

LICENSING SUB COMMITTEE: Tuesday 16 March at 11am

Hearing to be held remotely in accordance with current Covid-19 restrictions

Applicant: Mr SASIKUMAR RATHINASINGAM

Application Premises:

Application address: 8 Main Avenue Moor Park Northwood Middlesex HA6 2HJ

Type of Application: Premises Licence

Date of Application: 6 January 2021

Date by which a hearing must be commenced: 17 March 2021

Valid application made: Yes

1. Summary of application sought:

The application is for a premises licence to permit the following activities:-

Activates applied for	
Retail Sale of Alcohol	Monday to Sunday 06:00 -23:00

The applicant is proposing the premises to remain as a Post Office and convenience store offering the sale of alcohol ancillary to other sales. The Plan shows the area of the premises which will be used to display alcohol for sale within the premises.

Since the submission of the application, due to an administrative error the date for representations was wrongly advertised by the Council on its website as 25 February 2021, and we were also made aware that there may have been some doubt as to whether the application was advertised in the prescribed manner by way of a blue notice displayed at the store and a newspaper article. Investigations and evidence submitted by the Applicant confirmed that the blue notice had been displayed correctly.

As we had received some valid objections from residents after the blue notice was first displayed, and in view of the date error, it was agreed with the agent for the applicant to allow representations to be made up to 25 February 2021 and to amend the blue notice and display this until 25 February 2021 to ensure all those wishing to make a representation could do so.

The applicant has described ways in which they intend to promote the four licensing objectives (the operating schedule) (which will be included as conditions to any licence) and these include:

1. CCTV cameras shall be located within the premises to cover all public areas including all entrances which shall record clear images permitting the identification of individuals.
2. The CCTV system shall be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
3. The CCTV system shall operate at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
4. The CCTV system shall be fitted with security functions to prevent recordings being tampered with (for example password protected).

5. There shall be members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).
6. A staff training scheme shall be used for all staff authorised to sell alcohol. The training will cover the importance of preventing under age sales and complying with licence conditions. Refresher training will be provided every 12 months, records will be kept and be made available to responsible authorities
7. All staff selling alcohol shall be authorised to sell alcohol in writing and a record of the authorisation will be kept in the shop for inspection.
8. The DPS (designated premises supervisor) and staff will be vigilant and monitor the area immediately outside the shop with the aim of ensuring that youths do not cause annoyance by congregating.
9. Spirits will be kept behind the counter.
10. Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book kept at the premises. This book will be kept in the shop and available for inspection by authorised officers.
11. The premises shall operate an alcohol refusals policy - alcohol will not be sold to;
 - (1) Any person recognised or identified as a street drinker (regardless of their level of intoxication at the time);
 - (2) Any person found to be drinking alcohol in the street;
 - (3) Any person who is drunk or appears to be drunk;
 - (4) Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;
 - (5) Any person unable to provide valid ID when requested by staff;
 - (6) Any person who is verbally or physically abusive towards staff or customers.
 - (7) To any person suspected of trying to buy alcohol for another person(s) who may be under age.
12. A notice advising customers of the refusals policy shall be on display.
13. Deliveries to the premises will be arranged so as not to cause any public nuisance to local residents.
14. Notices shall be on display in the premises asking customers to leave the premises quietly.
15. Staff will monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of, any litter from the premises.
16. The shop shall adopt a Challenge 25 policy.
17. Anyone who appears to be under 25 years old and attempts to purchase alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, military ID and PASS accredited proof of age cards.
18. Challenge 25 poster(s) shall be displayed clearly in the shop.
19. A refusals register (for the sale of alcohol) will be kept and be available for inspection by authorised officers on request.
20. Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons under 18 years of age.

Summary of premises:

The premises relates to the ground floor mid terrace two storey building located on Main Avenue Moor Park. The site makes up part of a parade of commercial units that front Main Avenue with residential properties above and opposite.

The premises is currently a post office offering confectionary and stationary.

The site falls within a small local community shopping location and there are other commercial units in the same parade including a restaurant, convenience store, clothes shop, hairdressers and dentist.

The proposed use to offer the sale of alcohol would have opening hours of 05:00 to 23:00 to enable the sale of alcohol from 06:00 to 23:00 Monday to Sunday which I understand would be largely consistent with other similar establishments in the vicinity, although the opening hours are 1-2 hours earlier than other local establishments' e.g.

