporary hospitality" regulations are exceeded in both the time limit (100 days) and by the height of the structure. The structure currently has no planning permission, the licensing status in relation to these structures needs to be clarified, and the insurance cover in relation to patrons using the premises is concerning. Cheshire Fire Brigade had no immediate safety or fire concerns on a recent visit.
- HBC Environmental Health Officers have visited the premises in relation to noise nuisance for neighbours and the lighting disturbance. Neighbouring properties have been issued with noise monitoring apps and logs.

Before making clear my own objections to the Application to Vary the Licensing Conditions for this premises, I would like to reiterate my own preference for a well-run, successful public house operating in the village of Moore. Much of what the new landlords have done is to be admired and applauded. However, HBC provide pre-planning advice for a very good reason - to help residents and businesses avoid potentially costly mistakes and stay on the right side of Planning Regulations. The Red Lion at Moore has not used this service. However, this service is still available to help The Red Lion at Moore adjust their business plans and make amendments to the venue to meet Planning Regulations and still be able to host parties and open events.

Objections

My specific objections to this application are as follows:-

- This Application for Variance specifically relates to the addition of the teepee structure and a proposed new bar area in close proximity to the structure. However the structure itself does not have the required planning permission. It has demonstrably exceeded the time limit for a temporary hospitality venue, it sits on a permanent base which forms part of its structural integrity and it exceeds the height limits for such structures. The proposed new "red line" is entirely specific to the teepee structure, which will likely be subject to planning enforcement, with a request for a retrospective Planning Application, and which is already raising concerns about its appropriateness in this setting. This calls in to question other regulatory requirements for this business, such as insurance and safety, and this current Application should be refused for now, so that all aspects of this Application, plus the nature of the structures, can be examined in some detail.
- Development of this facility continues at pace, including further work to the connecting barn "corridor" and the construction of the temporary bar next to the teepee, all this without engagement with the Planning Department about what planning requirements apply, or what might be permissible or appropriate for a listed building in the heritage area. This disregard for the regulatory requirements around the building is mirrored in the disregard for neighbours in relation to noise and lighting effects, leading to the involvement of HBC Environmental Health. There are also the parking issues caused by the "open" Christmas Fair event in December 2024 to be considered, and the very loud music at the New Year's Eve and other events, which extended past the permitted hours. This disregard for the regulatory frameworks in which this business operates should indicate that caution should be applied to this Application and some of the wider issues examined in more detail.
- The parking facilities at The Red Lion at Moore provide only 29 parking bays, but with regular patrons, plus an "event" such as a wedding at the premises, this is not nearly enough parking and there would be considerable numbers of vehicles parking on the public highway in an already narrow section of Runcorn Road. The landlords have previously indicated that they have an *ad hoc* arrangement with the nearby Milner Institute, but further investigation shows that this "overflow" parking is not always available. I suggest that HBC Highways should provide a report on the likely impacts of larger events at the venue without additional parking being available. This raises some serious public safety concerns. The Red Lion at Moore should provide evidence of more formalised parking arrangements with The Milner Institute for any larger events.
- At this stage, the nature and construction methods of the new bar for the teepee structure are unknown. The Red Lion at Moore should provide detailed information around this structure and written details of its compliance with fire and safety regulations. Until such details are available and until The Licensing Authority are satisfied with full compliance, the Application for Variation should not be granted. Stating that the structure is "temporary" should not be enough, as the intentions for permanency seem all too clear.
- The continued ambiguous nature of "temporary but permanent" structures at The Red Lion at Moore cannot continue: if the new bar structure is temporary, then it can be granted a 100 day licence only, because after this it would need to be removed; if it is permanent, as this Application seems to imply by including it in the red line, then it must meet building regulations, have planning consent, and must be inspected for safety and fire regulation compliance. HBC Legal Department should be asked for advice on the legal position of the Council in relation to the ambiguous status of the structures included in this Application. Legal advice should include the Council's responsibilities to patrons using the structures, and the licensing regulations that could apply in a building of this nature.

- The impact on residents of the teepees and events held there cannot be underestimated. I fear that noise impacts and lighting effects from the teepees are having a very grave impact on the mental health of some residents and causing them serious concerns about the wellbeing of their children, who are unable to sleep when there is an event. Their "amenity" is being seriously impacted by unrestrained development of the premises as a "party venue" and a failure to adhere to regulations.
- There are parts of the Application for Variation that appear positive for local residents impacted by the teepee structures and the pub's operations. The removal of the requirements for licensing for dancing and making music in the premises is considered helpful as this would restrict these activities to those hours indicated in the Revised Guidance noted above (0800 to 2300 hours). It should also be noted that The Red Lion at Moore has made some alterations to the open entrance to the structure that may limit lighting effects on neighbouring properties, and the addition of a bar structure in front of the entrance may further limit this effect and may slightly dampen some noise impacts. The lighting effects could be further mitigated by the landlords ensuring that any event lights were installed facing away from the entrance to the structure and this could be a condition.
- The effects of noise from the premises, specifically the teepee structures, is more difficult to address. Had the business chosen to install a marquee, instead of the teepees, then noise dampening solutions are available "off the shelf" and could have been installed. The teepee structures are more bespoke in nature and my own searches failed to find noise dampening solutions, except through bespoke providers. Unfortunately, not only is the teepee structure not appropriate in this setting, but it has inherent problems of transmitting noise too readily due to the taut, drum-like nature of its surfaces. The more vertical surface alignments exacerbate the problem by directing the noise towards neighbouring properties. It should be noted that activities like the Open Mic Nights inside the pub cannot be heard outside of the main buildings, or in neighbouring properties.