- Moor Park Fine Foods who currently hold a premises licence for off sales of alcohol:

Mondays to Saturdays:	08:00 – 23:00
Sundays	10:00 – 22:30
Good Friday	08:00 – 22:30
Christmas Day	12:00 – 15:00
Christmas Day	19:00 – 22:30

Other licensed premises in the area include:

- Peking Garden 28 Main Avenue Moor Park Northwood
Supply of alcohol – On sales only
 1. On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00;
 2. On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday 12:00 to 23:30;
 3. On Christmas Day: 12:00 noon to 23:30;
 4. On New Year's Eve, except on a Sunday, 10:00 to 00:00;
 5. On New Year's Eve on a Sunday, 12:00 to 23:30 p.m.
 6. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00 on 31st December).
- Moor Park Golf Club Ltd. Moor Park Mansion Rickmansworth Hertfordshire
Alcohol Supplied for consumption both on and off the premises.
Monday to Sunday 07:00 – 01:00

The Applicant has indicated a wish to work with the local community and proposed to reduce hours to cease the sale of alcohol at 20:00hrs.

By way of information only, there is on-street parking provision in place in various locations close to the site including 118 parking spaces in Moor Park Station Car Park and therefore we would not envisage parking issues for customers to the premises, although parking is not a consideration for this licence application and nor is it a licensable activity.

There is no known history as these premises have not previously been licensed.

We have not received any complaints or objections from the Police or Environmental Health to this application.

We have not received any recent reports of noise nuisance or anti-social behaviour in the area.

2. Consultation

A Licensing Officer attended the premises prior to the hearing to ensure the blue notice was displayed in the correct manner the applicant also provided photographic evidence of the same. However, following reports that the blue notice may have been obscured by the shutter the licensing officer attended the premises and was satisfied that one of the three blue notices would have been visible as the shutter is never closed fully in order to provide access to the ATM.

This hearing will be held remotely in accordance with current Covid-19 restrictions. Details of the remote hearing and attendance will be notified separately to those entitled to speak at the hearing and generally.

3. List of Objectors / Representations

Responsible Authorities: No objections from any responsible authorities.

The Planning Authority has advised that there are no planning restrictions at the premises.

Other Persons:

50 Valid representations:

47 X Objections from local residents; and
3 x Support from local residents.

NOTE: The Applicant also submitted 26 x letters in support which have not been accepted as representations and are to be treated as documentary evidence presented by the Applicant before the Sub-Committee in support of the Application under the Licensing Act 2003 (Hearing) Regulations 2005. Such written evidence will be sent out as Appendix 4.

4. Summary of Objections / Representations (the 4 Licensing Objectives)

Relevant representations from “other persons”:

See full representations made at Appendix 2.

- The prevention of crime and disorder:

There is a concern that if granted this licence would see an increase in anti-social behaviour due to the early and late hour's sales of alcohol.

- Public safety: -

- The prevention of public nuisance:

As this premises is situated under and opposite residential properties on Main Avenue, it is believed that noise levels could increase and could encourage groups of people to the area to purchase alcohol.

There is a concern there would be an increase in anti-social behaviour due to the late serving hours.

- The protection of children from harm:

It is considered that as the premises serves young adults and children from several schools that pass this premises and often enter to purchase

confectionary, there is a risk of harm to children by further sales of alcohol being allowed in the area

5. Statutory Guidance

The Licensing Objectives and Aims:

Paragraph 1.2

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

Paragraph 1.3

The Licensing Objectives:-

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

Paragraph 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.

Paragraph 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 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 impact upon them.

Determining Applications:

Paragraph 9.1 General.

When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This

means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Paragraph 9.3: Where representations are made.

Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious. Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Paragraph 9.4:- Relevant, Vexatious and Frivolous Representations

A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example a representation from a local businessperson about the commercial damage caused by competition from new licensed premises, would not be relevant. On the other hand, a representation from a businessperson that nuisance caused new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at a premise, to support their representations, and in fact this would not be possible for new premises.

Hours of Trading:

Paragraph 10.13

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

Paragraph 10.14

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

Paragraph 10.15

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

Licensing Hours

Paragraph 14.51

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

6. Licensing Policy (2021-2026)

LP1 - Fundamental Principles

1.1 In carrying out its licensing functions the Licensing Authority will promote the Licensing Act's four licensing objectives.

1.2 Purpose of Licensing policy.

To support and provide guidance to elected members.

To inform licence applicants.

To inform residents and businesses.

To support decisions made by the licensing Authority.

LP15 - CUMULATIVE STRESS

15.1 The authority may adopt a special policy, known as a cumulative impact policy, if it is satisfied that there is an adverse impact on one or more of the licensing objectives as a result of a significant number of licensed premises being concentrated in a defined locality. The effect of this impact will be, for example, a spike in incidents of crime, disorder or nuisance over and above what can be attributed to the operation of the individual premises.

15.5 Having considered the available evidence, the Licensing Authority considers that there is no particular part of Three Rivers District experiencing cumulative impact on the promotion of any of the licensing objectives, at the present time, which would warrant the introduction of a cumulative impact policy. 15.6 The Licensing Authority will continue to monitor the entirety of the District for issues relating to cumulative impact, in conjunction with the responsible authorities and other members of the Three Rivers Community Safety Partnership. Should evidence of a cumulative impact issue emerge during the validity of this policy, the Licensing Authority may look to adopt a cumulative impact policy by way of an interim revision.

LP18 – TRADING HOURS

18.1 With regard to trading hours, the Licensing Authority proposes that proper consideration will always be given to the individual merits of an application. The Government strongly recommends that statements of licensing policy should recognise that longer licensing hours with regard to the sale of alcohol are important to ensure that concentrations of customers leaving premises simultaneously are avoided, and the Licensing Authority supports this view in principle.

18.2 The Licensing Authority recognises the potential for additional crime and disorder and/or public nuisance arising from extended licensing hours. Consequently the Licensing Authority will scrutinise very carefully applications for extended licensing hours and, if determined appropriate, will seek to attach any necessary licence conditions for the promotion of the Licensing Objectives. For example, stricter conditions with regard to noise control will be expected in areas where the venue is in the vicinity of people's homes, but this should not unduly limit opening hours without regard to the individual merits of any application.

18.3 With regard to shops, stores and supermarkets, the authority will normally approve a licence for such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping, unless there is good reason for restricting those hours.

18.4 In the interests of reducing crime, disorder and anti-social behaviour, the Licensing Authority will prefer applications from public houses, night-clubs, off-licenses and clubs that show in their operating schedules a responsible approach to alcohol sales by:

- ending alcohol sales at a designated time before they close, i.e. a closing time later than “a last orders” time for alcohol sales;
- specifying a time by which the premises will be emptied of patrons and closed; and (particularly);
- not taking part in discounted drinking promotions.
- how the premise intend to use their outside space (beer garden) and what measures will be put in place to minimise noise nuisance to the local residents. This may be by way of regular patrols of the perimeter of the premises and all checks documented in incident log book.

LP20 – PREVENTION OF CRIME

20.1 It is recommended that applicants for new premises licences and variations should discuss the crime prevention procedures in their premises with the responsible authorities and the licensing officer(s) before making a formal application.

20.2 Three Rivers District Council is committed to improving the quality of life for the people of the District by continuing to reduce crime and the fear of crime.

20.3 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the Licensing Authority, Police and County Councils amongst others to consider crime and disorder reduction in the exercise of all their duties. The 2003 Act, as amended, reinforces this duty for local authorities.

20.4 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

20.5 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These may include:-

- (a) Underage drinking;
- (b) Drunkenness on premises;
- (c) Public drunkenness;
- (d) Drugs;
- (e) Violent behaviour;
- (f) Anti-social behaviour.
- (h) Additional risk assessments (where required)

19.6 Applicants will be required to adhere to all legislation that is made whilst their licence is in force. Such as during the Covid-19 pandemic in 2020 (where specific legislation was enacted on a temporary basis only) and any future extreme circumstances.

LP21 – PREVENTION OF PUBLIC NUISANCE

21.1 With regard to the prevention of public nuisance, the Licensing Authority will determine all new or variations of licence applications considering all relevant factors, including:

The nature of the activities at the premises;
The hours of opening;
Proximity to residential premises;
Management of the premises;
The history of the premises' effect on neighbours and others in the vicinity;

21.2 The Licensing Authority will consider all proposed control measures, including:

- a) Effective and responsible management;
- b) Staff training;
- c) Adoption of best practice on noise control;
- d) Installation of suitable acoustic control measures;
- e) Where relevant, door supervision and management of customers as they enter and leave the premises.

21.3 Three Rivers District has many licensed premises that are close to or even enclosed by residential areas. Most of these are traditional community public houses and currently tolerated as the terminal hour is well established and neighbours know when they might expect any disturbances causing public nuisance to end.