Unfortunately, in my view, the teepee structures are not an appropriate "party venue" for The Red Lion at Moore to have installed to develop their business; a retrospective Planning Application will be required and there are already serious concerns about many aspects of such an application. If the Red Lion at Moore had engaged with HBC Planning, then a more appropriate development might have been considered.

However, I am mindful that the pub has a limited floorspace, and to be a successful hospitality business it needs to expand the size of the available licensed premises and extend the scope of its offering to the public. Planning Enforcement have indicated a willingness to work with The Red Lion at Moore to find ways of doing this and I am prepared to offer consultation with local residents and HBC Business Development, and together we can find ways to make this work. Detailed below are some suggestions going forward.

Suggestions

Planning Enforcement have indicated that they are prepared to apply a "light touch" in the short term whilst solutions are sought. Residents have indicated that as long as their amenity is respected, then they have few problems with The Red Lion at Moore expanding its available floorspace or its hospitality offering. Therefore, in the short term, conditionality of licensing could be an appropriate tool to allow all to co-exist whilst alternatives are investigated.

I have some real concerns about the safety of the venue and the "temporary but permanent" status of structures. It seeks to leverage the lesser restrictions of temporary status, but potentially fails to respect the other regulatory frameworks that the business must abide by. HBC has a well developed Public Safety Team and strong links to blue light services and can use these to assure us all that the venue is safe in a relatively short space of time, before the Licensing Variation is granted. This will rely on The Red Lion at Moore and its management taking a very different approach to engaging with the local authority and the Licensing Authority.

"Open" events like fairs and festivals present a particular problem, with issues like frequency, numbers of attendees and parking being specific concerns. Licensing conditions will be required to limit these activities, and again engagement is important, because we need to understand what the business wants to do, so licence conditions can be applied appropriately. The regulations in the 2003 Act, and associated guidelines, speak of 500 attendees, but given the size of the venue, its location and near proximity of neighbours, this would be impractical and potentially dangerous. Again engagement (including engagement with neighbours) and prior understanding of intentions will be key to setting the right conditions.

The noise issues need to be addressed. The teepee structures are presenting particular problems that could easily be overcome by, say, a marquee, with readily available sound dampening. A marquee would have the added advantage of being far more appropriate in the heritage setting. However, given that the teepee structure exists for now, it is important to find an acceptable solution to the noise disturbance. HBC Environmental Health and the evidence from the "noise app" can help with this.

The public liability insurance provided for patrons using the premises needs to be **explicitly** clarified.

I think it might be difficult to set the right licensing conditions within the 28 days of a review period. However, I am conscious of the need for the business to be "ready" for the summer season and any prior bookings that they might have in place.

It is my intention to contact The Red Lion at Moore this week, to try to begin dialogue around my objections, with a view to trying to address some of the concerns as quickly as possible. I have remained in close contact with Planning Enforcement about the teepee structures and it is my intention to do the same with the Licensing Authority about Licensing Conditions that might be applied to this application.

I would wish to speak at any hearing.

Yours faithfully

Councillor Nell Connolly
Daresbury Moore and Sandymoor Ward
Halton Borough Council



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

20th April 2025

Halton Borough Council Licensing Authority
Municipal Building
Kingsway
Widnes
WA8 7QF

Subject: Objection to Variation of Premises Licence for Red Lion Inn, Runcorn Road, Moore, Warrington, WA4 6UD

Dear Licensing Authority,

I am writing to formally object to the application for a variation of the premises licence for the Red Lion Inn, Runcorn Road, Moore, Warrington (WA4 6UD), submitted by Star Pubs & Bars Limited, as published on 1 April 2025.

As a resident living in close proximity to the premises, I have serious concerns that the proposed variation will negatively impact the local community and residential area. My objections are based on the following licensing objectives:

1. Prevention of Public Nuisance

The installation of large teepee tents in the garden area has already resulted in significant noise disturbance, particularly due to loud music and increased patron activity outdoors. Granting a license to permit alcohol sales from an external bar servery is likely to exacerbate these issues, leading to:

- Extended hours of noise, especially during evenings and weekends.
- Increased congregation of patrons outside, contributing to further disturbances.

2. Public Safety

The large teepee tents lack appropriate planning permissions and may not meet safety standards. Allowing alcohol sales and outdoor gatherings in these structures increases the risk of accidents, crowding, and other safety concerns.

3. Protection of Children from Harm

The increased outdoor activities, noise, and potential for late-night disturbances are particularly concerning for families in the area, including mine. As a parent of young children, the noise levels and associated behaviors can negatively impact the well-being of local children.

Additional Concerns

The proposed changes to the licensing plan have not adequately addressed how noise levels, safety issues, or other disruptions to the community will be mitigated. The pub's previous activities under the current license have already caused issues which are under investigation by Halton Borough Council Environment Health department, and these variations may worsen the situation.

I respectfully request that Halton Borough Council carefully consider the impact on the residential community and reject the application for variation of the premises licence. I am happy to provide further information or attend any hearings to discuss these concerns.

Thank you for considering my representation.

Yours sincerely,

[Redacted Signature]

[Redacted Address]

APPENDIX E

Licensing objectives and aims

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

1.3 The licensing objectives are:

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

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

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

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

[...]

Licence conditions – general principles

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

- must be appropriate for the promotion of the licensing objectives;

- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

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

[...]

Crime and Disorder

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

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led

operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

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

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

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

2.7 The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the

Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This 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 safety

2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (*be ultra vires*) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 A number of matters should be considered in relation to public safety. These may include:

Fire safety;

Ensuring appropriate access for emergency services such as ambulances;

Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);

Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;

Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);

Ensuring appropriate and frequent waste disposal, particularly of glass bottles;

Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and

Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38- 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

2.11 Counter terrorism and public safety

2.12 Licensing committees may wish to give due consideration to appropriate counter-terrorism measures and advice when considering licence applications, for example at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counterterrorist staff.

2.13 It is particularly relevant to consider conditions around health care provision in this regard. Any additional licensing conditions should be appropriate and proportionate to the venue as noted in para 1.16. We recommend that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.

2.14 As noted in para 2.8 licensing authorities can recommend conditions where appropriate to do so, such as ensuring appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4); and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.

2.15 However, in some instances, licensing authorities may wish to tailor their approach, depending on the particular nature of the application, and go further when addressing concerns around possible terrorist or other such risks. We have provided an Annex to help inform and support licensing authorities in their decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.

Ensuring safe departure of those using the premises

2.16 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

Providing information on the premises of local taxi companies who can provide safe transportation home; and

Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

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 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 anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

2.28 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.

2.34 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.

8. Applications for premises licences

Plans

8.34 Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is “clear and legible in all material respects”, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

Beer gardens or other outdoor spaces

8.35 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.

8.36 In such cases it will not be necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

8.37 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

Steps to promote the licensing objectives

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

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

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

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

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

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

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

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

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

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

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

[...]

Licensing conditions

a) Imposed conditions

8.69 Licensing authorities cannot impose their own conditions on the licence through the minor variations process. If the licensing officer considers that the proposed variation would impact adversely on the licensing objectives unless conditions are imposed, they should refuse it.

b) Volunteered conditions

8.70 Applicants may volunteer conditions as part of the minor variation process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with responsible authorities or the licensing authority.

8.71 For instance, there may be circumstances when the licence holder and a responsible authority such as the police or environmental health authority, agree that a new condition should be added to the licence (for example, that a nightclub adds the provision of door staff to its licence). Such a change would not normally impact adversely on the licensing objectives and could be expected to promote them by preventing crime and disorder or public nuisance. In these circumstances, the minor variation process may provide a less costly and onerous means of amending the

licence than a review, with no risk to the licensing objectives. However, this route should only be used where the agreed variations are minor and the licence holder and the responsible authority have come to a genuine agreement. The licensing authority should be alive to any attempts to pressure licence or certificate holders into agreeing to new conditions where there is no evidence of a problem at the premises and, if there is any doubt, should discuss this with the relevant parties.

c) Amending or removing existing conditions

8.72 However, there may be some circumstances when the minor variation process is appropriate. Premises may change over time and the circumstances that originally led to the condition being attached or volunteered may no longer apply. For example, there may be no need for door supervision if a bar has been converted into a restaurant. Equally some embedded conditions may no longer apply.

8.73 Changes in legislation may invalidate certain conditions. Although the conditions do not have to be removed from the licence, licence holders and licensing authorities may agree that this is desirable to clarify the licence holder's legal obligations. There may also be cases where it is appropriate to revise the wording of a condition that is unclear or unenforceable. This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licence holder to understand and comply with the condition and easier for the licensing authority to enforce it.

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

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

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

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is 76 | Revised Guidance issued under section 182 of the Licensing Act 2003 imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those

parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Considering cases where licensing and planning applications are made simultaneously

9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.