21.4 Regular patrols of the outside space (e.g. beer garden or smoking area) may be required at regular intervals during busy periods and noted in the incident log book at the premises. Measures must be put in place to ensure the prevention of public nuisance, failure to adhere to conditions may result in the further action being taken against the premises licence.

21.5 Applicants may wish to consult a 'best practice guide' such as Effective Management of Noise from Licensed Premises (British Beer and Pub Association)

21.6 It follows that operators of licensed premises that are in the vicinity of domestic premises (and in the vicinity of business/commercial premises, places of learning and places of worship) may find that applications for variations seeking:

Extended hours of opening or trading;
The provision of regulated entertainment;
The provision of late night refreshment;
The supply of alcohol;

maybe subject to representations from such neighbours, their representative(s) and/or the Environmental Health Officer on the grounds that public nuisance might be caused by the intended activity. In most cases such representations will result in a hearing, conducted by the Licensing Sub-Committee.

21.7 The Licensing Authority strongly encourages applicants to seek early discussions with the Environmental Health Officer at the Council (or the responsible officer for pollution) with the aim of resolving how potential public nuisances might be effectively controlled, so that agreed measures might be built into the operating schedule as mutually acceptable conditions. In this way representations from the Environmental Health Officer may be avoided. The Council also encourages local mediation in certain situations that might be amenable to such a solution.

21.8 Many, but not all, public nuisance issues can be resolved through reasonably practical and effective control measures. If such measures are not detailed in the operating schedule accompanying the application, and if then a local hearing takes place, the application may well be viewed unfavourably by the Licensing Committee.

21.9 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

21.10 The Licensing Authority intends to interpret "public nuisance" in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area. Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated they have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.

21.11 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.

21.12 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:-

- (a) The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;
- (b) The hours of opening, particularly between 23:00 and 07:00;
- (c) The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
- (d) The design and layout of premises and in particular the presence of noise-limiting features;
- (e) The occupancy capacity of the premises;
- (f) The availability of public transport;
- (g) A 'wind-down period' between the end of the licensable activities and closure of the premises;
- (h) A last admission time.

LP22. PUBLIC SAFETY

22.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

22.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered. These may include:-

- (a) The occupancy capacity of the premises

- (b) The age, design and layout of the premises, including means of escape in the event of fire
- (c) The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- (d) The hours of operation (differentiating between the hours of opening from the hours when licensable activities are provided, if these are different)
- (e) The Customer profile (e.g.; age, disability)
- (f) The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- (g) Compliance with the Equalities Act etc.

22.3 Occupancy limits: With the introduction of the Fire Safety (Regulatory Reform) Order 2005, it is recognised that existing prescriptive controls such as Fire Certificates have been replaced with the duty to produce risk assessments. In accordance with the Secretary of State's guidance, the Council will avoid duplicating existing controls. Where a relevant representation is received in respect of capacity, the Council may impose conditions in relation to the maximum number of persons to attend premises where:

- It considers it to be appropriate for the purpose of reducing crime and disorder;
- It considers it to be appropriate for the purpose of safety of occupants.

The issue of capacity will be decided on a case by case basis and will only be applied where there is a clear and justifiable need to do so based upon the nature and style of the premises and the licensing objectives.

The purpose of imposing a maximum number of persons to be in the premises at any one time is to ensure the safety of those persons at the premises. Where relevant representations have been made, the Council will set occupancy limits in consultation with the responsible authority.

22.4 Health and Safety: Every applicant granted a licence, certificate or permission would also be under a duty to comply with the Health and Safety at Work etc. Act 1974 and regulations made under it. In many cases, the Council will also be the enforcing authority responsible for ensuring compliance with the Health and Safety at Work Act in licensed premises.

LP23. PROTECTION OF CHILDREN FROM HARM

23.1 The protection of children from harm is a most important issue. It is hoped that family-friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

23.2 The general relaxation in the 2003 Act, as amended, giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

23.3 Guidance from the Government states that licensing policies should make clear that conditions requiring the admission of children to any premises cannot be attached to licences or certificates. The Licensing Authority proposes that where no licensing restriction is necessary, this should remain a matter for the discretion of the individual licence holders or club or person who has given a temporary event notice.

23.4 Venue operators seeking premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is

undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority concerned, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such. The Licensing Authority in these circumstances may impose no other conditions concerning the presence of children on premises.

23.5 The policy cannot attempt to anticipate every issue that could arise in respect of children; therefore general rules are avoided and each application will be considered on its merits.

23.6 The protection of children from harm includes the protection of children from moral, psychological and physical harm, when attending licensed premises.

23.7 There are a number of important areas that will give particular concern in respect of children these include but are not exhaustive to the following examples:-

- (a) Where entertainment or services of an adult or sexual nature are provided;
- (b) Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- (c) Where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
- (d) Where there is a known association with drug-taking or dealing;
- (e) Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines), and
- (f) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

23.8 Consequently the Licensing Authority proposes that there needs to be a range of alternatives, which will be considered for limiting the access of children where that is necessary for the prevention of harm to children. These, which can be adopted in isolation or combination, include:

- Limitations on the hours when children may be present;
- Limitations on the exclusion of the presence of children under certain ages;
- Age limitations (below 18);
- Requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult).
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

23.9 In the case of premises giving film exhibitions, the applicants should include in their operating schedule arrangements for restricting children from viewing age-restricted films. Similarly, in relation to such premises, a mandatory condition will be applied requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases, the local authority.

23.10 The Licensing Authority expects that licence holders contribute to this element by ensuring that age related checks are carried out and that the recommendation is that the forms of proof of identification accepted would include passport, photocard, driving licence and the Proof of Age Standards Scheme (PASS card).

23.11 Where a large number of children are likely to be present on a licensed premises e.g. for a children's show or pantomime, the Licensing Authority may impose a condition requiring an adequate ratio of adults to children. This is to control the access and egress of children and to protect them from harm. Such a ratio will be

calculated by a formula which has regard to the number of children, the age of the children, and the nature of the venue itself. Guidance on such a ratio is given in Parts 3 & 5 of Annex D of the Revised Guidance, issued on 28 June 2007.

23.12 The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises, unless this is necessary for the prevention of physical, moral or psychological harm to them. The Licensing Authority has no intention of imposing conditions requiring the admission of children and, where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a Temporary Event Notice.

23.13 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

23.14 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration, and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered.

23.15 Child Sexual Exploitation (CSE): Child sexual exploitation is a significant concern for licensing authorities nationwide, as demonstrated by a number of high-profile reported cases which revolved around licensed premises. Where the operation of licensed premises is causally or demonstrably linked to child sexual exploitation, the Licensing Authority will not hesitate to use the full range of powers at its disposal to promote this licensing objective. Further details regarding this issue are given later in this document.

7. Other Relevant Information:

None

8. Determination of application for a Premises Licence - Licensing Act 2003:

General Duties of the Licensing Authority:

Section 4 of the Licensing Act 2003 states:

1. A licensing authority must carry out its functions under this Act (licensing functions) with a view to promoting the licensing objectives.
2. The Licensing Objectives are:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
3. In carrying out its licensing functions, a licensing authority must also have regard to –
 - a) its licensing statement (policy) published under section 5, and
 - b) any guidance issued by the Secretary of State under section 182.

8.1

Section 18 Licensing Act 2003 states that in determining an application for a premises licence where relevant representations are made the Licensing Authority

must hold a hearing to consider them. Sub section (6) defines a relevant representation as being one which:-

1. is about the likely effect of the grant of the premises licence on promotion of the licensing objectives
2. meets the requirements of sub section (7)
3. If they relate to the identity of the person named in the application as the proposed designated premises supervisor, meets the requirements of sub section (9)
4. is not an excluded representation by virtue of section 32 (restriction on making representations following issue of a provisional statement)

The requirements of sub section (7) are:-

- a) that the representations were made by a responsible authority or "other person" within the prescribed period
- b) that they have not been withdrawn and
- c) in the case of representations made by a person who is not a Responsible Authority, that they are not in the opinion of the licensing authority, frivolous or vexatious.

Section 18(3)(b) states:

"Having regard to the representations, the Committee can take such steps as mentioned in sub section (4) as it considers appropriate for the promotion of the licensing objectives"

Sub Section (4) goes on to say, "The steps are:-

1. to grant the licence subject to:-
 - a) with conditions consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - b) any condition which must under section 19,20, or 21 be included on the licence.
2. to exclude from the scope of the licence any of the licensable activities, to which the application relates.
3. to refuse to specify a person in the licence as the premises supervisor,
4. to reject the application."

Statutory Guidance.

Paragraph 9.39:

The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

Paragraph 9.40:

Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

Appendix 1:	Application with Plan as made.
Appendix 2:	Valid Representations Received
Appendix 3:	Location Plan
Appendix 4:	Applicant's evidence in support of application